

Clinical : Mental Health
Proactive Release: 13 December 2018



16 November 2018

[REDACTED]

[REDACTED]

Dear [REDACTED]

Official Information Act (1982) Request

I write in response to your Official Information Act request, on transfer by the NZ Police under Section 14 of the Act, and received by us on 01 November 2018. You requested the following information:

- **“I would like to know who sectioned Mr Jami-Lee Ross, Member of Parliament, under the Mental Health Act, into Middlemore Hospital on the 20th (or 21st) of October 2018.”**

We sought to clarify your request with you to understand what you meant by ‘who sectioned’ in your request; via an email sent to you from our Legal Counsel on 05 November 2018. As of today, we have not heard back from you.

We will not be commenting on the specific details of the care of Mr Ross, and do this under Section 9(2)(a) of the Official Information Act, to protect the privacy of all the individuals involved.

In order to respond to you within the required timeframes of the Official Information Act, we are providing the following outline of the general process for admission of people under the various sections of Mental Health (Compulsory Assessment and Treatment) Act 1992.

In all circumstances, if there is an emergency situation, and a person or someone else is at risk of harm due to mental health issues, call 111, or phone the local mental health crisis team. This intervention may result in a person seeking and receiving mental health service care on a voluntary basis.

In general terms, if someone believes any individual is at serious risk of hurting themselves or others, they can apply to have that person’s mental health assessed, even without their consent. To do this, the person requesting the assessment must be over 18 years of age, have seen the person in the last three days, and believe the person might have a mental disorder. The application must be made in writing, and sent to the Director of Area Mental Health Services (DAMHS). As outlined in the Mental Health Act, an on-duty Consultant Psychiatrist will complete the Section 10 Certificate, and gave the Section 11 notice for admission and detention to an acute inpatient mental health unit.

The assessment process follows this sequence.

- A **preliminary assessment** by a clinician, usually a psychiatrist, occurs after someone has applied to the Director of Area Mental Health Services (DAMHS), through a General Practitioner, to have a

person assessed. The person being assessed will get all the information about their assessment, but cannot refuse the assessment, and the NZ Police may get involved if necessary. If the preliminary assessment finds there are reasonable grounds for believing a person has a mental disorder, then there will be further assessment and treatment for up to five days.

- Ongoing **assessment and compulsory treatment** - Before the end of the five day period, the clinician must decide whether the person has a mental disorder, and also requires further assessment or treatment. If they do, the individual can be held for up to 14 days for further assessment and treatment. By the end of this period, the clinician needs to decide if the person is well enough to be released. If not, they must apply for a Compulsory Treatment Order.

There is more information on the Ministry of Health website about the Mental Health Act, including guidelines on administering the Act.

- <https://www.health.govt.nz/publication/guidelines-mental-health-compulsory-assessment-and-treatment-act-1992>

I trust this information satisfactorily answers your query. If you are not satisfied with this response you are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act.

Please note that this response or an edited version of this may be published on the Counties Manukau DHB website.

Yours sincerely,

Fepulea'i Margie Apa
Chief Executive