

Australian Capital Territory

Public Sector Management (Mental Health (Secure Facilities)) Delegation 2017 (No 1)

Notifiable instrument NI2017–607

made under the

Public Sector Management Act 1994, s 20 (Delegation by director-general)

1 Name of instrument

This instrument is the *Public Sector Management (Mental Health (Secure Facilities)) Delegation 2017 (No 1)*.

2 Commencement

This instrument commences on the day after the day it is made.

3 Revocation

I revoke the *Public Sector Management (Mental Health (Secure Facilities)) Delegation 2016 (No 1)*.

4 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 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
14 November 2017

Public Sector Management (Mental Health (Secure Facilities)) Delegation 2017 (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 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 	None
	<ul style="list-style-type: none"> • Consultant Psychiatrist, DMHU • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU • Nurse in charge, DMHU 	No directions to be given to an Accredited Person.
	<ul style="list-style-type: none"> • Director, Client Services, Security and Emergency • Senior Manager, Protective Security • DMHU Authorised Person 	<p>Only a direction for a visitor to not enter the DMHU, or to leave the DMHU (s 34(2)).</p> <p>No directions to be given to an Accredited Person.</p>
Section 35(2): Direction to a person who takes a prohibited item into a secure mental health facility	<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 • Director, Client Services, Security and Emergency • Senior Manager, Protective Security • DMHU Authorised Person 	None
Section 36(1): Direction to authorised person to conduct a search of a visitor	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Director, Client Services, Security and Emergency 	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 • Nurse in charge, DMHU 	None
	<ul style="list-style-type: none"> • Director, Client Services, Security and Emergency • Senior Manager, Protective Security • DMHU Authorised Person 	Except for searches of a patient's personal property or searches of clinical areas in a secure mental health facility, unless directed by an authorised health practitioner.
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 	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
	<ul style="list-style-type: none"> • Director, Client Services, Security and Emergency • Senior Manager, Protective Security • DMHU Authorised Person 	Only if the item was found as part of a search conducted by the delegate in Column 2.
Section 54: Receipt for things seized	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services • Consultant Psychiatrist, DMHU 	None

	<ul style="list-style-type: none"> • On-call Consultant Psychiatrist, DMHU • Assistant Director of Nursing, DMHU • Nurse in charge, DMHU 	
	<ul style="list-style-type: none"> • Director, Client Services, Security and Emergency • Senior Manager, Protective Security • DMHU Authorised Person 	Only if the item was found as part of a search conducted by the delegate in Column 2.
Section 69: Appointment of authorised person, and ending of appointment of authorised person	<ul style="list-style-type: none"> • Operational Director, Justice Health Services • Director, Client Services, Security and Emergency 	None
Section 70(2)(b): Giving written notice limiting the functions of an authorised person	<ul style="list-style-type: none"> • Operational Director, Justice Health Services • Director, Client Services, Security and Emergency 	None
Section 72: Giving identity card to authorised person	<ul style="list-style-type: none"> • Director, Client Services, Security and Emergency 	None
Authorisation of a health practitioner as an <i>authorised health practitioner</i> (see Dictionary)	<ul style="list-style-type: none"> • Clinical Director, Forensic Mental Health Services • Operational Director, Justice Health Services 	None