Australian Capital Territory

Public Sector Management (Mental Health (Secure Facilities)) Delegation 2024(No 1)

**Notifiable instrument NI2024–58**

made under the

Public Sector Management Act 1994, s 20 (Director-general—delegations)

**1 Name of instrument**

This instrument is the *Public Sector Management* (*Mental Health (Secure Facilities)) Delegation 2024 (No 1)*.

**2 Commencement**

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

**3 Delegation of functions**

I delegate my functions as chief executive officer 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.

**4 Revocation**

I revoke the *Public Sector Management (Mental Health (Secure Facilities)) Delegation 2017 (No 1) –* NI2017-607*.*

Dave Peffer

Chief Executive Officer

6 February 2024

**Public Sector Management (Mental Health (Secure Facilities)) Delegation 2024 (No 1) — Schedule**

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

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| --- | --- | --- |
| ***Column 1***  **Function** | ***Column 2***  **Delegate** | ***Column 3***  **Conditions** |
| Section 34: Directions to visitors and record of directions to visitors | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services | 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. |
| * Director, Protective Services * Senior Manager, Operational Support and Services * DMHU Authorised Person | Only a direction for a visitor to not enter the DMHU, or to leave the DMHU (s 34(2)).  No directions to be given to an Accredited Person. |
| Section 35(2): Direction to a person who takes a prohibited item into a secure mental health facility | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, DMHU * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU * Director, Protective Services * Senior Manager, Operational Support and Services * DMHU Authorised Person | None |
| Section 36(1): Direction to authorised person to conduct a search of a visitor | * Clinical Director, Forensic Mental Health Services * Operational Director, Justice Health Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Director, Protective Services * Senior Manager, Operational Support and Services | None |
| Section 50: Search of premises and personal property | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, DMHU * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU | None |
| * Director, Protective Services * Senior Manager, Operational Support and Services * 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 | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, DMHU * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Assistant Director of Nursing, DMHU | None |
| * Nurse in charge, DMHU | Only in the absence from DMHU of all of the following:   * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Health Services * Consultant Psychiatrist, DMHU * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Assistant Director of Nursing, DMHU |
| * Director, Protective Services * Senior Manager, Operational Support and Services * 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 | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Consultant Psychiatrist, DMHU   On-call Consultant Psychiatrist, DMHU   * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU | None |
| * Director, Protective Services * Senior Manager, Operational Support and Services * 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 | * Operational Director, Forensic Mental Health Inpatient Services * Director, Protective Services * Senior Manager, Operational Support and Services | None |
| Section 70(2)(b): Giving written notice limiting the functions of an authorised person | * Operational Director, Forensic Mental Health Inpatient Services | None |
|  | * Director, Protective Services * Senior Manager, Operational Support and Services |  |
| Section 72: Giving identity card to authorised person | * Director, Protective Services * Senior Manager, Operational Support and Services | None |
| Authorisation of a health practitioner as an *authorised health practitioner* (see Dictionary) | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services | None |