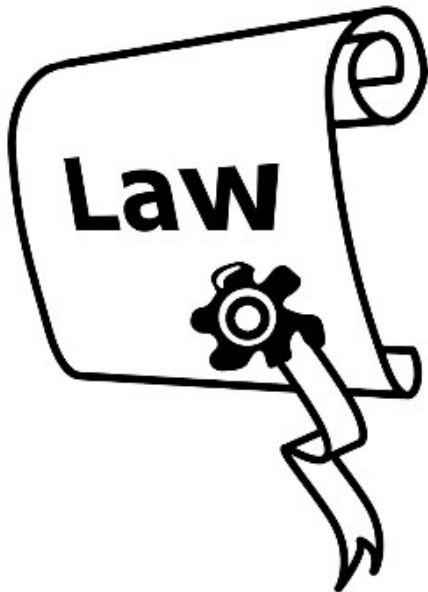


# Changes to the Mental Health Act

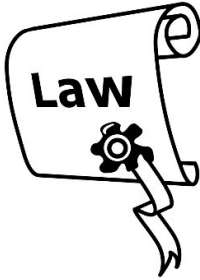


**Published: November 2023**

# What is the Mental Health Act?



This Easy Read document is about changes to a law called the Mental Health (Compulsory Assessment and Treatment) Act 1992.



This law is usually called the **Mental Health Act**.



The Mental Health Act says that some people can be made to have **treatment** for mental health without their **consent**.



**Treatment** can mean things like:

- staying in a mental health service
- taking medicine / pills
- talking / therapy like counselling.

**Consent** means saying yes to something.

This means a doctor can make people get treatment for their mental health even if they do not want to.



Treatment without your consent is called **compulsory treatment**.



Compulsory treatment is for some people who have very bad mental health who might:

- hurt themselves
- hurt someone else
- not be able to take care of themselves.



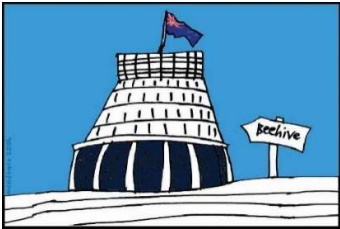
Compulsory treatment will not happen to most people who need support with their mental health.



Most people who need support with their mental health are able to choose:

- if they want treatment or not
- what sort of treatment they have.

# Changes to the Mental Health Act



In October 2021 Parliament made some changes to the Mental Health Act.



These changes mean people getting compulsory treatment will have more rights.



This document has more information about these changes to the Mental Health Act.



These changes are part of work Manatū Hauora – Ministry of Health is doing to make things better for people getting compulsory treatment.



There is an Easy Read document called:

## Changing the New Zealand Mental Health Laws.

This document has more information on:

- the Mental Health Act
- the work that Manatū Hauora / Ministry of Health is doing.



You can find the document at this **website** link:

<https://tinyurl.com/mha-change>

## Using phone or video



The people who work at your mental health service can now use video calls like Zoom for some things like doing **reviews**.



A **review** is checking:

- how things are going
- if anything has changed.



If you agree a judge can also use video when you go to court.



# Reviewing your condition



There need to be **reviews** of your **condition** to check if you still need compulsory treatment.



A **review** is checking:

- how things are going
- if anything has changed.



Your **condition** means:

- how you are doing
- if you are getting better
- if treatment is working for you.



The review is done by your **responsible clinician**.



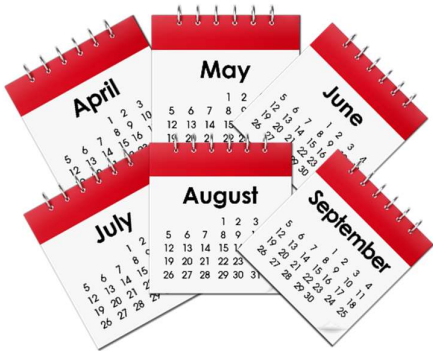
A **responsible clinician** is a person who:

- works in mental health
- is in charge of your treatment.



The law has been changed so:

- the first review must happen no more than 3 months after the compulsory treatment started
- after that you must have a review every 6 months or less.



This means no-one will go for more than 6 months without a review.

# Making your compulsory treatment order longer

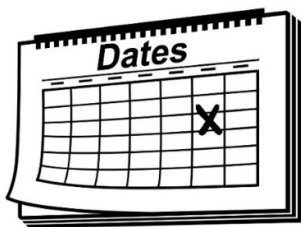


The first compulsory treatment order can be for 6 months.

A **compulsory treatment order** is what says you can be given treatment without your consent.



After those 6 months your responsible clinician can ask the court for an **extension** for another 6 months.



An **extension** means the compulsory treatment order goes for a longer time.



After that extension the responsible clinician can ask for another extension.



That extension would last 1 year.

Every extension after that would last 1 year.



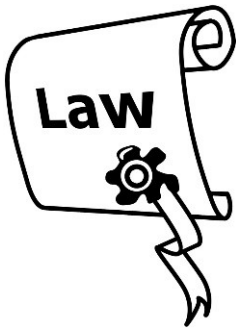
If your responsible clinician wants to ask the court for an extension they need to do so no more than **14 days** before the old order or extension ends.

**14 days** is the same as 2 weeks.



After the responsible clinician asks for an extension the judge has 2 months to decide if they agree to it.

# No more indefinite treatment orders

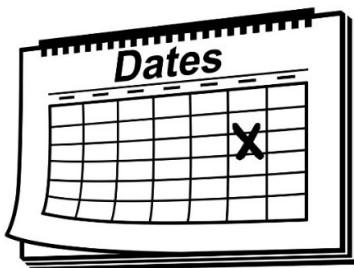


The changes to the Mental Health Act mean there are no more **indefinite treatment orders**.



**Indefinite treatment orders** are compulsory treatment orders that do not have an end date.

They can last as long as the health workers think they should.



If you have an indefinite treatment order it will now end on the same day of the year as the day it started.



For example:

If your indefinite treatment order started on 30 June 2022 it now ends on the next 30 June.



If your responsible clinician thinks your compulsory treatment order needs to last longer they need to ask a judge for an extension.



They need to ask the judge 14 days before the next end date.

## If you do not want to go to court



Your responsible clinician will go to court if they want your compulsory treatment order to be longer.



You can also go to the court to have your say.



The judge will decide if the compulsory treatment order should be made longer.



You should tell your responsible clinician if you want to go to court or not.



If you do not want to go to court:

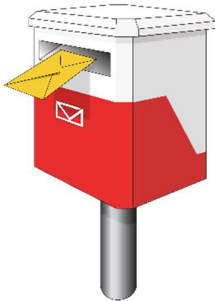
- you must talk with a lawyer
- you must write down that you are ok with the judge making a decision without you
- your responsible clinician needs to check that no-one else wants to talk to the judge about your compulsory treatment order
- the judge must agree you do not have to go to court.



If the judge does not agree then you have to go to court.



## More information



You can contact Mānatu Hauora –  
Ministry of Health:

- by phone on:

**0800 400 569**

- by email to:

**info@health.govt.nz**

- post to:

**Manatū Hauora – Ministry of  
Health**

**PO Box 5013**

**Wellington 6140**



You can find more information on the  
Manatū Hauora – Ministry of Health  
website:

**[www.health.govt.nz](http://www.health.govt.nz)**



**Make it Easy**  
Kia Māmā Mai



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Manatū Hauora – Ministry of Health.

It has been translated into Easy Read  
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