

## Explanatory Statement

# Mental Health (Treatment and Care) (Official Visitors) Appointment 2010 (No 2)

### Disallowable Instrument DI2010—47

made under the

#### **Mental Health (Treatment and Care) Act 1994, Part 11 – Official Visitors, Subsection 121(1) (Appointment)**

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Section 121 (1) of the *Mental Health (Treatment and Care) Act 1994* (the Act) allows for the Minister for Health to appoint one or more official visitors. Section 122 of the Act provides for the functions and duties; powers; and reports by Official Visitors.

This instrument makes the reappointment under the Part 19.3 of the *Legislation Act 2001*. Accordingly, the instrument is a disallowable instrument.

This instrument reappoints Dr Gerard Sandi as an Official Visitor for a period of three years from the day after notification of the disallowable instrument on the ACT Legislation Register.

The reappointment complies with the provisions of *section 121 (2) of the Act*

- (2) *A person is eligible for appointment as an official visitor if the person—*
- (c) *has been nominated by a body representing consumers of mental health services; or*
  - (d) *has experience and skill in the care of persons with a mental dysfunction or mental illness.*

Dr Sandi continues to be eligible for appointment as an official visitor as he has been nominated by a body representing consumers of mental health services, the ACT Mental Health Consumer Network, and as a practising psychologist has extensive experience and skills in the care of persons with mental illness.

Further Dr Sandi is not excluded from reappointment under *section 121 (3) of the Act* in that;

- (3) *A person shall not be appointed an official visitor if the person—*
- (a) *is a public servant; or*
  - (b) *has a direct interest in a contract with an approved mental health facility or a mental health care provider; or*
  - (c) *has a financial interest in a private hospital.*

Dr Sandi is not a public servant, has no direct interest in a contract with an approved mental health facility or a mental health care provider, and has no financial interest in a private hospital.

In accordance with paragraph 227(2)(a) of the *Legislation Act 2001* the appointment contained in this instrument is for a person who is not a public servant.