

Australian Capital Territory

# Official Visitor (Mental Health) 2015 Appointment (No 1)

**Disallowable instrument DI2015—156**

made under the

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

## **EXPLANATORY STATEMENT**

---

S.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 also operate in the ‘open’ environments including disability and homelessness services.

This instrument appoints Pamela Burton as Official Visitor for the purposes of the *Mental Health (Treatment and Care) Act 1994*. Ms Burton 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 S.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 Burton has suitable qualifications or experience to exercise the functions of an Official Visitor for the Mental Health (Treatment and Care) Act. Ms Burton also meets the additional suitability requirement under S.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 Burton is not excluded from appointment by being a public employee or holding a relevant interest as defined under S.10(3) of the Official Visitor Act.

In addition, Ms Burton 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 comment on the appointment of Ms Burton as Official Visitor.