

Explanatory Statement

Mental Health (Treatment and Care) (Official Visitors) Appointment 2013 (No 1)

Disallowable Instrument DI2013-84

made under the

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

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 appointment under the *Legislation Act 2001*. Accordingly, the instrument is a *disallowable instrument*.

This instrument appoints Ms Sue Connor 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 appointment 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.*
 - (d) has experience and skill in the care of persons with a mental dysfunction or mental illness.*

Ms Connor is eligible for appointment as an official visitor as she has the endorsement of the ACT Mental Health Consumer Network (the community mental health consumer “peak body”) and, has extensive experience and skills in the care of persons with a mental illness, as a current practising psychologist.

Further Ms Connor is not excluded from appointment 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.*

Ms Connor 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 not a public servant.

The Standing Committee on Health, Ageing Community and Social Services considered the appointment on 26 April 2013 and agreed to the appointment of Ms Connor.