

10 December 2019

Louisa Wall
Chairperson
Health Committee
Parliament Buildings
Wellington

By email: he@parliament.govt.nz



Dear Ms Wall,

Mental Health and Wellbeing Commission Bill

As Mental Health Commissioner, I am responsible for monitoring New Zealand's mental health and addiction services and advocating for improvements to those services. I also make decisions in relation to complaints about those services. These responsibilities are delegated to me by the Health and Disability Commissioner.

I welcome the establishment of a new Mental Health and Wellbeing Commission. The new Commission will strengthen independent monitoring and advocacy in relation to mental wellbeing. It has a valuable role in rebuilding public confidence by providing independent oversight and constructive advice and, as part of that, strengthen community and service responses to mental distress and addiction.

I commend:

- The new Commission being established as an Independent Crown Entity. This status is consistent with similar Crown entities that provide enduring, independent oversight and accountability. Independence from Ministerial decision-making will enable the Commission to act as the public's watchdog and hold decision makers, including successive governments, to account and to report publicly without fear or favour.
- The new Commission's powers to report publicly on any matter, including progress, challenges and issues and to make recommendations to any person, including to provide constructive, well informed advice and promote best practice.
- The requirements for members of the board to collectively have knowledge, understanding and experience of te ao, tikanga and whānau Māori, personal experience of mental distress and personal experience of addiction, and for mechanisms to be established to obtain the views of people with those experiences, among others. It is important that these voices are strong within the board, and the culture of the entity.

I recommend:

- Section 8 of the New Zealand Public Health and Disability Act 2000 be amended to require a mental wellbeing strategy to stand alongside New Zealand's health and disability strategies to ensure the current focus on mental wellbeing endures. I also recommend the new Commission have a specific responsibility to monitor and advise on the development and implementation of the strategy.
- The new Commission have broader powers to obtain information (including information from beyond State services, such as primary sector service providers).

Statutory requirement for a mental health and wellbeing strategy required – ensuring the current focus on mental wellbeing endures

It has proven difficult to ensure there is an all-of-government strategy to improve the mental wellbeing of New Zealanders (and a mental health and addiction services strategy aligned to it).

While there is a strong focus on mental wellbeing at present, this is not always the case. The local and international experience is that mental health and addiction issues are easily marginalised by governments and funders despite the significance of these issues to public wellbeing.

An amendment to section 8 of the New Zealand Public Health and Disability Act 2000 is strongly needed to add a provision for an all-of-government mental wellbeing strategy to stand alongside New Zealand's health and disability strategies. This would ensure there is an enduring commitment to a long-term strategy to promote mental wellbeing as well as address mental illness and addiction issues, and that the strategy is not put to one side over time because of other priorities. The cost of marginalisation is too high for individuals, their whānau and the wider community.

I envisage the Ministry of Health or another government department would lead the development and implementation of the strategy. The new Commission is the obvious entity to provide on-going independent oversight of this strategy and its implementation. While the new Commission has a general function "to assess and report publicly on the effectiveness, efficiency, and adequacy of approaches to mental health and wellbeing" (clause 11(1)(c)), it would be stronger if it were linked to government commitments beyond this Government's response to *He Ara Oranga*. Independent oversight of a mental health and wellbeing strategy would strengthen the Commission's ongoing monitoring and advocacy role and ability to hold successive governments to account for their commitments to improve the mental wellbeing of New Zealanders.

I recommend adding to the functions of the Commission in Clause 11(1) –

to assess and report publicly on the Mental Health and Wellbeing Strategy and its implementation.

I also recommend an amendment to section 8 of the New Zealand Public Health and Disability Act 2000 requiring–

The Minister must determine a strategy for promoting mental wellbeing and improving mental health and addiction services, called the New Zealand mental health and wellbeing strategy, to provide the framework for the Government’s overall direction of the mental health, addiction and wellbeing sector in improving mental health and addiction services; and may amend or replace that strategy at any time.

Power to obtain information beyond state service agencies

To perform its core functions the new Commission must have the powers to obtain information beyond state service agencies. For the new Commission to monitor service models and investments it must be able to obtain information from a wide range of organisations – for example, primary sector organisations such as Primary Health Organisations, which, under the \$455 million Choice and Access package are likely to have a growing role in providing services to people with mild to moderate mental health and addiction issues.

Setting up the Commission to succeed

It is encouraging to see the level of commitment and investment the Government is making to improve the mental wellbeing of New Zealanders.

I welcome the decision to establish a new Mental Health and Wellbeing Commission. It is essential it is set up to succeed. This means ensuring independent oversight of actions taken and investments made to improve our mental wellbeing and the result of those actions. To do that it needs to be an Independent Crown entity with a clear mandate, powers to gather information and report, and sufficient resources as well as the freedom from direction and control by Ministers.

Underpinning these changes with a statutory requirement for a mental health and addictions strategy to sit alongside our health and disability strategies would leave a lasting legacy and ensure that New Zealand’s future efforts are aimed at building on progress rather than responding to crisis.

I request the opportunity to present my submission orally.

Yours sincerely


Kevin Allan

Mental Health Commissioner

Deputy Health and Disability Commissioner