

MENTAL HEALTH REVIEW TRIBUNAL

Practice and Policy Guideline #17

Practice and Policy Guidelines provide general direction and assistance to the members and secretariat of the Review Tribunal. They may be departed from or supplemented by the Review Tribunal as circumstances require. They do not constitute legal opinions.

Working with Māori

Introduction

Unuhia te rito o te harakeke, kei hea te
kōmako e kō?

Ui mai ki ahau, “He aha te mea nui
o te Ao?”

He Tangata, He Tangata, He Tangata

*If you were to remove the central frond of the
flax, where would the bellbird rest?*

*If you were to ask me, “What is the most
important thing in this world?”*

It is people, it is people, it is people

1. Māori make up 15 percent of New Zealand population, yet account for 25 percent of all mental health service users.
2. Māori are more likely to be under the Mental Health Act than non-Māori. In 2013, Māori were 2.9 times more likely to be under a community treatment order than non-Māori.
3. Approximately 25 percent of applicants to the Review Tribunal are Māori.
4. Section 5 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 requires the Review Tribunal to exercise its powers and conduct its proceedings in respect of a person:

“(a) with proper recognition of the importance and significance to the person of the person’s ties with his or her family, whānau, hapū, iwi, and family group; and

(b) with proper recognition of the contribution those ties make to the person’s wellbeing; and

(c) with proper respect for the person’s cultural and ethnic identity, language, and religious or ethical beliefs.”

5. Section 65 of the Act provides that every patient is entitled to be dealt with in a manner that accords with the spirit and intent of section 5.
6. Section 6 of the Act requires the Review Tribunal when exercising its powers and conducting proceedings in respect of a person for whom their first or preferred language is Māori, to ensure that an interpreter is provided for the person, if that is practicable.
7. Section 103 of the Act means that if a Māori patient or applicant so requests, at least one member of the Review Tribunal hearing the application must be Māori.
8. The Review Tribunal's Principles of Conduct (Practice and Policy Guideline #1) requires its members to respect the provisions of and the spirit and intent of the Treaty of Waitangi, and the cultural values and practices of those who appear before it.

Requirements

9. Review Tribunal members must at all times be mindful and observant of the requirements of the Act and the Principles of Conduct referred to above, especially having regard to the adverse over-representation of Māori in mental health measurements.
10. The Review Tribunal will provide ongoing professional development to its members so they can better address and promote the special rights, interests, and needs of Māori who appear before it. Such professional development will include education about Māori world views, and how to more effectively engage with Māori.
11. The Review Tribunal will conduct periodic reviews of its practice and policy guidelines, and forms in order that they appropriately and effectively address the special rights, interests, needs and world-view of Māori appearing before it.
12. The Review Tribunal will endeavour to ensure that its website is welcoming and of assistance to Māori.

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Convener