

Australian Capital Territory

Mental Health (Secure Facilities) Delegation 2016 (No 1)*

Notifiable instrument NI2016–639

made under the

Mental Health (Secure Facilities) Act 2016, s 12 (Director-general—delegations)

1 Name of instrument

This instrument is the *Mental Health (Secure Facilities) Delegation 2016 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Delegation of functions

I delegate my functions as Director-General with responsibility for the *Mental Health (Secure Facilities) Act 2016* as set out in Column 1 of the Schedule to authorised health practitioners who are the occupant or occupants of the position specified in Column 2 of the Schedule, subject to any conditions specified in Column 3 of the Schedule.

Nicole Feely
Director General

18 November 2016

*Name amended under Legislation Act, s 60

Mental Health (Secure Facilities) Delegation 2016 (No 1) — Schedule

Mental Health (Secure Facilities) Act 2016 – Delegated Functions: Dhulwa Mental Health Unit (DMHU)

Column 1 Function	Column 2 Delegate	Column 3 Conditions
Section 17: Limitation of a patient's contact with others	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU 	None
Section 18: Register of limitations on a patient's contact with others	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU 	None
Section 21(2): Taking reasonable steps to prevent patient contact with another person if such contact is prohibited under a court order	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU 	None
Sections 23(2) and 23(3): Monitoring communications in the electronic communications area	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU • Director-on-call, DMHU 	None
Section 25: Monitoring and searching of patient's mail	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant 	None

	<ul style="list-style-type: none"> Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	
Section 26: Consequences of mail searches	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	None
Sections 27(1), 27(2) and 27(4): Register of searched mail	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	None
Section 27(3): How the searched mail register is kept	<ul style="list-style-type: none"> Operational Director, Justice Health Services 	None
Section 32(2): Decision that a nominated time of a visit by the public trustee and guardian, accredited person or other visitor listed in section 32(1) is not a reasonable time	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU Director-on-call, DMHU 	None
Section 32(3): Provision of reasonable assistance to public trustee and guardian, accredited person or other visitor listed in section 32(1)	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU Nurse in charge, DMHU 	None
Section 33(2): Requirement that an intending visitor make an appointment to visit (Only applies if decision has been made to limit contact under s 17(2))	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU 	None

	<ul style="list-style-type: none"> Assistant Director of Nursing, DMHU 	
<p>Sections 33(3) and 33(4): Decision to refuse to allow an intending visitor to visit; giving notice of refusal</p> <p>(Only applies if decision has been made to limit contact under s 17(2))</p>	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	None
Section 34: Directions to visitors and record of directions to visitors	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	None
Section 35: Approval to take prohibited thing into secure mental health facility	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services 	None
Section 40(1): Direction to authorised person to conduct a scanning, frisk or ordinary search of a patient	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	None
	<ul style="list-style-type: none"> Nurse in charge, DMHU 	<p>Only in the absence from DMHU of all of the following:</p> <ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU
Sections 44(1) and 44(2): Direction to authorised health practitioner to conduct a strip search of a patient	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, 	None

	<ul style="list-style-type: none"> DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	
Section 46(5): Provision of appropriate clothing to a patient after strip search	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU Nurse in charge, DMHU 	None
Section 48: Arranging for medical examination and treatment if there is a reasonable suspicion that a patient has ingested or concealed something	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU Nurse in charge, DMHU 	None
Section 49: Record of treatment if a patient has ingested or concealed something	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU Nurse in charge, DMHU 	None
Section 50: Search of premises and personal property	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	None
	<ul style="list-style-type: none"> Nurse in charge, DMHU 	<p>Only in the absence from DMHU of all of the following:</p> <ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational

		Director, Justice Health Services <ul style="list-style-type: none"> • Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU
Section 51: Record of searches of premises and personal property	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU • Nurse in charge, DMHU 	None
Section 52(1): Use of force during search (a) to carry out a search; or (b) to prevent the loss, destruction or contamination of anything seized or may be seized during the search.	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU • Director-on-call, DMHU 	None
Section 53: Seizing property	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU • Director-on-call, DMHU 	None
	<ul style="list-style-type: none"> • Nurse in charge, DMHU 	Only in the absence from DMHU of all of the following: <ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU
Section 54: Receipt for things	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services 	None

seized	<ul style="list-style-type: none"> Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU Nurse in charge, DMHU 	
Section 55: Forfeiture of things seized	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services 	None
Section 56: Return of things seized but not forfeited	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU 	None
Sections 59(1), 59(2) and 59(4): Register of searched premises and personal property	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU Nurse in charge, DMHU 	None
Section 59(3): How the searches register is kept	<ul style="list-style-type: none"> Operational Director, Justice Health Services 	None
Section 63: Ensuring that patient receives a medical examination after the use of force	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU Assistant Director of Nursing, DMHU Nurse in charge, DMHU 	None
Section 64: Record of use of force	<ul style="list-style-type: none"> Clinical Director, Forensic Mental Health Services Operational Director, Justice Health Services Consultant Psychiatrist, DMHU On-call Consultant Psychiatrist, DMHU 	None

	<ul style="list-style-type: none"> • Assistant Director of Nursing, DMHU • Nurse in charge, DMHU 	
Sections 65(1), 65(2) and 65(4): Register of use of force	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU • Nurse in charge, DMHU 	None
Section 65(3): How the use of force register is kept	<ul style="list-style-type: none"> • Operational Director, Justice Health Services 	None
Section 67: Giving reviewable decision notices after a decision is made	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU • Nurse in charge, DMHU 	None
Section 73(2): Approval to take prohibited thing into secure mental health facility for purposes of providing a trades service	<ul style="list-style-type: none"> • Operational Director, Justice Health Services 	None