



HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 5 October 1999

MENTAL HEALTH (COMPULSORY ASSESSMENT AND TREATMENT)
AMENDMENT BILL

Further Proposed Amendments

Rt Hon WYATT CREECH, in Committee, to move the following amendments:

Clause 40D: New section 113A: To omit from line 16 on page 50 the words "This section applies", and substitute the words "This subsection and subsections (2) to (4) apply".

To omit from line 5 on page 51 the words "this section", and substitute the words "subsections (3) and (4)".

To add on page 51, after line 20, the following subsections:

"(5) In subsections (6) and (7), 'warrant' means a warrant in the prescribed form to enter premises under section 41 (2).

"(6) A member of the Police may apply for a warrant.

"(7) A District Court Judge or, if no Judge is available, a Registrar may issue a warrant authorising any member of the Police to enter premises under section 41 (2), if the Judge or Registrar is satisfied that the issue of a warrant is necessary."

EXPLANATORY NOTE

This Supplementary Order Paper amends the Mental Health (Compulsory Assessment and Treatment) Amendment Bill.

New section 41 (as inserted by *clause 23*) provides that, in certain circumstances, a duly authorised officer may call to his or her assistance a member of the Police. A member of the Police so called may enter premises for the purposes of detaining a person in order to undergo a medical examination, or take a person to a place where he or she is to have a medical examination, or take a patient back to hospital. Under *subsection (4)* of that section, the member of the Police must not exercise the power to enter premises without a warrant, if it would be reasonably practicable to obtain a warrant.

The Bill does not currently provide a procedure for obtaining a warrant for the purposes of *new section 41*. This Supplementary Order Paper therefore amends *new section 113A* (as inserted by *clause 40D*) to provide such a procedure. The warrant procedure is necessary so that the Bill is consistent with the New Zealand Bill of Rights Act 1990.