

Australian Capital Territory

Official Visitor (Mental Health) Appointment 2014 (No 1)

Disallowable instrument DI2014-270

made under the

Official Visitor Act 2012, section 10(1)(e)

EXPLANATORY STATEMENT

Section 10(1)(e) of the *Official Visitor Act 2012* authorises the Minister to appoint at least one official visitor for the purposes of the *Mental Health (Treatment and Care) Act 1994*. The function of Official Visitors (OVs) is to work to protect human rights in different environments. OVs operate in the 'closed' environments of youth and adult corrections and mental health, and as a result of changes made by the *Official Visitor Act 2012*, OVs now operate in the 'open' environments including disability and homelessness services.

This instrument appoints Kay Barralet as an Official Visitor for the purposes of the *Mental Health (Treatment and Care) Act 1994*. Ms Barralet is a qualified legal practitioner who has family law practising experience and extensive experience and skills in the care of people with mental illness.

As required under subsection 10(2) of the Official Visitor Act, the appointing Minister has consulted with the operational Minister (being the Minister for Health) and is satisfied on reasonable grounds that Ms Barralet has suitable qualifications or experience to exercise the functions of an official visitor for the Mental Health (Treatment and Care) Act. Ms Barralet also meets the additional suitability requirement under section 122 of the Mental Health (Treatment and Care) Act, being a legal practitioner who has not less than five years practising experience, and has experience and skill in the care of people with a mental dysfunction or illness.

Further, Ms Barralet is not excluded from appointment by being a public employee or holding a relevant interest as defined under subsection 10(3) of the Official Visitor Act.

In addition, Ms Barralet is not a public servant as defined under the *Legislation Act 2001*.

As required by the Legislation Act, the Standing Committee on Legal Affairs has been consulted on the appointment. The Committee has advised that it has no comments on the appointment of Ms Barralet as an Official Visitor.