

## Appendix Four: Mental health Commissions

The Government has agreed to re-establish the Mental Health Commission. This will require consideration of the options for the functions and structure of such an entity.

Broadly speaking, there are four feasible functions a Mental Health Commission could have.

- Monitoring
- Planning and funding
- Advocacy and education
- Research

The monitoring function should be independent from the planning and funding function, but otherwise they can all be done by the same entity.

There are also questions of scope:

- The Commission could be focussed on the effectiveness on mental health services, or have a broader mandate.
- Monitoring functions could include the statutory protection functions under mental health and addictions legislation.
- The Commission could have mandatory as well as advisory powers.

The previous New Zealand Mental Health Commission's functions were set out in statute, and covered monitoring, advocacy and research. The Commission was an autonomous Crown Entity, meaning it was required to have regard to Government policy when directed by the appropriate Minister, but was not required to give effect to it.

There are a range of structural options for a reformed Mental Health Commission. The suitable option depends on decisions about its functions.

### International examples

#### ***Some features of the Australian National Mental Health Commission***

- Independent agency and a non-corporate commonwealth entity.
- Part of the Minister of Health's portfolio and reports independently to Minister of Health.
- Has a Chair and a number of Mental Health Commissioners.
- Aims to promote understanding of the outcomes that matter and drive transformational change across service systems for people with lived experience of mental health issues.
- Supports the Australian Government to deliver an efficient, evidence-based, integrated and sustainable mental health system to improve mental health outcomes for Australians and help prevent suicide.

#### ***Some features of California's Mental Health Services Oversight and Accountability Commission***

- Established under legislation to oversee the implementation of the Mental Health Services Act.
- Consists of 16 members appointed by the Governor, including people with lived experience of mental illness.
- Responsible for developing strategies to overcome stigma.
- Aims to hold public mental health systems accountable and provides oversight for achieving equity.

#### ***Some features of the Mental Health Commission of Canada***

- Non-profit organisation funded by Health Canada (the Canadian Ministry of Health).
- Established for a 10 year period (2007–2017), but will continue for a further 10 years.

- Provides recommendations to governments, service providers and community leaders and partners with them around implementation.
- Established to provide an ongoing national focus for mental health issues.
- Created Canada's first national mental health strategy.
- Does not monitor government performance.

#### ***Some features of Ireland's Mental Health Commission***

- Independent agency with functions set out in legislation
- Commission members are appointed by the Minister of Health and reflect a range of groups and experience, including psychiatrists, nurses, social workers, people with lived experience, non-governmental organisations and chief executives of health boards.
- The Commission's legislative responsibilities also include appointment of people to mental health tribunals to review the detention of involuntary patients and appointment of legal representatives for each patient, establishing and maintaining a register of approved centres, making rules to regulate the use of specific treatments and interventions like ECT, seclusion and mechanical restraint, developing Codes of Practice to enable provision of high quality care and treatment, and appointing the Inspector of Mental Health Services who annually inspects mental health services.

#### ***Some features of Scotland's Mental Welfare Commission***

- Set up under legislation as an independent organisation.
- Accountable to Scottish Government Ministers but work and report independently.
- Aims to safeguard the rights and welfare of people with learning disabilities, mental illness or mental disorders.
- Made up of commissioners, including people with lived experience.
- Investigates individual cases to ensure people receive the right care and treatment.
- Provides information and advice on people's rights in relation to mental health care and treatment.