

Title	Analyse legal structures and laws for mental health support work		
Level	5	Credits	6

Purpose	<p>This is a theory unit standard for people entering or engaged in mental health support work.</p> <p>People credited with this standard are able to: analyse the role and operation of law-making bodies in Aotearoa New Zealand; analyse how laws are changed in Aotearoa New Zealand and how to contribute to law change; and analyse the legal responsibilities of a mental health support worker.</p>
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Classification	Health, Disability, and Aged Support > Mental Health and Addiction Support
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Available grade	Achieved
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Guidance Information

1 Glossary

Codes of conduct related to mental health include but are not limited to – service provider codes of conduct, professional association codes of conduct or ethics, New Zealand Bill of Rights Act 1990, Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996, which is available from the following website:

<https://www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights/>.

The following New Zealand Standards also set standards of conduct for mental health support workers:

- a New Zealand Standards (NZS) 8134:2001 Health and Disability Sector Standards – Te Awarua o te Hauora;
- b New Zealand Standard (NZS) 8143:2001 National Mental Health Sector Standard – He Whariki Oranga Hinengaro;
- c New Zealand Standard (NZS) 8141:2001 *Restraint minimization and safe practice*.

Laws and codes related to confidentiality and privacy include but are not limited to – Official Information Act 1982, Privacy Act 1993, Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996, Health Information Privacy Code 1994, service provider codes of conduct.

The Health Information Privacy Code is available from the Privacy Commissioner's website:

<https://www.privacy.org.nz/the-privacy-act-and-codes/codes-of-practice/health-information-privacy-code-1994/>

Laws and codes related to rights include but are not limited to – Mental Health (Compulsory Assessment and Treatment) Act 1992 Part VI; Health and Disability

Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996; New Zealand Bill of Rights Act 1990; service provider codes of conduct.

Mental health support worker refers to the person seeking award of credit in this unit standard.

Statutes related to mental health include but are not limited to – Criminal Justice Act 1985, Domestic Violence Act 1995, Health Act 1956, Health and Disability Services (Safety) Act 2001, Health and Safety in Employment Act 1992, Human Rights Act 1993, Injury Prevention, Rehabilitation, and Compensation Act 2001, Mental Health (Compulsory Assessment and Treatment) Act 1992, Protection of Personal and Property Rights Act 1988.

Statutes, regulations, and standards related to medication include but are not limited to – Medicines Regulations 1984, Medicines Act 1981, Mental Health (Compulsory Assessment and Treatment) Act 1992, Misuse of Drugs Act 1975, Misuse of Drugs Regulations 1977, New Zealand Standard (NZS) 8143:2001 – Standards 16.12-16.16.

- 2 Guidelines to the safe management of medicines are available online in full text HTML on the Medsafe website: <http://www.medsafe.govt.nz>.
 - a Medsafe. September 1997. *Safe management of medicines: A guide for managers of old people's homes and residential care facilities*. Wellington: Medsafe. Available from the Ministry of Health website: [https://www.moh.govt.nz/notebook/nbbooks.nsf/0/7D7AAD3DF4303EA24C2565D7000E1EB3/\\$file/safe-management-medicines-1997.pdf](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/7D7AAD3DF4303EA24C2565D7000E1EB3/$file/safe-management-medicines-1997.pdf).
- 3 Resources may include but are not limited to -
 - a Bell, Sylvia A.; Brookbanks, Warren J. 2005. *Mental health law in New Zealand*. Wellington: Brookers.
 - b Law Commission – Te Aka Matua o Te Ture. 2001. *Study Paper 9 – Māori custom and values in New Zealand Law*. Wellington: Law Commission – Te Aka Matua o Te Ture. (In particular, Chapter 3). This is available for download from the Law Commission's web page: <https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20SP9.pdf>.
 - c MacKenzie, Sarah; Shirlaw, Nicola. 2002. *Mental health and the law: A legal resource for people who experience mental illness*. Wellington: Published for the Wellington Community Law Centre by Educational Resources.
 - d Mental Health Commission. 2001. *Recovery competencies for New Zealand mental health workers*. Wellington: Mental Health Commission (in particular, Recovery Competency 5). Available from the Mental Health Commission website: <https://www.mentalhealth.org.nz/assets/ResourceFinder/recovery-competencies-for-new-zealand-mental-health-workers-march-2001.pdf>.
 - e Mental Health Commission. 1999. *Protecting your health information: A guide to privacy issues for users of mental health services*. Wellington: Mental Health Commission.
Resources d and e are available on the Mental Health Commission's website at: <https://www.health.govt.nz/>.
 - f Privacy Commissioner. July 2000. 2nd Ed. *On the record: A practical guide to health information privacy*. Auckland: Office of the Privacy Commissioner.
 - g United Nations *Universal Declaration of Human Rights*, and the *Principles for the protection of persons with mental illness and the improvement of mental health care*, which may be found at the following website:

- https://www.who.int/mental_health/policy/en/UN_Resolution_on_protection_of_persons_with_mental_illness.pdf.
- h United Nations. *The standard rules on the equalization of opportunities for persons with disabilities*. Available on the following website:
<http://www.un.org/esa/socdev/enable/dissre00.htm>
- i The *Public Access to Legislation* web site (where it is possible to browse statutes and statutory regulations for no charge) is:
<http://www.legislation.govt.nz>.

Outcomes and performance criteria

Outcome 1

Analyse the role and operation of law-making bodies in Aotearoa New Zealand.

Range law-making bodies – Legislature, Executive, Judiciary, local government.

Performance criteria

1.1 Law-making bodies within the Westminster system of government in Aotearoa New Zealand are analysed in terms of their functions, jurisdiction, types of laws made, and the relationships of law-making bodies to each other.

Range functions – making laws, administering laws, enforcing laws;
types of laws made – statutes, statutory regulations, case law, by-laws;
relationships to each other – separation of powers, hierarchy of the Courts, the doctrine of precedent.

1.2 Law-making bodies within the Westminster system of government in Aotearoa New Zealand are analysed in terms of their membership.

Range membership – Governor General, Members of Parliament, Cabinet, political parties, Prime Minister, Leader of the Opposition, Speaker, public servants, Judges, local body councillors.

Outcome 2

Analyse how laws are changed in Aotearoa New Zealand and how to contribute to law change.

Performance criteria

2.1 The roles of government departments and ministries are analysed in terms of their influence on law-making processes in Aotearoa New Zealand.

2.2 The role of law reform bodies is analysed in terms of their influence on law-making processes in Aotearoa New Zealand.

Range law reform bodies – Law Commission, Royal Commissions, committees of Parliament;
evidence is required for one.

2.3 The ways in which laws are changed are analysed in terms of the processes by which citizens can influence law changes.

Range processes – cultural, economic, political, and social pressure; lobbying; petitions; submissions.

Outcome 3

Analyse the legal responsibilities of a mental health support worker.

Performance criteria

3.1 The legal framework for mental health is analysed in terms of the provisions of statutes related to mental health.

Range evidence is required of analysis of three statutes related to mental health, two of which must be the Criminal Justice Act 1985 and the Mental Health (Compulsory Assessment and Treatment) Act 1992.

3.2 The legal responsibilities of a mental health support worker are analysed in terms of laws and codes related to confidentiality and privacy.

Range evidence is required in relation to – Health Information Privacy Code 1994, Privacy Act 1993, one service provider code of conduct.

3.3 The role of and restrictions on a mental health support worker in relation to administration of medication are analysed in terms of statutes, regulations, and standards related to medication.

Range prescribing, dispensing, distribution.

Replacement information	This unit standard replaced unit standard 13428.
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This unit standard is expiring. Assessment against the standard must take place by the last date for assessment set out below.

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	25 June 2007	31 December 2021
Rollover and Revision	2	18 May 2012	31 December 2021
Review	3	28 May 2020	31 December 2021

Consent and Moderation Requirements (CMR) reference	0024
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

This unit standard is expiring