

Reprint  
as at 1 July 2012



**Mental Health Commission  
Amendment Act 2012**

Public Act 2012 No 42  
Date of assent 6 June 2012  
Commencement see section 2

Mental Health Commission Amendment Act 2012: expired, on 1 July 2012, pursuant to section 13(1) of the Mental Health Commission Act 1998 (1998 No 5).

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Health.**

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

- 1 Title**  
This Act is the Mental Health Commission Amendment Act 2012.
- 2 Commencement**  
This Act comes into force on 1 July 2012.
- 3 Principal Act amended**  
This Act amends the Mental Health Commission Act 1998.

*Amendment to principal Act*

- 4 Expiry and repeal of Act**  
Section 13 is amended by repealing subsection (1) and substituting the following subsection:  
“(1) This Act expires on the close of 30 June 2012.”

*Other amendments*

- 5 Amendments to Health and Disability Commissioner Act 1994**
  - (1) This section amends the Health and Disability Commissioner Act 1994.
  - (2) Section 9 is repealed and the following section substituted:  
“**9 Deputy Commissioners and Mental Health Commissioner**  
“(1) One or more Deputy Health and Disability Commissioners may be appointed in the same way as the Commissioner is appointed, except that the Minister must consult the Commis-

sioner before recommending a person for appointment as a Deputy Commissioner.

- “(2) A person may be appointed as the Mental Health Commissioner in the same way as the Commissioner is appointed, except that the Minister must consult the Commissioner before recommending a person for appointment as the Mental Health Commissioner.
- “(3) A person who is a Deputy Commissioner or the Mental Health Commissioner has any powers, duties, and functions that—
- “(a) the Commissioner delegates to him or her under section 68(3A); and
  - “(b) he or she may exercise and perform under subsection (4).
- “(4) During the absence of the Commissioner from duty (for any reason) or a vacancy in the office of the Commissioner (for any reason), the powers, duties, and functions of the Commissioner may be exercised and performed by—
- “(a) a person appointed under this section who is nominated for the purpose by the Commissioner before the absence or vacancy by a written notice that is in force at the time of the absence or vacancy; or
  - “(b) if there is no such notice, the longest serving person appointed under this section.”
- (3) Section 14(1) is amended by inserting the following paragraph after paragraph (m):
- “(ma) to monitor mental health and addiction services and to advocate improvements to those services:”.
- (4) Section 68(2) is amended by inserting “or the Mental Health Commissioner” after “a Deputy Commissioner”.
- (5) Clause 4(5) of Schedule 2 is amended by inserting “or the Mental Health Commissioner” after “Deputy Commissioner”.
- (6) The person who, immediately before the commencement of this section, was the chairperson of the Mental Health Commission is deemed to have been appointed as the first Mental Health Commissioner until the close of 31 August 2015 and holds that new office on the same terms and conditions as he or she held that former office (as if determined by the Remuneration Authority).

**6 Revocation**

The Mental Health Commission Act (Postponement of Expiry) Order 2004 (SR 2004/84) is revoked.

**7 Consequential amendments**

- (1) The Remuneration Authority Act 1977 is amended in the manner indicated in Schedule 1.
  - (2) On the expiry of the Mental Health Commission Act 1998, the Acts specified in Schedule 2 are amended in the manner indicated in that schedule.
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**Schedule 1**

s 7(1)

**Amendment relating to Deputy Health  
and Disability Commissioners**

**Remuneration Authority Act 1977 (1977 No 110)**

Schedule 4: insert in its appropriate alphabetical order:

“The Mental Health Commissioner and the Deputy Health and Disability Commissioners.”

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**Schedule 2**

s 7(2)

**Amendments consequential on expiry of  
Mental Health Commission Act 1998**

**Crown Entities Act 2004 (2004 No 115)**

Item relating to the Mental Health Commission in Part 2 of Schedule 1: omit.

**Official Information Act 1982 (1982 No 156)**

Item relating to the Mental Health Commission in Schedule 1: omit.

**Ombudsmen Act 1975 (1975 No 9)**

Item relating to the Mental Health Commission in Part 2 of Schedule 1: omit.

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## **Notes**

### **1 *General***

This is a reprint of the Mental Health Commission Amendment Act 2012. The reprint incorporates all the amendments to the Act as at 1 July 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)



- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint  
(most recent first)***

Mental Health Commission Act 1998 (1998 No 5): section 13(1)

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