

Mental Health Law Conference 2013
Tuesday 5th November
Heartland Hotels Lounge, Forsyth Barr Stadium, Dunedin

8:30am-8:45am	Welcome	
8:45am-9:35am	The complex meaning of mental disorder	Professor John Dawson
	<p>This session will consider whether the definition of "mental disorder" in the MHA – especially the list of disorders used to define an "abnormal state of mind" – should be given a lay, legal or psychiatric meaning. It will discuss the views taken by the courts and the tribunal.</p>	
9:35am-10:25am	The role of the Responsible Clinician	Dr Stephanie du Fresne
	<p>This session will focus on clinicians - psychiatrists in particular - using the MHA as part of a set of tools for ensuring patients have treatment for major mental illness. It will look at the role of the responsible clinician as that is determined legally, alongside his or her coexisting role as a clinician with responsibility determined by his or her profession; and the tensions that can generate.</p>	
10:25am-10:55am	Morning Tea	

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10:55am-11:45am **Second opinions on treatment without consent** Professor Paul Glue
Jessie Lenagh

This session will describe a recent audit of the second opinion process for compulsory treatment under the MHA, based on examination of 438 s59 and s60 second opinions at three DHBs.

Striking variations were noted in how the process was implemented, and in what information was collected between different centres. A number of recommendations are made for clear processes to be developed nationally to assess and adequately document the second opinion process.

11:45am-12:35pm **Personality disorder and the Mental Health Act** Dr Richard Mullen

This session will look at personality disorder and the MHA. Personality disorders are at the controversial margins of mental disorder. In the absence of good evidence clinicians must use their wits in determining if and how to use compulsory treatment for people with personality disorder. However, consideration of the nature of personality disorder, the manifestations of which complicate the use of compulsion, suggests that compulsion should be used no more than sparingly.

12:35pm-1:30pm **Lunch**

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1:30pm-2:20pm

Factors influencing discharge by the Tribunal

Associate Professor
Kate Diesfeld

The decisions of the Mental Health Review Tribunal reveal a range of factors that influence discharge. This study of 79 discharge cases illuminates recurring factors which may aid consumers, their advocates and clinicians when they prepare for hearings. The study also discusses the relevance of the concepts of imminence and necessity for discharge.

2:20pm-3:10pm

Regulating the detention of incapacitated “informal” patients

Dr Sue Nightingale
Iris Reuvecamp

This session will discuss the current legal framework in New Zealand regarding the treatment of informal patients, the protections put in place in England and Wales in relation to informal patients, and the possible adoption of these protections in New Zealand. It asks whether we need further regulation of this area in New Zealand and, if so, what form that might take.

3:10pm-3:40pm

Afternoon tea

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3:40pm-4:30pm

A `rights' based audit of the Mental Health Act

Kris Gledhill

New Zealand is party to a number of international human rights treaties and, as part of domestic law, has the NZBORA 1990. There has been some but not a significant amount of litigation investigating whether mental health legislation is compatible with these human rights standards. This presentation examines the instances where the MHA has been subject to challenge under the NZBORA and also investigates whether there are other areas that could be amenable to challenge.

