

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)

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## 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 Pepper  
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)

<b>Column 1 Function</b>	<b>Column 2 Delegate</b>	<b>Column 3 Conditions</b>
Section 34: Directions to visitors and record of directions to visitors	<ul style="list-style-type: none"> <li>• Clinical Director, Forensic Mental Health Services</li> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> <li>• Director of Nursing, Mental Health, Justice Health and Alcohol &amp; Drug Services</li> </ul>	None
	<ul style="list-style-type: none"> <li>• Consultant Psychiatrist, DMHU</li> <li>• On-call Consultant Psychiatrist, DMHU</li> <li>• Assistant Director of Nursing, DMHU</li> <li>• Nurse in charge, DMHU</li> </ul>	No directions to be given to an Accredited Person.
	<ul style="list-style-type: none"> <li>• Director, Protective Services</li> <li>• Senior Manager, Operational Support and Services</li> <li>• DMHU Authorised Person</li> </ul>	<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"> <li>• Clinical Director, Forensic Mental Health Services</li> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> <li>• Consultant Psychiatrist, DMHU</li> <li>• On-call Consultant Psychiatrist, DMHU</li> <li>• Director of Nursing, Mental Health, Justice Health and Alcohol &amp; Drug Services</li> <li>• Assistant Director of Nursing, DMHU</li> <li>• Nurse in charge, DMHU</li> <li>• Director, Protective Services</li> </ul>	None

	<ul style="list-style-type: none"> <li>• Senior Manager, Operational Support and Services</li> <li>• DMHU Authorised Person</li> </ul>	
Section 36(1): Direction to authorised person to conduct a search of a visitor	<ul style="list-style-type: none"> <li>• Clinical Director, Forensic Mental Health Services</li> <li>• Operational Director, Justice Health Services</li> <li>• Director of Nursing, Mental Health, Justice Health and Alcohol &amp; Drug Services</li> <li>• Director, Protective Services</li> <li>• Senior Manager, Operational Support and Services</li> </ul>	None
Section 50: Search of premises and personal property	<ul style="list-style-type: none"> <li>• Clinical Director, Forensic Mental Health Services</li> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> <li>• Consultant Psychiatrist, DMHU</li> <li>• On-call Consultant Psychiatrist, DMHU</li> <li>• Director of Nursing, Mental Health, Justice Health and Alcohol &amp; Drug Services</li> <li>• Assistant Director of Nursing, DMHU</li> <li>• Nurse in charge, DMHU</li> </ul>	None
	<ul style="list-style-type: none"> <li>• Director, Protective Services</li> <li>• Senior Manager, Operational Support and Services</li> <li>• DMHU Authorised Person</li> </ul>	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"> <li>• Clinical Director, Forensic Mental Health Services</li> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> <li>• Consultant Psychiatrist, DMHU</li> <li>• On-call Consultant Psychiatrist, DMHU</li> <li>• Director of Nursing, Mental Health, Justice Health and Alcohol &amp; Drug Services</li> <li>• Assistant Director of Nursing, DMHU</li> </ul>	None
	<ul style="list-style-type: none"> <li>• Nurse in charge, DMHU</li> </ul>	Only in the absence from DMHU of all of the following:

		<ul style="list-style-type: none"> <li>• Clinical Director, Forensic Mental Health Services</li> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> <li>• Health Services</li> <li>• Consultant Psychiatrist, DMHU</li> <li>• Director of Nursing, Mental Health, Justice Health and Alcohol &amp; Drug Services</li> <li>• Assistant Director of Nursing, DMHU</li> </ul>
	<ul style="list-style-type: none"> <li>• Director, Protective Services</li> <li>• Senior Manager, Operational Support and Services</li> <li>• DMHU Authorised Person</li> </ul>	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"> <li>• Clinical Director, Forensic Mental Health Services</li> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> <li>• Consultant Psychiatrist, DMHU</li> <li>• On-call Consultant Psychiatrist, DMHU</li> <li>• Director of Nursing, Mental Health, Justice Health and Alcohol &amp; Drug Services</li> <li>• Assistant Director of Nursing, DMHU</li> <li>• Nurse in charge, DMHU</li> </ul>	None
	<ul style="list-style-type: none"> <li>• Director, Protective Services</li> <li>• Senior Manager, Operational Support and Services</li> <li>• DMHU Authorised Person</li> </ul>	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"> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> <li>• Director, Protective Services</li> <li>• Senior Manager, Operational Support and Services</li> </ul>	None
Section 70(2)(b): Giving written notice limiting the functions of an authorised person	<ul style="list-style-type: none"> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> </ul>	None

	<ul style="list-style-type: none"> <li>• Director, Protective Services</li> <li>• Senior Manager, Operational Support and Services</li> </ul>	
Section 72: Giving identity card to authorised person	<ul style="list-style-type: none"> <li>• Director, Protective Services</li> <li>• Senior Manager, Operational Support and Services</li> </ul>	None
Authorisation of a health practitioner as an <i>authorised health practitioner</i> (see Dictionary)	<ul style="list-style-type: none"> <li>• Clinical Director, Forensic Mental Health Services</li> <li>• Operational Director, Forensic Mental Health Inpatient Services</li> </ul>	None