

Official Visitor (Children and Young People) Aboriginal and Torres Strait Islander 2015 Appointment (No 1)

Disallowable instrument DI2015—35

made under the

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

EXPLANATORY STATEMENT

Section 10(1)(a) of the *Official Visitor Act 2012* authorises the Minister to appoint at least one official visitor for the purposes of the *Children and Young People Act 2008* one of whom must be an Aboriginal and Torres Strait Islander person. 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 Tracey Whetnall, an Aboriginal and Torres Strait Islander person, as an official visitor for the purposes of the *Children and Young People Act 2008*. Ms Whetnall is an experienced official visitor and is currently appointed as the Aboriginal and Torres Strait Islander official visitor for the *Corrections Management Act 2007* and *Children and Young People Act 2008* and has a strong understanding of the needs of Aboriginal and Torres Strait Islander people.

Ms Whetnall has demonstrated a commitment to supporting Aboriginal and Torres Strait Islander young people throughout her career, including as a Director of *Gugan Gulwan* Aboriginal Youth Corporation and while working on programs helping children and families. She has a strong understanding of the justice system and is on call 24 hours a day as a volunteer to attend police interviews with young Aboriginal detainees.

Ms Whetnall has suitable qualifications and experience to exercise the functions of the Aboriginal and Torres Strait Islander official visitor for the *Children and Young People Act 2008*.

As required under subsection 10(2) of the *Official Visitor Act*, the appointing Minister has consulted with the operational Minister (the Minister for Children and Young People) and is satisfied, on reasonable grounds, that Ms Whetnall has suitable qualifications or experience to exercise the functions of official visitor for the purposes of the *Children and Young People Act 2008*. Ms Whetnall also meets the

additional suitability requirement under Section 10(1)(a) of the *Official Visitor Act 2012*, being an Aboriginal and Torres Strait Islander person.

Further, Ms Whetnall 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 Whetnall is not a public servant as defined under the *Legislation Act 2001*.

As required by the *Legislation Act*, the Standing Committee on Justice and Community Safety has been consulted on the appointment. The Committee has advised that it has no comments on the appointment of Ms Whetnall as official visitor.