

*Appointment of Committee of Inquiry into Procedures Used in Certain Psychiatric Hospitals in Relation to Admission, Discharge, or Release on Leave of Certain Classes of Patients*

To all to whom these presents shall come, and to:

KENNETH HECTOR MASON, of Auckland, District Court Judge,

ALLISON BERNICE RYAN, of Wellington, Medical Practitioner, and

HENRY RONGOMAU BENNETT, C.B.E., Q.S.O., of Rotorua, Medical Practitioner:

Whereas concern has been expressed about the procedures used in psychiatric hospitals for the admission, discharge, and release on leave of certain classes of patients: And whereas it is desirable that inquiry should be made into—

(a) The use of those procedures at the psychiatric hospitals administered by the Auckland Hospital Board, the Waikato Hospital Board, the Wellington Hospital Board, the Canterbury Hospital Board, the Otago Hospital Board, the Wanganui Area Health Board, and the Nelson Area Health Board; and

(b) The law governing those procedures; and

(c) Other related matters:

Now, therefore, pursuant to section 13 (3) of the Hospitals Act 1957 to the extent that this Warrant relates to psychiatric hospitals administered by hospital boards and to section 4 (4) of the Area Health Boards Act 1983 to the extent that this Warrant relates to psychiatric hospitals administered by area health boards, I, MICHAEL EDWARD RAINTON BASSETT, Minister of Health, hereby appoint you, the said Kenneth Hector Mason, Allison Bernice Ryan, and Henry Rongomau Bennett, to be a Committee of Inquiry to inquire into and report on—

(a) The administrative and clinical procedures and criteria by which decisions are made in psychiatric hospitals administered by the above-mentioned hospital boards and area health boards with respect to—

(i) The admission of persons under sections 42 and 43 of the Mental Health Act 1969; and

(ii) The admission of persons ordered to be detained under section 121 (2) (b) (ii) of the Criminal Justice Act 1985, and the making of reports to the courts in respect of such persons; and

(iii) The removal or discharge of persons admitted pursuant to an order made under section 42 or section 43 of the Mental Health Act 1969 or section 121 (2) (b) (ii) of the Criminal Justice Act 1985; and

(iv) The reclassification of, and subsequent discharge of, persons ordered to be detained under section 115 of the Criminal Justice Act 1985; and

(v) The granting of leave to special patients under section 47 of the Mental Health Act 1969, and the granting of leave to committed patients who, immediately before becoming committed patients, were special patients; and

(vi) The discharge of persons ordered to be detained under section 118 of the Criminal Justice Act 1985; and

(b) The law relating to—

(i) The procedures and criteria specified in paragraph (a) of these terms of reference; and

(ii) Persons released on leave under section 47 of the Mental Health Act 1969; and

(c) The adequacy of the facilities available in psychiatric hospitals administered by the above-mentioned hospital boards and area health boards for the psychiatric examination of persons ordered to be detained under section 121 (2) (b) (ii) of the Criminal Justice Act 1985; and

(d) The extent to which subsequent psychiatric care is provided, and other facilities for care and rehabilitation (such as halfway houses) are available, to persons discharged or released in accordance with the procedures specified in paragraph (a) of these terms of reference; and

(e) Such other matters as you consider relevant to the matters mentioned above:

And I hereby appoint you, the said Kenneth Hector Mason, to be the Chairman of the Committee:

And, in accordance with section 13 (3) of the Hospitals Act 1957 and section 4 (5) of the Area Health Boards Act 1983, I direct that you, the Committee, shall have the powers of a Commission under the Commissions of Inquiry Act 1908, and the provisions of that Act, except sections 11 and 12 (which relate to costs), shall apply as if the inquiry were an inquiry under that Act:

And for better enabling you to carry these presents into effect you are hereby authorised and empowered to make and conduct any inquiry under these presents in accordance with the Commissions of Inquiry Act 1908, at such times and places as you consider expedient, with power to adjourn from time to time and from place to place as you think fit, and so that these presents shall continue in force and the inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

And you are hereby required, in carrying out the inquiry, to adopt procedures that encourage people to participate in your proceedings:

And it is hereby declared that the powers hereby conferred shall be exercisable notwithstanding the absence at any time of any one of the members hereby appointed so long as the Chairman, or a member deputed by the Chairman to act in his stead, and one other member, are present and concur in the exercise of the powers:

And it is hereby declared that you have liberty to report your proceedings and findings from time to time if you shall judge it expedient to do so:

And, using all due diligence, you are required to report to me in writing under your hands not later than the 31st day of December 1987 your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect thereof.

Dated at Wellington this 2nd day of July 1987.

MICHAEL BASSETT, Minister of Health.