

# Book review



## Mental Health Law in New Zealand

Third edition

**Category:** Book Reviews / Non-fiction

**Author:** Silvia Bell, Warren Brookbanks

**Year:** 2017

**Publisher:** Thomson Reuters, NZ

**ISBN:** 9781988504094

**Audience:** For Mental Health Workforce

**Summary:** A specific and detailed guide to current law related to mental health



For a person experiencing distress or seeking support with their mental health in Aotearoa, the law is complex and sometimes contradictory. While health and human rights legislation emphasise the importance of autonomy, dignity and choice, the Mental Health Act empowers compulsory treatment that may override an individual's wishes about whether they receive medical treatment, and what kinds of treatment they are given.

*Mental Health Law in New Zealand* opens with a discussion of the context that this law operates in. The ways that New Zealand understands mental health and responds to distress have changed significantly over the last three decades. With a shift towards community-centred services, a greater focus on recovery, leadership from people with lived experience of distress and changing social attitudes towards difference, our approaches to mental health and treatment are shifting. Acknowledging this, the authors raise the question of whether mental health law is fit for practice and suggest potential reforms to the Mental Health Act that would bring it more into line with human rights law.

The core of the textbook is a specific and detailed guide to current law related to mental health. For each area of the law, the text explains what the law says and how it has been interpreted, discusses the practicalities and complexities in how the law is applied and raises issues for consideration about how the law and legal systems could change and evolve to better support recovery. For example, a chapter on mental health advocacy explores the concept of specialist mental health courts, not currently in place in New Zealand but successfully implemented in other countries.

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The book provides an invaluable reference to understanding the detail and complexities of the law relating to distress, medical treatment, the criminal justice system and human rights. For those working with the law, it provides a clear guide to current practice and interpretation. For those advocates working on changing the law, it provides a thoughtful exploration of issues, policy mechanisms and potential improvements.

This third edition of the text is based on the law on 31 December 2016, and was updated to include newer case law, discussion of the United Nations Convention on the Rights of Persons with Disabilities, disestablishment of the Mental Health Commission and changes to the Commissioner's role, changes to the Privacy Act and Victims' Rights Act and introduction of the Vulnerable Children Act 2014.

**Reviewed by Moira Clunie, Research, Development and Advocacy Manager at the Mental Health Foundation**

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