



Australian Capital Territory

Official Visitor Act 2012

A2012-33

Republication No 4

Effective: 1 April 2016 – 1 September 2016

Republication date: 1 April 2016

Last amendment made by [A2016-13](#)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Official Visitor Act 2012* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 April 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 April 2016.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Official Visitor Act 2012

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
3	Dictionary	2
4	Notes	2
5	Offences against Act—application of Criminal Code etc	2
Part 2	Important concepts	
6	What is an <i>official visitor</i> ?	3
7	What is an <i>operational Act</i> ?	3
8	What is an <i>entitled person</i> ?	3
9	What is a <i>visitable place</i> ?	3
Part 3	Appointment of official visitors	
10	Appointment	4
11	Conditions of appointment	5

R4	Official Visitor Act 2012	contents 1
01/04/16	Effective: 01/04/16-01/09/16	

Contents

		Page
12	Ending appointment	6
13	Handover of records by official visitors	7
Part 4	Functions of official visitors	
14	Functions	8
15	Official visitor may enter visitable place	9
16	Official visitor must report non-compliant visitable places	10
17	Reporting of complaints	11
18	Assistance to official visitors	12
19	Offences—failure to provide assistance etc	13
Part 5	Visits and complaints	
20	Operating entity must let entitled people know about official visitors	14
21	Requests to meet official visitor	14
22	Complaints to official visitors	14
23	Visit and complaint guidelines	15
Part 5A	Official visitors board	
23A	Establishment of official visitors board	17
23B	Membership of official visitors board	17
23C	Official visitors board functions	17
23D	Official visitors board procedure	18
Part 6	Miscellaneous	
23E	Voting at meetings	19
24	Protection of officials from liability	19
25	Offences—use or divulge protected information	19
26	Approved forms	21
27	Regulation-making power	22
Part 11	Transitional—Mental Health Act 2015	
60	Definitions—pt 11	23
61	Continued appointment	23
62	Expiry—pt 11	23

Dictionary	Page
	24
Endnotes	
1 About the endnotes	26
2 Abbreviation key	26
3 Legislation history	27
4 Amendment history	28
5 Earlier republications	31
6 Expired transitional or validating provisions	31



Australian Capital Territory

Official Visitor Act 2012

An Act to provide for the appointment of official visitors, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Official Visitor Act 2012*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*operational Act*—see section 7.' means that the term 'operational Act' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Important concepts

6 What is an *official visitor*?

An *official visitor*, for an operational Act, means a person appointed under section 10 for the Act.

7 What is an *operational Act*?

Each of the following is an *operational Act*:

- (a) the *Children and Young People Act 2008*;
- (b) the *Corrections Management Act 2007*;
- (c) the *Disability Services Act 1991*;
- (d) the *Housing Assistance Act 2007*;
- (e) the *Mental Health Act 2015*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see [Legislation Act](#), s 104).

8 What is an *entitled person*?

An *entitled person*, for an operational Act, means an entitled person under the operational Act.

9 What is a *visitable place*?

A *visitable place*, for an operational Act, means a visitable place under the operational Act.

Part 3 Appointment of official visitors

10 Appointment

- (1) The Minister must appoint the following:
 - (a) for the *Children and Young People Act 2008*—at least 2 official visitors, including one official visitor who is an Aboriginal or Torres Strait Islander person;
 - (b) for the *Corrections Management Act 2007*—at least 2 official visitors, including one official visitor who is an Aboriginal or Torres Strait Islander person;
 - (c) for the *Disability Services Act 1991*—at least 1 official visitor;
 - (d) for the *Housing Assistance Act 2007*—at least 1 official visitor;
 - (e) for the *Mental Health Act 2015*—at least 1 official visitor.
- (2) The Minister may appoint a person as an official visitor for an operational Act only if—
 - (a) the Minister has consulted the operational Minister; and
 - (b) satisfied on reasonable grounds that the person has suitable qualifications or experience to exercise the functions of an official visitor for the operational Act.
- (3) However, the Minister must not appoint a person as an official visitor if the person—
 - (a) is a public employee; or
 - (b) has a relevant interest.
- (4) An operational Act may prescribe additional requirements for deciding whether or not to appoint a person as an official visitor for the operational Act.

(5) In this section:

Aboriginal or Torres Strait Islander person means a person who—

- (a) is a descendant of an Aboriginal person or Torres Strait Islander person; and
- (b) identifies as an Aboriginal person or Torres Strait Islander person; and
- (c) is accepted as an Aboriginal person or Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

relevant interest means—

- (a) a direct interest in a contract with a visitable place or an entity providing services to the visitable place; or
- (b) a financial interest in a visitable place.

11 Conditions of appointment

- (1) An appointment as an official visitor must not be for longer than 3 years.
- (2) The conditions of appointment of an official visitor are the conditions agreed between the Minister and the person, subject to any determination under the *Remuneration Tribunal Act 1995*.

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see [Legislation Act](#), div 19.3.3).

Note 3 A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def *appoint*).

12 Ending appointment

- (1) The Minister may end a person's appointment as an official visitor—
 - (a) for misbehaviour; or
 - (b) if the person—
 - (i) does not visit a visitable place as required under the visit and complaint guidelines made under section 23; and
 - (ii) continues to fail to visit the site as required for 4 consecutive weeks; or
 - (c) if an operational Act prescribes requirements that the person must satisfy to be appointed as an official visitor—if the person no longer satisfies the criteria.
- (2) The Minister must end the person's appointment as an official visitor—
 - (a) for physical or mental incapacity, if the incapacity substantially affects the exercise of the person's functions; or
 - (b) if the person fails to take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the person's functions.
- (3) A person's appointment as an official visitor ends, by force of this section, if the person becomes a public employee.

Note A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

13 Handover of records by official visitors

- (1) This section applies if a person's appointment as an official visitor ends.
- (2) The person must, not later than 7 days after the day the appointment ends, give any official visitor record held by the person to another official visitor.

- (3) In this section:

official visitor record held by a person, means—

- (a) a record made or received by the person because of the person's functions as an official visitor; or
- (b) information held by the person because of the person's functions as an official visitor.

Part 4 Functions of official visitors

14 Functions

- (1) An official visitor for an operational Act has the following functions:
 - (a) to visit visitable places for the operational Act;
 - (b) to report to the operational Minister under section 16 and section 17;
 - (c) to receive and consider complaints from entitled people, and others on their behalf;
 - (d) to be available to talk with entitled people and anyone else who has a concern about an entitled person or a visitable place;
 - (e) to exercise any other function given to an official visitor under this Act, an operational Act or another territory law.
- (2) An official visitor must, in exercising the official visitor's functions, deal with an entitled person with sensitivity, including in relation to the person's—
 - (a) gender; and
 - (b) religion or faith; and

- (c) wishes about how the official visitor may visit a visitable place.

Examples—par (c)

- 1 an entitled person may not wish to meet with or talk to an official visitor
- 2 an entitled person may ask that the official visitor visit the visitable place only at certain times
- 3 an entitled person may ask that an official visitor not go into areas in a visitable place that the person considers to be private

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

15 Official visitor may enter visitable place

- (1) An official visitor for an operational Act may, at any reasonable time, enter a visitable place for the operational Act following a complaint or at the official visitor's own initiative.

Example—time that would not be reasonable

a time that would hinder a search, or coincide with an escape attempt, at a visitable place

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) The official visitor may when at the visitable place inspect—
- (a) any health record or any other record relating to an entitled person at the visitable place if the official visitor has the entitled person's—
 - (i) written consent; or
 - (ii) oral consent, if a written record of the consent is made by a person who heard the consent being given; and

- (b) any other record required to be kept under the operational Act.

Examples—other record relating to an entitled person

for an entitled person in a mental health facility—dietary plans, behavioural plans, records about seclusion or chemical restraint, day plans, lists of rostered carers

- (3) Without limiting subsection (1), the operational Act may prescribe minimum requirements for a visit by the official visitor to the visitable place.

16 Official visitor must report non-compliant visitable places

- (1) This section applies if an official visitor for an operational Act believes on reasonable grounds that any of the following is not in accordance with the operational Act:
 - (a) the care and other services provided to an entitled person at a visitable place for the operational Act;
 - (b) the living conditions and activities of an entitled person at the visitable place;
 - (c) if an entitled person for the operational Act is detained under that Act at the visitable place—the detention of the person at the place (including any aspect of the treatment, living conditions, work or activities of the detainee).
- (2) The official visitor—
 - (a) must report the belief to the operational Minister; and
 - (b) may report the belief to—
 - (i) the relevant director-general; and
 - (ii) the public advocate; and
 - (iii) the official visitors board.
- (3) An operational Act may prescribe other reporting requirements for the operational Act.

17 Reporting of complaints

- (1) An official visitor for an operational Act must give the operational Minister, as soon as practicable after the end of each quarter, a written report for the quarter summarising—
 - (a) the number and kinds of complaints received by the official visitor; and
 - (b) the action taken on the complaints received; and
 - (c) the number and kinds of matters referred by the official visitor to an investigative entity.

Note **Quarter**—see the [Legislation Act](#), dictionary, pt 1.

- (2) The official visitor may give a copy of the report to—
 - (a) the relevant director-general; and
 - (b) the public advocate; and
 - (c) the official visitors board.
- (3) The report may include comments by the official visitor about anything in relation to a complaint mentioned in the report.
- (4) For each financial year, the operational Minister must present a report of the information given to the Minister under subsection (1) to the Legislative Assembly within 6 sitting days after the end of the 3-month period after the end of the financial year.

18 Assistance to official visitors

- (1) If asked by an official visitor (the *responsible official visitor*) for an operational Act, an official visitor for another operational Act may assist the responsible official visitor in the exercise of the responsible official visitor's functions.

Example

A young person with disability is detained in a youth correctional facility. An official visitor for the correctional facility asks an official visitor appointed under the *Disability Services Act 1991* to accompany her on a visit to the facility.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) An operating entity for a visitable place for an operational Act must give an official visitor for the Act any reasonable assistance the official visitor asks for to exercise the official visitor's functions at the place.

Examples

- 1 giving access to documents and records relating to a complaint
- 2 answering reasonable questions about the facts of a complaint
- 3 giving reasonable access to facilities

Note The [Legislation Act](#), s 170 deals with the application of the privilege against self-incrimination.

- (3) An operating entity must not give an official visitor access to an entitled person's health record without the entitled person's consent.

19 Offences—failure to provide assistance etc

- (1) A person in charge of an operating entity for a visitable place must not, without reasonable excuse—
- (a) refuse or neglect to render assistance if asked by an official visitor under section 18; or
 - (b) fail to answer any question if asked by an official visitor in the exercise of the official visitor's functions.

Maximum penalty: 50 penalty units.

- (2) A person in charge of an operating entity for a visitable place must not, without reasonable excuse, obstruct or hinder an official visitor in the exercise of the official visitor's functions.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person in charge of an operating entity for a visitable place must keep a record of each visit by an official visitor to the visitable place.

Maximum penalty: 5 penalty units.

Note If a form is approved under s 26 for a record, the form must be used.

- (4) In this section:

person in charge, of an operating entity, means—

- (a) if the operating entity is the Territory—the relevant director-general; and
- (b) in any other case—the person in charge of the entity.

Part 5 Visits and complaints

20 Operating entity must let entitled people know about official visitors

An operating entity for a visitable place must tell an entitled person at the visitable place, or a person acting on the entitled person's behalf, about—

- (a) the functions of an official visitor; and
- (b) how the official visitor may be contacted.

21 Requests to meet official visitor

- (1) This section applies if an entitled person for an operational Act tells the operating entity for a visitable place that the person wants to meet an official visitor for that Act.
- (2) The operating entity must ensure that an official visitor for an operational Act is told of the request as soon as practicable, but not later than 24 hours after the request is made.
- (3) An operating entity must not ask an entitled person, and the person need not explain to the operating entity, why the person wants to meet an official visitor.

22 Complaints to official visitors

- (1) An entitled person for an operational Act, or anyone else, may complain to an official visitor for that Act about any aspect of the person's accommodation including—
 - (a) the conditions of accommodation of an entitled person; or
 - (b) the care or services provided to an entitled person at a visitable place; or

- (c) the activities available to an entitled person at a visitable place;
or
 - (d) how a visitable place is conducted.
- (2) The entitled person may make the complaint to the official visitor personally or through someone else.
 - (3) The entitled person may ask to make a complaint—
 - (a) to the official visitor with no-one else present; and
 - (b) to an official visitor of the same gender.
 - (4) If the official visitor agrees that the complaint may be made with only the entitled person present, the operating entity must provide reasonably private facilities for the complaint to be made.
 - (5) In this section:
accommodation, of an entitled person, includes, if an entitled person is detained or confined under an operational Act at a visitable place, the person's detention or confinement.

23 Visit and complaint guidelines

- (1) The Minister may, after consulting the operational Minister for an operational Act, make guidelines about—
 - (a) visits by an official visitor for the operational Act; and
 - (b) the handling of complaints, and referral of complaints to investigative entities, by an official visitor for the operational Act.
- (2) The guidelines must include a schedule that sets out—
 - (a) each visitable place that an official visitor must visit; and
 - (b) how often the official visitor must visit the place.

(3) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

Part 5A Official visitors board

23A Establishment of official visitors board

The official visitors board is established.

23B Membership of official visitors board

- (1) The official visitors board is made up of—
 - (a) the public trustee and guardian; and
 - (b) at least 1 commissioner under the *Human Rights Commission Act 2005* nominated by the commissioners under that Act; and
 - (c) 2 official visitors elected by the official visitors.
- (2) The chair of the board is the public trustee and guardian.
- (3) The Minister may determine procedures for subsection (1) (d).
- (4) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

23C Official visitors board functions

The official visitors board has the following functions:

- (a) to arrange training for official visitors;
- (b) to facilitate interaction between official visitors;

Note An official visitor may ask an official visitor for another operational Act for assistance (see s 18 (1)).
- (c) to arrange for the provision of administrative assistance to official visitors;
- (d) to exercise any other function given to the board under this Act, an operational Act or another territory law.

23D Official visitors board procedure

- (1) Meetings of the official visitors board are to be held when and where it decides.
- (2) However—
 - (a) the official visitors board must meet at least twice each year; and
 - (b) the public trustee and guardian may, by reasonable written notice given to the other official visitors board members, call a meeting.
- (3) The official visitors board may conduct its proceedings (including its meetings) as it considers appropriate.

Part 6 Miscellaneous

23E Voting at meetings

- (1) At an official visitors board meeting, each board member has a vote on each question to be decided.
- (2) A question is to be decided by a majority of the votes of the official visitors board members present and voting but, if the votes are equal, the public trustee and guardian has a deciding vote.

24 Protection of officials from liability

- (1) An official is not civilly liable for anything done or omitted to be done honestly and without recklessness—
 - (a) in the exercise of a function under this Act; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a function under this Act.
- (2) Any civil liability that would, apart from subsection (1), attach to an official attaches instead to the Territory.
- (3) In this section:

official means—

- (a) an official visitor; or
- (b) an official visitors board member; or
- (c) a person authorised under this Act to do or not to do a thing.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

25 Offences—use or divulge protected information

- (1) A person to whom this section applies commits an offence if—
 - (a) the person uses information; and

- (b) the information is protected information about someone else; and
- (c) the person is reckless about whether the information is protected information about someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person to whom this section applies commits an offence if—
 - (a) the person does something that divulges information; and
 - (b) the information is protected information about someone else; and
 - (c) the person is reckless about whether—
 - (i) the information is protected information about someone else; and
 - (ii) doing the thing would result in the information being divulged to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) Subsections (1) and (2) do not apply if the information is used or divulged—
 - (a) under this Act or another territory law; or
 - (b) in relation to the exercise of a function, as a person to whom this section applies, under this Act or another territory law; or
 - (c) in a court proceeding.
- (4) Subsections (1) and (2) do not apply to the using or divulging of protected information about a person with the person's consent.

Note The defendant has an evidential burden in relation to the matters mentioned in ss (3) and (4) (see [Criminal Code](#), s 58).

(5) A person to whom this section applies need not divulge protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another law applying in the territory.

(6) In this section:

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

divulge includes—

- (a) communicate; or
- (b) publish.

person to whom this section applies means—

- (a) a person who is or has been an official visitor; or
- (b) anyone else who has exercised a function under this Act.

produce includes allow access to.

protected information means information about a person that is disclosed to, or obtained by, a person to whom this section applies because of the exercise of a function under this Act by the person or someone else.

use information includes make a record of the information.

26 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see the [Legislation Act](#), s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

27 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

Part 11 Transitional—Mental Health Act 2015

60 Definitions—pt 11

In this part:

commencement day means the day the *Mental Health Act 2015*, section 3 commences.

repealed Act means the *Mental Health (Treatment and Care) Act 1994*.

61 Continued appointment

- (1) This section applies to a person appointed under section 10 (1) (e) as an official visitor for the [repealed Act](#) if the appointment is in force immediately before the commencement day.
- (2) On and after the commencement day, the person is taken to be appointed under section 10 (1) (e) as an official visitor for the *Mental Health Act 2015* on the same conditions that applied to the person's appointment immediately before the commencement day.

62 Expiry—pt 11

This part expires 6 months after the commencement day.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- appoint
- director-general (see s 163)
- exercise
- function
- Minister (see s 162)
- public advocate
- public trustee and guardian.

entitled person, for an operational Act—see section 8.

health record—see the [Health Records \(Privacy and Access\) Act 1997](#), dictionary.

investigative entity means an entity with power to require the production of documents or the answering of questions including, for example, the chief police officer, the human rights commission and the ombudsman.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

official visitor, for an operational Act—see section 6.

official visitors board means the official visitors board established under section 23A.

operating entity, for a visitable place, means—

- (a) if the Territory operates the place—the relevant director-general; or
- (b) in any other case—the entity that operates the place.

operational Act—see section 7.

operational Minister, for an operational Act, means the Minister responsible for the operational Act.

relevant director-general, for an operational Act, means the director-general of the administrative unit responsible for the administration of the operational Act.

visitable place, for an operational Act—see section 9.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Official Visitor Act 2012 A2012-33

notified LR 15 June 2012
s 1, s 2 commenced 15 June 2012 (LA s 75 (1))
remainder commenced 1 September 2013 (s 2 (as am by [A2013-22](#)
s 4))

as amended by

Official Visitor Amendment Act 2013 A2013-22

notified LR 17 June 2013
s 1, s 2 commenced 17 June 2013 (LA s 75 (1))
remainder commenced 1 September 2013 (s 2 and see A2012-33 s 2
as am by this Act)

Mental Health Act 2015 A2015-38 sch 2 pt 2.4 div 2.4.12

notified LR 7 October 2015
s 1, s 2 commenced 7 October 2015 (LA s 75 (1))
sch 2 pt 2.4 div 2.4.12 commenced 1 March 2016 (s 2 (1) and see
[Mental Health \(Treatment and Care\) Amendment Act 2014](#) A2014-51,
s 2 (as am by [A2015-38](#) amdt 2.54))

Protection of Rights (Services) Legislation Amendment Act 2016 (No 2) A2016-13 sch 1 pt 1.29

notified LR 16 March 2016
s 1, s 2 commenced 16 March 2016 (LA s 75 (1))
sch 1 pt 1.29 commenced 1 April 2016 (s 2 and see [Protection of
Rights \(Services\) Legislation Amendment Act 2016](#) A2016-1 s 2)

Endnotes

4 Amendment history

4 Amendment history

Commencement

s 2 sub [A2013-22](#) s 4
om LA s 89 (4)

What is an *operational Act*?

s 7 am [A2015-38](#) amdt 2.81

Appointment

s 10 am [A2015-38](#) amdt 2.81

Ending appointment

s 12 am [A2013-22](#) s 5, s 24

Functions

s 14 am [A2013-22](#) s 24

Official visitor may enter visitable place

s 15 hdg sub [A2013-22](#) s 6
s 15 am [A2013-22](#) s 7; ss renum R1 LA

Official visitor must report non-compliant visitable places

s 16 am [A2013-22](#) s 8

Reporting of complaints

s 17 am [A2013-22](#) s 9

Assistance to official visitors

s 18 am [A2013-22](#) s 10, s 11

Offences—failure to provide assistance etc

s 19 am [A2013-22](#) s 12

Visits and complaints

pt 5 hdg sub [A2013-22](#) s 13

Requests to meet official visitor

s 21 am [A2013-22](#) s 14

Visit and complaint guidelines

s 23 hdg sub [A2013-22](#) s 15
s 23 am [A2013-22](#) s 16, s 24

Official visitors board

pt 5A hdg ins [A2013-22](#) s 17

Establishment of official visitors board

s 23A ins [A2013-22](#) s 17

Membership of official visitors board

s 23B ins [A2013-22](#) s 17
am [A2016-13](#) amdts 1.98-1.100; pars renum R4 LA

Official visitors board functions

s 23C ins [A2013-22](#) s 17

Official visitors board procedure

s 23D ins [A2013-22](#) s 17
am [A2016-13](#) amdt 1.101

Voting at meetings

s 23E ins [A2016-13](#) amdt 1.102

Protection of officials from liability

s 24 am [A2013-22](#) s 18; pars renum R1 LA

Offences—use or divulge protected information

s 25 am [A2013-22](#) s 19

Legislation amended—sch 1

s 28 om LA s 89 (3)

Transitional

pt 10 hdg exp 1 September 2015 (s 54)

Definitions—pt 10

s 50 exp 1 September 2015 (s 54)
def **commencement day** exp 1 September 2015 (s 54)
def **operational Act** exp 1 September 2015 (s 54)

Unfinished complaints to official visitors

s 51 exp 1 September 2015 (s 54)

Existing appointments

s 52 exp 1 September 2015 (s 54)

Transitional regulations

s 53 exp 1 September 2015 (s 54)

Expiry—pt 10

s 54 exp 1 September 2015 (s 54)

Transitional—Mental Health Act 2015

pt 11 hdg ins [A2015-38](#) amdt 2.82
exp 1 September 2016 (s 62)

Definitions—pt 11

s 60 ins [A2015-38](#) amdt 2.82
exp 1 September 2016 (s 62)
def **commencement day** ins [A2015-38](#) amdt 2.82
exp 1 September 2016 (s 62)
def **repealed Act** ins [A2015-38](#) amdt 2.82
exp 1 September 2016 (s 62)

Continued appointment

s 61 ins [A2015-38](#) amdt 2.82

Endnotes

4 Amendment history

exp 1 September 2016 (s 62)

Expiry—pt 11

s 62

ins [A2015-38](#) amdt 2.82

exp 1 September 2016 (s 62)

Consequential amendments

sch 1 hdg

om LA s 89 (3)

Children and Young People Act 2008

sch 1 pt 1.1

om LA s 89 (3)

Corrections Management Act 2007

sch 1 pt 1.2

om LA s 89 (3)

Disability Services Act 1991

sch 1 pt 1.3

om LA s 89 (3)

New section 9A

sch 1 amdt 1.27

om [A2013-22](#) s 20

New section 11

sch 1 amdt 1.28

om [A2013-22](#) s 20

Housing Assistance Act 2007

sch 1 pt 1.4

om LA s 89 (3)

Legislation Act 2001

sch 1 pt 1.5

om LA s 89 (3)

Mental Health (Treatment and Care) Act 1994

sch 1 pt 1.6

om LA s 89 (3)

Territory Records Regulation 2009

sch 1 pt 1.7

om LA s 89 (3)

Dictionary

dict

am [A2013-22](#) s 21; [A2016-13](#) amdt 1.103

def *health record* ins [A2013-22](#) s 22

def *investigative entity* am [A2016-13](#) amdt 1.104

def *official visitors board* ins [A2013-22](#) s 22

def *operating entity* am [A2013-22](#) s 23

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Sept 2013	1 Sept 2013- 1 Sept 2015	A2013-22	new Act and amendments by A2013-22
R2 2 Sept 2016	2 Sept 2015- 29 Feb 2016	A2013-22	expiry of transitional provisions (pt 10)
R3 1 Mar 2016	1 Mar 2016- 31 Mar 2016	A2015-38	amendments by A2015-38

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation 'exp' followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.