

Mental Health (Compulsory Assessment and Treatment) Amendment Bill

10 FEBRUARY 2010

ATTORNEY-GENERAL

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

MENTAL HEALTH (COMPULSORY ASSESSMENT AND TREATMENT) AMENDMENT BILL

1. We have considered whether the Mental Health (Compulsory Assessment and Treatment) Amendment Bill (“the Bill”), a Member’s Bill in the name of Hon Luamanuvao Winnie Laban, is consistent with the New Zealand Bill of Rights Act 1990 (“Bill of Rights Act”). The Bill was introduced into the House of Representatives on 10 December 2009 and is currently awaiting its first reading. We understand that the next Member’s Day is scheduled for 17 February 2010.
2. The Bill proposes increased family or whānau involvement with family members being dealt with under the Mental Health (Compulsory Assessment and Treatment) Act 1992. The changes seek to:
 - ensure that, where appropriate, families and whānau will have significant involvement with family members being dealt with under the principal Act and be provided with sufficient information to make informed decisions about their family member; and
 - ensure that in all cases families and whānau will be better informed about mental illness in general and therefore better able to give support to their family member.

☐ We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel

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