

Submission to the Health Select Committee

Substance Addiction (Compulsory Assessment and Treatment) Bill 2015

This submission is from Platform Trust, Level 3, 181 Thorndon Quay, Wellington.

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Platform would like to speak directly to the committee.

Background Information

Platform Trust is a national network of non-government community organisations (NGOs) that provide a wide range of mental health and addiction support services across New Zealand. In 2012/2013 over 50,000 New Zealanders accessed support from NGO services. Platform requested its members' input on this submission.

Summary

Generally, Platform supports the intent of this Bill as an option of last resort for service providers, family/whanau and/or medical practitioners to seek help for a person who requires compulsory addiction treatment, but who is unable to make that decision for themselves.

Platform agrees that treatment under the Act should be applied in the least restrictive way possible and supports the 'Principles applying to exercise of powers over patients' and the 'Additional principles applying to exercise of powers over children or young persons'.

However, Platform has concerns that the exit pathway for a person treated under the Act and the types of treatment facilities to be utilised for persons under this Act are not defined in clear enough terms. Platform's concerns are discussed in more detail below.

Support for the Bill

- Platform supports the intent of 3 (d) to protect the mana and dignity of the person who will undergo compulsory assessment and treatment. This clause both reflects the importance of respectful and compassionate treatment to maintain the dignity for people experiencing severe addiction and recognises that services need to be culturally appropriate in their treatment of people with severe addictions.
- Platform welcomes the inclusion of 3 (e) as signifying that a fundamental purpose of the legislation is to allow people with severe addiction to take control of their recovery and for treatment and care to be continued after the compulsory treatment period.
- Platform generally supports 8 (1) (b) compulsory assessment and treatment for a person who poses a serious danger to their own health or safety.

- Platform supports the inclusion of the role of family/whanau and other support people throughout this legislation. This expectation needs to be clearly communicated to service providers, to support the legislation, so that practices reflect the intent of the Act in this respect.
- Platform supports the addition of a dedicated Director of Addiction Services to oversee this Act.

Concern about the Act and its implementation

- Platform is concerned that the Bill does not define in clear enough terms the lines of authority and responsibility when a person is being released from compulsory treatment. Platform is concerned about the use of the words 'if practicable' in section 44 (1) in relation to providing a clear directive to the responsible clinician to prepare a plan for a person's release. Anecdotally, Platform would suggest that incidents are most likely to occur at times of transition between services. While the legislation clearly maps the path for a person into compulsory treatment, Platform is concerned that the path out of compulsory treatment does not contain appropriate and sufficient safeguards. Platform accepts that the unsecured nature of addiction facilities means that persons under the Act may, on some occasions, leave the service without a formal release process and cannot be located and apprehended under Section 106. However, Platform believes the current wording does not place enough emphasis on the necessity for a plan for release. Wording could be changed to reflect that not planning for a person's release should be an exception.
- Platform is also unclear on the composition and regulation of approved providers that will come under the umbrella of 'treatment centres'. We also have concerns, given the increased numbers of people expected to be treated under the Act, about the capacity of existing treatment centres able to take them.
- Platform also has concerns about the capacity and capability of the existing workforce required to facilitate treatment under the Act.

Conclusion

Platform agrees that replacement of the Alcoholism and Drug Addiction Act 1966 with this Bill is timely and that the new legislation better protects the rights of individuals who are subject to compulsory assessment and treatment. We are encouraged that family/whanau and support people are included throughout the Bill. Further, we commend the effort that has gone into engaging service users and service providers in the development of the Bill. We hope that consideration is given to Section 44 and the associated sections to ensure a safer transition out of compulsory assessment and treatment for any person subject to the Act.

Platform supports the submissions made by Matua Raḡi, and The Salvation Army.