

# **Mental Health Commission Amendment Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The purpose of this Act is to amend the Mental Health Commission Act 1998 to extend the term of the Commission until 2015 and to make a number of changes to that Act, including changes to the Commission's role in—

- advising and reporting to the Minister on the implementation of the national mental health strategy;
- promoting and facilitating collaboration and dialogue about mental health issues;
- advocating for the interests of people with mental illness and their families generally.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause and provides that the Bill comes into force on 30 August 2007.

*Clause 3* states that this Act amends the Mental Health Commission Act 1998 (the **principal Act**).

### **Part 1 Amendments to principal Act**

*Clause 4* repeals the Title of the principal Act (that is, the “Long Title” of the Act is repealed).

*Clause 5* amends section 2 of the principal Act by inserting a definition of stakeholder.

*Clause 6* repeals section 6 of the principal Act and substitutes a *new section 6*, which sets out the functions of the Commission.

*Clause 7* repeals section 10 of the principal Act and substitutes a *new section 10*. The effect of the *new section 10* is that the term of office of a member of the Commission appointed after the Bill comes into force will be in accordance with the usual provisions set out in the Crown Entities Act 2004 as these provisions apply to an autonomous Crown entity, except that, when the principal Act expires, so does the term of office of any member of the Commission.

*Clause 8* amends section 13 of the principal Act, so that that Act expires at 5 pm on 31 August 2015, and not at 5 pm on 31 August 2007.

## **Part 2**

### **Transitional provisions**

*Clauses 9* and *10* are transitional provisions relating to people who hold office as members of the Commission when the Bill comes into force.

*Clause 9* continues their appointment for 6 months after the Bill comes into force, despite section 10 of the principal Act.

*Clause 10* states that any entitlement that people to whom *clause 9* of the Bill applies had to superannuation or retiring allowances under clause 10 of Schedule 1 of the principal Act is unaffected by the Bill. However, a person to whom *clause 9* applies, and who may cease to hold office sooner as a result of that clause than he or she would have done had that clause not been enacted, is not otherwise entitled to compensation for loss of office.

*Clause 11* makes clear that, as the *new section 6* no longer requires reports to be presented each year, any reports that would otherwise have been required to be presented in the year in which the Bill comes into force need not be presented.

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*Hon Pete Hodgson*

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Mental Health Commission Amendment Act  
**2006.**

**2 Commencement**

This Act comes into force on 30 August 2007.

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**3 Principal Act amended**

This Act amends the Mental Health Commission Act 1998.

**Part 1****Amendments to principal Act****4 Title**

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The Title is repealed.

**5 Interpretation**

- (1) Section 2(1) is amended by inserting the following definition after the definition of **provider**:

“**stakeholder** includes—

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“(a) the Ministry; and

“(b) district health boards; and

“(c) mental health service funders; and

“(d) providers; and

“(e) people with mental illnesses, and their families and caregivers; and

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“(f) groups representing the interests of people with mental illness and their families and caregivers”.

- (2) Section 2(2) is repealed.

**6 New section 6 substituted**

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Section 6 is repealed and the following section substituted:

**“6 Functions of Commission**

The functions of the Commission are—

“(a) to act as an advocate for the interests of people with mental illness and their families generally (rather than for individuals or groups), while taking into account the interests of other stakeholders; and

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“(b) to promote and facilitate collaboration and communication about mental health issues among—

“(i) stakeholders and representatives in the mental health, government, academic, and community sectors; and

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“(ii) members of the general public; and

“(c) to work, independently and with others,—

“(i) to promote better understanding of mental illness by the community; and

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- “(ii) to reduce the stigma associated with mental illness and prejudice shown towards people with mental illness and their families and caregivers; and
- “(iii) to eliminate inappropriate discrimination on the ground of mental illness against people with mental illness and their families and caregivers; and 5
- “(d) to monitor, and to report to and advise the Minister on, any matter relating to the implementation of the national mental health strategy— 10
- “(i) at intervals agreed between the Minister and the Commission; and
- “(ii) when otherwise requested by the Minister; and
- “(e) to stimulate and support policy-makers and the funders and providers of mental health services in developing integrated, effective, and efficient methods or systems of providing care that meet the needs of their communities; and 15
- “(f) to stimulate and undertake research into any matter relevant to mental illness.” 20
- 7 New section 10 substituted**
- Section 10 is repealed and the following section substituted:
- “10 Term of office of member of Commission to cease when Act expires, or earlier 25**
- When this Act expires, the term of office of every member of the Commission who has not ceased to hold office before that time expires.”
- 8 Expiry and repeal of Act**
- (1) Section 13(1) is amended by omitting “2007” and substituting “2015”. 30
- (2) Section 13(2) is repealed.

## Part 2

### Transitional provisions

#### 9 Office of members of Commission

- (1) This section applies to a person who, immediately before the commencement of this Act, held office as a member of the Commission. 5
- (2) After the commencement of this Act, a person to whom this section applies holds office as if he or she had been appointed for a term of 6 months on that commencement.
- (3) Except as provided in this section and **section 10**, the Crown Entities Act 2004 applies to all members of the Commission. 10
- (4) This section overrides section 10 of the principal Act.

#### 10 Superannuation, retiring allowances, and compensation for loss of office

- (1) Despite **section 9** of this Act, clause 10 of Schedule 1 of the principal Act continues to have the effect, if any, in relation to a person to whom **section 9** applies, as if that section had not been enacted. 15
- (2) No person to whom **section 9** applies is entitled to compensation for loss of office other than as provided under this section. 20

#### 11 Reports under repealed section 6(1)(a)

Reports that, but for the repeal of the former section 6 of the principal Act, would have been required to be presented in the year in which this Act comes into force need not be presented.