

Mental Health (Secure Facilities) Visitor Conditions Secure Mental Health Facility Direction 2025

Notifiable instrument NI2025–521

made under the

Mental Health (Secure Facilities) Act 2016, s 9 (Directions – secure mental health facilities) and s 28
(Visiting conditions—direction—general)

1 Name of instrument

This instrument is the *Mental Health (Secure Facilities) Visitor Conditions Secure Mental Health Facility Direction 2025*.

2 Commencement

This instrument commences on the day after notification.

3 Direction

I make the attached Canberra Health Services' procedure in relation to conditions for visiting the Dhulwa Mental Health Unit as a Secure Mental Health Facility Direction.

Janet Zagari
Chief Executive Officer
Canberra Health Service

23 September 2025



Canberra Health Services

Procedure

Dhulwa Mental Health Unit – Visitors to Dhulwa under the *Mental Health (Secure Facilities) Act 2016*

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Purpose

To provide staff with information regarding the processes in place to support safe and therapeutic visits to consumers at the Dhulwa Mental Health Unit (Dhulwa).

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Alerts

The *Mental Health (Secure Facilities) Act 2016* refers to the Director-General as having specific functions, powers and reporting requirements. Canberra Health Services (CHS) uses the title of Chief Executive Officer (CEO) instead of Director-General. In accordance with the *Public Sector Management Act 1994*, the position of Chief Executive Officer (CEO) of CHS has the same functions and authority as a Director-General.

In this document, all references to the Director-General will be replaced with CEO, to reflect the language used by CHS as the person responsible.

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Scope

This procedure applies to all staff, contractors, volunteers, and visitors at Dhulwa.

In accordance with ss 9 and 28 of the *Mental Health (Secure Facilities) Act 2016*, the CEO can make a Secure Mental Health Facility (SMHF) direction about conditions of visiting a secure mental health facility. The Visitors to Dhulwa under the *Mental Health (Secure Facilities) Act 2016* procedure has been notified as a Secure Mental Health Facility Direction (SMHF) under s9 of the *Mental Health (Secure Facilities) Act 2016*.

This procedure outlines the conditions for visiting a secure mental health facility in accordance with s28 of the *Mental Health (Secure Facilities) Act 2016*.

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Roles and responsibilities

Decisions in relation to visitors and visits can be made by positions appointed as a delegate of the CEO, referred to in this procedure as a Delegated Officer. The following are appointed Delegated Officers:

- Operational Director, Forensic Mental Health Service (FMHS)
- Clinical Director, FMHS
- Dhulwa Consultant Psychiatrists
- Assistant Director of Nursing (ADON)
- Director of Nursing, MHJHADS

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- CHS Executive on Call - limited to decisions if a nominated time is not a reasonable time for a visit by an accredited person (see definition of terms)

Decisions made by the Delegated Officer will always be based upon the best therapeutic interests of the consumer, balanced with the safety and security of other consumers, visitors and staff at Dhulwa.

Any limitation on visitors and visits must be reasonable and justifiable, considering the human rights of all those involved and the therapeutic and wider benefits of the visit. Dhulwa staff will maintain open communication with the consumer and visitors about visits.

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Section 1 – Introduction

Dhulwa promotes the importance of contact by consumers with family members, friends and other people during their admission to promote successful recovery. Connection with families, friends, carers, other people and the community is encouraged to facilitate a supported transition back to the community.

Dhulwa will facilitate all visits for consumers in a fair and equitable manner. This includes providing appropriate facilities and access for the visit, including video conferencing.

Visits also provide for contact with legal representatives and other accredited persons .

It is a legislative requirement that adequate opportunities are provided for consumers in Dhulwa to be able to contact family members, friends and others (*Mental Health (Secure Facilities) Act 2016* ss15 and 16). As such, visits should be allowed unless there is a lawful and compelling reason to do otherwise.

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Section 2 – Visitor conditions

The Welcome to Dhulwa Information Booklet contains information on the visitor conditions.

2.1 Visiting bookings

All visits to a consumer at Dhulwa must be requested, approved and booked at least 24 hours in advance.

Visiting times are in place at Dhulwa. All visitors are asked to visit during these times and it is recommended contacting Dhulwa ahead of time to make sure the visit does not coincide with the consumers programs and appointments. The visiting times are:

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Monday – Friday

10.00am - 12.00pm
1.00pm - 8.00pm

Saturday, Sunday and public holidays 10.00am - 8.00pm

Bookings are to ensure there is a suitable visit space, the number of visitors is appropriate, and sufficient staff are available to provide support.

2.2 Prohibited and restricted items

All visitors are to be aware of the declared prohibited and restricted items list (See Dhulwa Mental Health Unit: Prohibited items under the *Mental Health (Secure Facilities) Act 2016* and Restricted Items in Dhulwa Procedure for more information).

The declared prohibited items are signposted at the Dhulwa entry and in the reception area. A copy of the prohibited and restricted items list can be requested at reception. Information is included in the Welcome to Dhulwa Information Booklet.

2.3 Dress standards

Visitors should be appropriately dressed when visiting Dhulwa. Visitors' freedom of expression (including choice of attire) is to be respected, as is Dhulwa's need to ensure a safe, respectful and therapeutic environment for consumers, staff and other people.

Dhulwa anticipate reasonable behaviour from all visitors, and would appreciate all visitors being dressed appropriately. It is important to note that some clothing items may be on the prohibited items list.

Visitors will be given the opportunity to remove any prohibited items of clothing. If that is not possible or the visitor declines, the visit will be refused or discontinued.

2.4 Behaviour standards

The following conditions apply for a visit:

- No profanity (including swearing)
- No shouting or loud conversations
- No items are to be passed between a visitor and consumer (unless approved)
- Feet are not to be put on chairs or tables
- All rubbish is to be placed in the bin at the end of the visit
- No sexual or provocative behaviour
- No verbal or physically abusive behaviour.

Any visit which involves behaviour by the consumer or visitor/s noted by staff to be detrimental to the therapeutic outcomes of the consumer, the welfare of the visitor, or the security and safety of Dhulwa, the staff will:

- Explain to the consumer or visitor the behaviour that is unacceptable
- If the behaviour persists, and if reasonable and appropriate, the visitor will be directed to leave by a Delegated Officer.

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- If there is a belief that the situation may escalate, notify Dhulwa Security.

2.5 Directions to visitors

Visitors, including accredited people, must comply with all reasonable directions given by a Delegated Officer or the Person in Charge (see definition of terms) of the facility.

These directions given verbally or in writing may be necessary and reasonable to ensure compliance with the visiting conditions, or for the safety of other consumers or staff (*Mental Health (Secure Facilities) Act 2016*, s34).

Directions can be given which require the visitor:

- To do something
- Not to do something
- Not to enter Dhulwa
- To leave Dhulwa.

If a visitor, including an accredited person, fails to comply with a direction, the visit will be cancelled and the visitor asked to leave Dhulwa.

If a visitor is directed to leave Dhulwa they must be provided with a Reviewable Decision Notice (see Section 6.)

If a direction is given to a visitor who is a child, the child's parent (or the person with parental responsibility for the child) must be told about the direction and the reason for it.

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Section 3 – Process to request a visit

3.1 Request visit

A person can request to visit a consumer at Dhulwa via email to DHMU@act.gov.au or by telephone on 5124 1851. All visits are to be requested, approved and booked at least 24 hours before the visit.

3.2 Request considered

The visit request is reviewed to ascertain if:

- There are any restrictions on contact, and
- The consumers wants the visit.

3.2.1 Court-ordered restrictions

If a consumer has existing court orders which prevent contact between the visitor and the consumer, the visit must be refused. (*Mental Health (Secure Facilities) Act 2016*, s21).

The Dhulwa Administration team will have records of court orders issued for each consumer.

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3.2.2 Limit on contact

If a Delegated Officer has limited the consumer's contact with others, if this restriction applies to person requesting a visit, the visit must be refused (*Mental Health (Secure Facilities) Act 2016, s17*).

If the consumer has requested no contact by a particular person, the visit must be refused (*Mental Health (Secure Facilities) Act 2016, s19*).

3.2.3 Child or young person

If the visitor is a child or young person, the following will be considered:

- The suitability of the child or young person to visit Dhulwa
- Nature of the relationship with the consumer
- Level of supervision that may be required
- If Child and Youth Protection Services are involved, any concerns about the visit.

If the parent or legal guardian of the child or young person is unable to attend a visit due to limits on contact see 3.2.2, the parent or legal guardian, must agree in writing that another responsible adult will attend the visit. The child or young person must remain with the responsible adult for the duration of the visit.

3.3 Approval

The Multidisciplinary Team (MDT) approves requests to visit a consumer.

The requestor will be advised of the approval and be provided with information on how to book their visit. All visits must be requested, approved and booked at least 24 hours in advance, see 2.1. The visitor will be provided with a copy of the Welcome to Dhulwa Information Booklet and information about the visit.

Subsequent visits do not require further approval, except in certain circumstances (e.g., visitor had been previously requested to leave, the consumer does not want the visit).

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Section 4 – Visit cancelled, refused or postponed

4.1 Cancelled

A visit may be cancelled if a consumer becomes unwell. The visit will be re-scheduled.

4.2 Refused

Visits will be refused if:

- Limitations on contact between a consumer and a visitor has been imposed
- A consumer has requested no contact with the visitor.

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4.3 Other grounds a visit made be cancelled, refused or postponed

MDT has reasonable belief the visitor or visit:

- Is under the influence of alcohol or drugs
- May undermine the security and safety of Dhulwa
- May re-victimise or re-traumatise a victim
- May have the purpose of causing the consumer distress
- May be used to plan or commit an offence
- May pose a risk to the health, welfare or safety of children or young people.

A decision to cancel, refuse, postpone a visit must be made after balancing the following considerations (*Mental Health (Secure Facilities) Act 2016*, s15):

- Benefits of the consumer maintaining contact with family, friends and others
- Need to protect the privacy of the consumer
- Need to protect the safety of consumers, staff, and other people at Dhulwa
- Need for security and good order at Dhulwa
- Need to prevent prohibited things from entering Dhulwa.

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Section 5 – Visitor entry process

5.1 Entry requirements

All visitors are subject to a scanning search before entry into Dhulwa. This involves the person passing through the Walk-Through Metal Detector (WTMD). If the outcome of the WMTD search indicates that it is reasonable and necessary, a handheld metal detector may then be used by a security officer (of the same sex as the visitor or in the presence of a person nominated by the visitor) to search the visitor. When this is performed on a child or young person this must be done in a way which is least intrusive and mindful of the child or young person's age and the potential trauma of being searched.

Belongings to be brought into Dhulwa must be passed through the X-ray baggage scanner. Refer to Dhulwa Search (patient, personal property, bedrooms, premises) under the *Mental Health (Secure Facilities) Act 2016* and Dhulwa Prohibited items under the *Mental Health (Secure Facilities) Act 2016* and Restricted items in Dhulwa procedures.

A security officer must not direct a child or young person to remove any items of clothing (i.e., hat or shoes) to be inspected or searched (i.e., to conduct an ordinary search). Security officers should take the time to explain the search process to the child or young person in a way they are likely to understand and seek the child or young person's consent at every step. The parent or guardian must be present during the search.

Refer to Dhulwa Search (patient, personal property, bedrooms, premises) under the *Mental Health (Secure Facilities) Act 2016* procedure.

Note: Security officers are the only people permitted to conduct scanning searches on children and young people *Mental Health (Secure Facilities) Act 2016* s38.

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5.2 Identification: first visit

Each visitor is required to provide 100 points of identification, have a colour photograph taken and complete the visitor's logbook. The identification provided will be entered and stored in the Dhulwa security system in accordance with the *Information Privacy Act 2014*.

Visitors who are either a child or a young person, are required to attend Dhulwa with their parent or legal guardian to provide identification, that:

- indicates they are the parent or legal guardian of the child or young person, and
- confirms the identity of the child or young person.

100 points for identification:

One piece of identification must include both a photo and the name of the person

70 points	<ul style="list-style-type: none"> • Birth certificate or extract • Passport with photo • Citizenship certificate
40 points	<ul style="list-style-type: none"> • Australian drivers' licence • Pension ID card • Tertiary institution student ID card
25 points	<ul style="list-style-type: none"> • Medicare card • Name and signature on a debit card, or bank passbook/ statement • APHRA or medical board registration • Marriage certificate

5.3 Subsequent visits

A positive identification check via the Dhulwa security system to confirm identification will enable entry on subsequent visits.

For each subsequent visit, the visitor must:

- Complete the visitors log at Dhulwa reception, and
- Be searched before entering Dhulwa.

5.4 Concerns about entry

If a visitor's identity cannot be confirmed they will not be permitted entry into Dhulwa.

If a tradesperson attends to complete works, Security officers are to notify the ADON.

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Section 6 – Reviewable decision notice

Certain decisions made in relation to visitors are reviewable decisions. This means that the visitor can apply to the ACT Civil and Administrative Tribunal (ACAT) for a review of the decision.

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Reviewable decisions include:

- A direction to leave Dhulwa after failing to comply with a visiting condition (s 30(2))
- Refuse a visit to a consumer who is subject to a restriction on contact (s33(3))
- A direction not to enter Dhulwa to ensure compliance with the visiting conditions or for the safety of other consumers/staff (s34(2)(a))
- A direction to leave Dhulwa to ensure compliance with the visiting conditions or for the safety of other consumers/staff (s34 (2)(b))
- A refusal to allow a visitor to enter Dhulwa if the visitor refuses to allow or withdraws consent to a search (s36(5)(a))
- A direction to leave Dhulwa after a visitor refuses to consent to a search (s36(5)(b)).

If one of the above decisions have been made, the visitor must be provided with a Reviewable Decision Notice: Visitors, obtained in the Dhulwa forms folder and ACAT Review of ACT Government decision information sheet, (s67, *Mental Health (Secure Facilities) Act 2016*). See Attachment 1.

A copy of the reviewable decision notices must also be provided to the:

- Person with parental responsibilities, if a child or young person, and
- Public Advocate, as a commissioner excising a function under the *Human Rights Commission Act 2005*.

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Section 7 – Visits by accredited people

Accredited people visiting Dhulwa for the purpose of undertaking their official functions, may at any reasonable time enter Dhulwa, following a request from a consumer or on their own initiative.

A Delegated Officer may determine that there are safety and security concerns at the time of a proposed visit that require the visit to be rescheduled (*Mental Health (Secure Facilities) Act 2016*, s31 and 32).

An accredited person is a person undertaking their official duties as:

- Guardian under the *Guardianship and Management of Property Act 1991*
- Nominated person
- Lawyer acting in a professional capacity
- Official Visitor
- Health Services Commissioner
- Human Rights Commissioner
- Integrity Commissioner
- Public Advocate
- Police officer acting in a professional capacity
- Member of the Commonwealth Parliament or Legislative Assembly

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Accredited people may be directed to leave Dhulwa by the Person in Charge of the facility for a reason relating to the safety of the accredited person or a patient. (*Mental Health (Secure Facilities) Act 2016, s31*)

Accredited people must adhere to the visiting conditions and the following standards:

- Permitted to bring in professional documentation and exchange documents:
 - All documents are subject to the entry searching process.
 - Any documents exchanged will be examined, in the presence of the consumer and / accredited person, by the consumer's allocated nurse, but not read, in the interests of the consumer's wellbeing, before being taken to their bedroom.
- Not give to a consumer a data storage device as it is a prohibited item.

Dhulwa staff are to offer accredited persons any reasonable assistance that is required for the person to carry out their duties during the visit.

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Section 8 – Visit to Dhulwa by CHS or ACT Government directorate staff

The ADON may approve a CHS or other ACT Government Directorate staff member to attend and visit Dhulwa. This approval does not extend to visiting a consumer.

The staff member must satisfy the entry requirements to Dhulwa, including provision of the required identification, security and searching processes, and must be escorted during their visit to Dhulwa.

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Evaluation

Outcome

- All visitors are registered on the security system.
- All visitors pass through security screening process prior to entry to Dhulwa.
- Compliance with the visitor provisions of the *Mental Health (Secure Facilities) Act 2016*.
- All visits are requested, approved and booked in advance.
- Visitors are provided with a copy of the Welcome to Dhulwa Information Booklet.

Measures

- Annual audits of visit requests that were refused, cancelled or postponed tabled at the Secure Facilities meeting.
- Annual audit of visitors directed to leave Dhulwa tabled at the Secure Facilities meeting.

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Related Policies, Procedures, Guidelines and Legislation

Policies

- CHS Work Health and Safety
- CHS Incident Management
- Occupational Violence
- Information Privacy

Procedures

- CHS Incident Management
- Dhulwa Search (patient, personal property, bedroom, premises) under the *Mental Health (Secure Facilities) Act 2016*
- Dhulwa Prohibited items under the *Mental Health (Secure Facilities) Act 2016* and Restricted Items in Dhulwa
- Occupational Violence

Legislation

- *Mental Health (Secure Facilities) Act 2016*
- *Mental Health Act 2015*
- *Health Records (Privacy & Access) Act 1997*
- *Children and Young People Act 2008*
- *Human Rights Act 2004*
- *Human Rights Commission Act 2005*
- *Information Privacy Act 2014*
- *Guardianship and Management of Property Act 1991*
- *Work Health and Safety Act 2011*
- *Official Visitor Act 2012*
- *Carer Recognition Act 2021*

Other

- 2024 Forensic Mental Health Inpatient Service Model of Care
- Australian Charter of Healthcare Rights
- ACT Charter of Rights for People who Experience Mental Health Issues

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Definition of Terms

Accredited person is a person undertaking their official duties as:

- Guardian under the *Guardianship and Management of Property Act 1991*
- Nominated person
- Lawyer acting in a professional capacity
- Official Visitor
- Health Services Commissioner

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- Human Rights Commissioner
- Integrity Commissioner
- Public Advocate
- Police officer acting in a professional capacity
- Member of the Commonwealth Parliament or ACT Legislative Assembly

Child means a person who is under 12 years old (*Children and Young People Act 2008*)

Official Visitor for a visitable place, means a person authorised to visit the place under section 9A of the *Official Visitor Act 2012*

Person in Charge means the Assistant Director of Nursing (business hours), or most senior nurse (after hours).

Young Person means a person who is 12 years old or older, but not yet an adult (18 years) (*Children and Young People Act 2008*)

Visitor includes a person wishing to enter the facility as a visitor.

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Search Terms

Dhulwa Mental Health Unit, Dhulwa, Secure Facility, Visitors, Visitor Conditions, Reviewable Decision Notice

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Attachment

Attachment 1 – Reviewable Decision Notice

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Policy Team ONLY to complete the following:

Date Amended	Section Amended	Divisional Approval	Final Approval
09/05/2024	New Document	CHS Policy Team	CHS Policy Team

This document supersedes the following:

Document Number	Document Name
CHS21/375	Dhulwa Mental Health Unit (Dhulwa): Visitors

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Dhulwa Mental Health Unit Reviewable Decision Notice: Visitors

Mental Health (Secure Facilities) Act 2016, section 67

You are receiving this notice because you have been required to leave Dhulwa Mental Health Unit, or because you have been refused entry into Dhulwa. The ACAT Review of an ACT Government decision information sheet is also provided.

Visitor's name:

Details and reason of the decision:

Decision-maker: Designation:

Date:.....

Decision made:

☐ Direction to leave Dhulwa:

- ☐ **Because of a failure to comply with Dhulwa visiting conditions**
(decision made by the delegated officer / person in charge of Dhulwa: s 30 (2))
- ☐ **Because of a refusal of search**
(decision made by Dhulwa security officer: s 36(5)(b))
- ☐ **To ensure compliance with the Dhulwa visiting conditions or safety of other consumers/staff**
(decision made by person appointed as delegated officer: s 34(2)(b))

☐ Refusal of entry into Dhulwa

- ☐ **Because of a refusal of search**
(decision made by Dhulwa security officer: s 36(5)(a))
- ☐ **To ensure compliance with the Dhulwa visiting conditions or safety of other consumers / staff**
(decision made by person appointed as delegated officer: s 34(2)(a))

- ☐ **Refusal of planned visit to Dhulwa due to limits placed on the consumer's contact with others.**
(decision made delegated officer / person in charge of Dhulwa: s 33(3) & s 17(1))

Actions taken by Dhulwa staff:

- ☐ Copy of Reviewable Notice Decision given to visitor
- ☐ ACAT Review of ACT Government decision information sheet given to visitor.
- ☐ If visitor is a child: copy of above information given to parent or person with parental responsibility.
- ☐ Copy of form and reviewable decision notice given to Public Advocate JACSPublicAdvocate-MentalHealth@act.gov.au

Copy of form kept in Dhulwa

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