Australian Capital Territory

Mental Health (Secure Facilities) Delegation 2024 (No 1)

**Notifiable instrument NI2024–59**

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 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 *Mental Health (Secure Facilities) Delegation 2020 (No 1) –*NI2020-472*.*

Dave Peffer

Chief Executive Officer

6 February 2024

**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 9: Making of secure mental health facility directions | * 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 |
| Section 17: Limitation of a patient’s contact with others | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services | None |
| Section 18: Register of limitations on a patient’s contact with others | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services | None |
| Section 21(2): Taking reasonable steps to prevent patient contact with another person if such contact is prohibited under a court order | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services | None |
|  | * Assistant Director of Nursing, DMHU |  |
| Sections 23(2) and 23(3): Monitoring communications in the electronic communications area | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU * Canberra Health Services Executive on-call. | None |
| Section 25: Monitoring and searching of patient’s mail | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU | None |
| Section 26: Consequences of mail searches | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU | None |
| Sections 27(1), 27(2) and 27(4): Register of searched mail | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU | None |
| Section 27(3): How the searched mail register is kept | * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug 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 | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU * Canberra Health Services Executive on-call, | None |
| Section 32(3): Provision of reasonable assistance to public trustee and guardian, accredited person or other visitor listed in section 32(1) | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * 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)) | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU | None |
| Sections 33(3) and 33(4): Decision to refuse to allow an intending visitor to visit; giving notice of refusal | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services | None |
| (Only applies if decision has been made to limit contact under s 17(2)) | * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU |  |
| Section 35(1): Approval to take prohibited thing into a secure mental health facility | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Canberra Health Services Executive on-call | None |
| * Consultant Psychiatrist, DMHU * Assistant Director of Nursing, DMHU | Only in relation to restricted items brought in by a consumer or a visitor to a consumer. |
| Section 40(1): Direction to authorised health practitioner to conduct a scanning, frisk or ordinary search of a patient | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health 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 * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug 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 | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU | None |
| Section 46(5): Provision of appropriate clothing to a patient after strip search | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * 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 | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU | None |
| Section 49: Record of treatment if a patient has ingested or concealed something | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU | None |
| Section 51: Record of searches of premises and personal property | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * 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. | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, DMHU * Assistant Director of Nursing, DMHU * Canberra Health Services Executive on-call | None |
| Section 55: Forfeiture of things seized | * 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 |
| Section 56: Return of things seized but not forfeited | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU | None |
| Sections 59(1), 59(2) and 59(4): Register of searched premises and personal property | * Clinical Director, Forensic Mental Health Services | None |
|  | * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU |  |
| Section 59(3): How the searches register is kept | * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services | None |
| Section 63: Ensuring that patient receives a medical examination after the use of force | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU | None |
| Section 64: Record of use of force | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU | None |
| Sections 65(1), 65(2) and 65(4): Register of use of force | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU | None |
|  | * On-call Consultant Psychiatrist, Mental Health Services * Assistant Director of Nursing, DMHU * Nurse in charge, DMHU |  |
| Section 65(3): How the use of force register is kept | * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services | None |
| Section 67: Giving reviewable decision notices after a decision is made | * Clinical Director, Forensic Mental Health Services * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Consultant Psychiatrist, DMHU * On-call Consultant Psychiatrist, Mental Health Services * 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 | * Operational Director, Forensic Mental Health Inpatient Services * Director of Nursing, Mental Health, Justice Health and Alcohol & Drug Services * Canberra Health Services Executive on-call | None |