

18/752 Official Visitor Amendment Bill 2019: Policy Approval (relates to 18/753 Official Visitor Amendment Bill 2019)

Summary of Impacts
<p>The Official Visitor Amendment Bill 2019 (the OV Amendment Bill) implements the legislative recommendations of the 2017 Review of the Official Visitor Scheme.</p> <p>The Bill will clarify the role and functions of Official Visitors, implement an overarching reporting structure for Official Visitors, revise the governance and administration of the Scheme, improve the Scheme's flexibility and coverage of and improve public awareness and transparency of the Scheme.</p> <p>The Bill will:</p> <ul style="list-style-type: none"> clarify the legislative functions of Official Visitors and prescribe legislative principles to guide their functions; Clarify the functions of the Official Visitor Board, to provide support for an Executive Officer role; implement an overarching reporting structure and reporting requirements; ensure that Official Visitors are recruited independently of operational directorates to promote independence and transparency of recruitment processes; require Official Visitors to report to the Minister about systemic issues or serious individual issues that require further action; and require a consolidated Official Visitor annual report to be tabled in the Legislative Assembly and publish on the relevant website. <p>The proposal is considered to have positive social impacts and no environmental or economic impacts.</p>

Key to impacts: Red – negative, Blue – neutral, Green – positive.

Social

Disadvantaged and vulnerable persons	<ul style="list-style-type: none"> The Bill will allow Official Visitors to identify and resolve systemic issues and serious individual issues by requiring Official Visitors to report to their Operational Minister on these matters and to make appropriate referrals. This will improve the visibility and actionability of systemic and serious individual issues that harm vulnerable persons. The Bill will allow Official Visitors to visit visitable places in other operational to cover leave and provide greater flexibility for the scheme. This will ensure that oversight of entitled persons is maintained when their assigned Official Visitors are absent. The Bill will ensure that the Homelessness Official Visitor is able to visit entitled persons receiving support in independent accommodation. This will improve oversight of the welfare of homeless persons staying with these providers.
Access to justice	<ul style="list-style-type: none"> The Bill will improve access to the Official Visitor Scheme by clarifying the roles and functions of Official Visitors and requiring services to advertise information about Official Visitors at visitable places. The signage will improve community understanding of the Scheme and raise awareness about Official Visitors by informing persons about their right to make complaints under the scheme. The Bill will also create an Executive Officer to be the Scheme's central point of contact for public inquiries.
Human rights	<ul style="list-style-type: none"> The Bill will prescribe legislative principles to guide the exercise of Official Visitor's functions, including promoting the human rights of entitled people. The Bill will also allow Official Visitors to access relevant and necessary information about the operation of visitable places where the entitled person does not have capacity to consent. These provisions will be drafted with appropriate safeguards to protect the right to privacy of entitled persons who do not have capacity to consent.

Impacts on different groups	<ul style="list-style-type: none"> • The proposal to create an Official Visitor for Aged Care if implemented would improve oversight of the welfare of persons in aged care facilities in the ACT.
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Economic

Nil impact.

Environmental

Nil impact.