



Cabinet Social Wellbeing Committee

Minute of Decision

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Transforming Our Mental Health Law: Release of Discussion Document

Portfolio **Health**

On 29 September 2021, the Cabinet Social Wellbeing Committee (SWC):

Background

1 **noted** that:

- 1.1 in May 2019, Cabinet agreed to repeal and replace the Mental Health Act 1992 (the Act), as part of the response to *He Ora Oranga: Report of the Government Inquiry into Mental Health and Addiction* [CAB-19-MIN-0182];
- 1.2 in August 2020, the Cabinet Social Wellbeing Committee agreed to initial amendments to the Act, and to defer public consultation on the replacement of the Act until the legislative process for initial amendments is completed [SWC-20-MIN-0123];

Proposals for consultation

- 2 **noted** that the discussion document *Transforming our mental health law* (the discussion document), attached to the submission under SWC-21-SUB-0147, seeks feedback on a number of matters including:
- 2.1 defining the purpose of mental health legislation, including adopting a human rights approach, and the circumstances and criteria for when compulsory mental health treatment might be appropriate, if allowed;
 - 2.2 how to ensure people's rights are protected and monitored;
 - 2.3 the use of seclusion, restraint, or other restrictive practices;
 - 2.4 embedding Te Tiriti o Waitangi and addressing Māori cultural needs;
 - 2.5 addressing the needs of other specific populations such as people from different cultural backgrounds, family and whānau, children and youth, disabled people, and people from the Justice system;

Release of the discussion document

- 3 **approved** public release of the discussion document;
- 4 **directed** the Ministry of Health to commence public consultation on repealing and replacing the Act as soon as the discussion document is published;
- 5 **authorised** the Minister of Health to approve changes arising from formal editing and formatting prior to public release of the discussion document;
- 6 **noted** that the discussion document will be made available in an easy read format, Te Reo Māori, and other accessible formats;
- 7 **noted** that consultation on the discussion document will be open for submissions for 12 weeks;
- 8 **noted** the public consultation process will include public meetings, hui, and fono hosted by the Ministry of Health
- 9 **invited** the Minister of Health to report back to SWC by 31 December 2022 seeking approval to policy proposals.

Rachel Clarke
Committee Secretary

Present:

Hon Dr Megan Woods
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Poto Williams
Hon Damien O'Connor
Hon Kris Faafoi
Hon Peeni Henare
Hon Willie Jackson
Hon Jan Tinetti
Hon Dr Ayesha Verrall
Hon Meka Whaitiri
Hon Priyanca Radhakrishnan

Officials present from:

Office of the Prime Minister
Office of the SWC Chair
Officials Committee for SWC