

Mental Health (Secure Facilities) Prohibited Things Secure Mental Health Facility Direction 2025

Notifiable instrument NI2025–522

made under the

Mental Health (Secure Facilities) Act 2016, s 9 (Directions – secure mental health facilities) and s 10 (Prohibited things)

1 Name of instrument

This instrument is the *Mental Health (Secure Facilities) Prohibited Things 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 declared prohibited things at Dhulwa as a Secure Mental Health Secure Facility direction.

4 Revocation

I revoke the *Mental Health (Secure Facilities) Prohibited and Restricted Items and Items Requiring Approval Secure Mental Health Facility Direction 2021* [NI2021-466].

Janet Zagari
Chief Executive Officer
Canberra Health Service

23 September 2025



Canberra Health Services Procedure

Dhulwa Mental Health Unit – Prohibited items under the *Mental Health (Secure Facilities) Act 2016* and restricted items in Dhulwa

Contents

| | |
|---|----|
| Contents | 2 |
| Purpose..... | 3 |
| Alerts | 3 |
| Scope | 3 |
| Section 1 – Prohibited items | 3 |
| Section 2 – Restricted items..... | 4 |
| Section 3 – Request to bring a prohibited or restricted item into Dhulwa..... | 5 |
| Section 4 – Management of restricted items in clinical areas | 5 |
| Section 5 – Discovery of prohibited or unapproved restricted item – consumers..... | 6 |
| Section 6 – Discovery of a prohibited or unapproved restricted items – staff, contractors, accredited persons, visitors to a consumer | 7 |
| Section 7 - Seizure – reviewable decision notice | 8 |
| Evaluation..... | 9 |
| Related Policies, Procedures, Guidelines and Legislation..... | 9 |
| Definition of Terms..... | 10 |
| Search Terms..... | 11 |
| Attachments | 11 |

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|---------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 2 of 13 |

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Purpose

This procedure outlines the requirements for managing prohibited and restricted items in Dhulwa Mental Health Unit (Dhulwa) to ensure the safety of consumers, staff, visitors and to protect the therapeutic spaces.

[Back to Table of Contents](#)

Alerts

Staff should always refer to the *Mental Health (Secure Facilities) Act 2016* for further guidance, particularly when making any decisions in relation to this Act.

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 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.

[Back to Table of Contents](#)

Scope

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

This procedure and the items outlined in Attachment 1 are notified as a Secure Mental Health Facility Direction (SMHF) under s9 of the *Mental Health (Secure Facilities) Act 2016*.

[Back to Table of Contents](#)

Section 1 – Prohibited items

1.1 Approval

Section 10 of the *Mental Health (Secure Facilities) Act 2016* enables items to be declared as prohibited items by the CHS CEO (or delegate of the CEO). For this procedure, the delegates of the CEO are referred to as a Delegated Officer which include:

- Operational Director, Forensic Mental Health Service (FMHS)
- Clinical Director, FMHS
- Director of Nursing, MHJHADS, or
- CHS Executive on Call.

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|---------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 3 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



1.2 Prohibited items

The declared prohibited items for Dhulwa are outlined at Attachment 1.

The declared prohibited items are signposted at the entry and in the foyer of Dhulwa. Consumers are provided a copy of the items in their welcome pack and visitors when a visit is booked.

Prohibited items include items that are hazardous or illegal to possess or have harmful properties or are items that may present an unacceptable safety threat to a secure mental health facility.

Prohibited items cannot be brought into Dhulwa.

A Delegated Officer may, in certain circumstances, provide a written exemption permitting a person to bring a prohibited item into Dhulwa (s35, *Mental Health (Secure Facilities) Act 2016*).

Under s73 the *Mental Health (Secure Facilities) Act 2016*, tradespeople, with the prior approval of a Delegated Officer may take a prohibited thing into a secure mental health facility if it is necessary for the purpose of providing trade services at the facility.

[Back to Table of Contents](#)

Section 2 – Restricted items

2.1 Approval

For the safety and good order of the environment of Dhulwa, CHS has made a policy decision to make certain items restricted in Dhulwa.

The management of restricted items at Dhulwa is undertaken by the Delegated Officers, see 1.1.

For restricted items for a consumer or a visitor of a consumer only, a Delegated Officer also includes:

- Dhulwa Assistant Director of Nursing (ADON) and
- Dhulwa Consultant Psychiatrists.

2.2 Restricted items

The restricted items at Dhulwa are at Attachment 1.

A copy of the restricted items can be obtained from the Dhulwa reception. Consumers are provided a copy of the items in their welcome pack and visitors when a visit is booked.

[Back to Table of Contents](#)

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|---------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 4 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



Section 3 – Request to bring a prohibited or restricted item into Dhulwa

3.1 Request process

A person may request to bring a prohibited or restricted item into Dhulwa.

All requests must be made using the Application to Bring a Restricted Item into Dhulwa form, available from Dhulwa reception. The request must be made prior to bringing the item to Dhulwa.

3.2 Approval process

The completed request form is to be submitted to a Delegated Officer for consideration. The Delegated Officer may:

- Approve the request, with or without limitations, or
- Decline the request.

The Delegated Officer document their decision on the Application to Bring a Restricted Item into Dhulwa form, which is to be provided to the requestor.

The Multi-Disciplinary Team (MDT) will advise the consumer and, if applicable, their visitor of the outcome of their request and put the form into the consumer's clinical record.

The Delegated Officer must provide the Dhulwa Security Supervisor with a copy of an approved Dhulwa Application to Bring a Restricted Item into Dhulwa form.

3.3 Consumers

Consumers can request to have access to restricted items in Dhulwa.

The consumer should discuss with their primary nursing team their request for access to a restricted item, which will be discussed at the MDT meeting.

If, following clinical risk assessment, the MDT supports access to the restricted item as therapeutic value, the consumer will be advised they can submit a request to seek approval to access a restricted item, see 3.1. The decision of the MDT is to be documented on the request form.

3.4 Visitors to a consumer

Visitors to consumers can request to bring a restricted item into Dhulwa for a consumer.

If approved and before provided to a consumer, the item/s must be listed on the consumer's Clothing, Property and Valuables Form by the Dhulwa Property Manager/Delegate.

[Back to Table of Contents](#)

Section 4 – Management of restricted items in clinical areas

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|---------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 5 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



The MDT will continuously monitor the safety and suitability of the approved restricted item/s based on the consumer's clinical risk assessment.

The MDT may remove the approved restricted item from the consumer, based on risk assessment and in the event of unauthorised or inappropriate use.

The MDT must advise the approving Delegated Officer of the removal of the approved restricted item. The Delegated Officer may amend their approval to apply limitations or decline the consumer's access to the restricted item.

The MDT will advise the consumer of the decision of the Delegated Officer, and the updated Dhulwa Application to Bring a Restricted Item into Dhulwa form put into the consumer's clinical record.

[Back to Table of Contents](#)

Section 5 – Discovery of prohibited or unapproved restricted item – consumers

If a consumer is found to be in possession of a prohibited item, or an unapproved restricted item, the priority is to ensure the safety of everyone. If the item has been assessed as:

- not posing an immediate threat to the safety, security or good order of Dhulwa, staff should manage the situation consistent with therapeutic and relational security principles and bring the situation to the attention of the MDT.
- posing an immediate threat to the safety, security or good order of Dhulwa, staff must notify the ADON, Clinical Nurse Consultant (CNC) or Nurse in Charge (NIC) and the Security Supervisor immediately. Outside of business hours escalate via the afterhours hospital manager and security supervisor.

5.1 Seizure of a prohibited item

If a prohibited item is found it may be seized in accordance with division 4.6 of the *Mental Health (Secure Facilities) Act 2016*. A seizure of an item/s consumer's property is a reviewable decision.

See section 7 for reviewable decision process.

5.2 Removal of unapproved restricted item

An unapproved restricted item will be removed from the consumer and stored in their personal property. The reason for the removal will be discussed with the consumer, who will also be advised of the process to seek approval to access the item.

[Back to Table of Contents](#)

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|-------------------|----------------|---------------|--------------------|-------------------------|-------------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 6 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



Section 6 – Discovery of a prohibited or unapproved restricted items – staff, contractors, accredited persons, visitors to a consumer

6.1 Entry to Dhulwa

If Dhulwa Security Officer becomes aware a person is attempting to bring a prohibited or unapproved restricted item into Dhulwa, they will advise the person that the item is a prohibited or an unapproved restricted item.

If another person becomes aware a person is attempting to bring a prohibited or unapproved restricted item into Dhulwa, they must immediately inform security.

If a staff member becomes aware another person is attempting to bring in a prohibited or unapproved restricted item they are to inform their line manager, ADON or NIC (after hours). The line manager, ADON or NIC (after hours) will liaise with the Security Officer.

If the item:

- Is a prohibited item, or is illegal to possess — Security Officers will direct the person to leave.
- Is a prohibited or unapproved restricted item and not illegal to possess — security will direct the person to store the item in their vehicle or a locker at reception, and advise of the request process to bring the restricted item into Dhulwa, see 3.1.

The Security Officer must consider what risks are present in asking the person to leave and then implement appropriate strategies to manage these risks before approaching the person (e.g., contacting ACT Policing for assistance).

6.2 After entry into Dhulwa

If the person has already entered Dhulwa, and if safe to do so, the person must be escorted by a Security Officer and an Authorised Health Practitioner to the Dhulwa Reception where they must leave Dhulwa.

If required, a Code Black may be called, dependent on the item and the identified risk. Activating a duress alarm will result in increased staff presence, which may not be in the interests of safety and security. It may be more practical to remove personnel from the area rather than bring personnel in.

6.3 Staff requirements

Where a staff member is repeatedly found in possession of a prohibited, or unapproved restricted item, the line manager, in consultation with the ADON, must:

- Formally interview the staff member and manage the staff member in accordance with the CHS ACT Public Service Integrity Policy and Underperformance Policy.
- Take any action necessary in the circumstances to protect the safety and security of Dhulwa, and
- Record details of the staff incident in Riskman.

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|---------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 7 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



6.4 Documentation

If an accredited person or visitor to a consumer is refused entry because they are attempting to bring a prohibited or unapproved restricted item into Dhulwa or are asked to leave Dhulwa because they have been found in possession of a prohibited or unapproved restricted item, they must be issued with a:

- Reviewable Decision Notice: Visitors and the ACAT Review of ACT Government decision information sheet, available in the Dhulwa forms folder (see Visitors to Dhulwa under the *Mental Health (Secure Facilities) Act 2016* procedure)

[Back to Table of Contents](#)

Section 7 - Seizure – reviewable decision notice

Seized items may be forfeited from the consumer in some circumstances (i.e., if possession of the item is illegal, or if the item is inherently unsafe) (*s55 Mental Health (Secure Facilities) Act 2016*). A forfeited item may be disposed of if considered appropriate, subject to any orders under the *Crimes Act 1900*.

7.1 Seized item

If a prohibited is seized, the owner must be provided with a receipt. The receipt must include:

- Description of the item seized
- Explanation of why the item was seized
- Statement about the effect of section 55 (forfeiture)

7.2 Reviewable decisions: seizure of property

The seizure of an item/s of a consumer's property is a reviewable decision. The consumer must be provided with a Reviewable Decision Notice, (*s67 Mental Health (Secure Facilities) Act 2016*).

The following people are also to be provided with a copy of the reviewable decision notice:

- guardian (if the consumer has one)
- nominated person (if the consumer has one)
- Public Advocate - as a Commissioner exercising their functions under the *Human Rights Commission Act 2005*.

A copy of the notice is to be put into the consumer's clinical record. A seized item must be returned to its owner not later than 6 months after it was seized (*s56 Mental Health (Secure Facilities) Act 2016*).

7.3 Documentation

The following documentation must be completed:

- Dhulwa Clinical Search Register.
- Reviewable Decision Notice and Receipt of Seizure of Property form.

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|---------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 8 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



- Consumers Clothing, Property and Valuables Form updated to document what item has been seized, and / or where stored if removed.
- A description of the event and the type of items involved must be recorded in the consumer's clinical record.
- A clinical incident Riskman report.

[Back to Table of Contents](#)

Evaluation

Outcome

- All persons entering Dhulwa are aware of the prohibited and restricted items.
- No prohibited or unapproved restricted items are brought into Dhulwa.
- Compliance with the approval process.

Measure

- Annual audit of approved restricted items tabled at the Forensic Mental Health Inpatient Governance Committee.
- Annual audit of approved prohibited items tabled at Forensic Mental Health Inpatient Governance Committee.
- Annual review of clinical incident reports relating to restricted or prohibited items.

[Back to Table of Contents](#)

Related Policies, Procedures, Guidelines and Legislation

Policies

- Work Health and Safety
- Work Health and Safety Management System
- Incident Management
- Underperformance Management
- ACT Public Service Integrity
- Occupational Violence

Procedures

- Dhulwa Mental Health Unit- Search (patient, personal property, bedrooms, premises) under *Mental Health (Secure Facilities) Act 2016*
- Incident Management
- Language Services – Interpreters and Translated Materials
- Dhulwa Mental Health Unit - Visitors to Dhulwa under the *Mental Health (Secure Facilities) Act 2016*
- Occupational Violence

Standards

- National Standards for Mental Health Services 2010

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|---------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 9 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



- National Safety and Quality Health Service Standards 2017

Legislation

- *Mental Health (Secure Facilities) Act 2016*
- *Work Health and Safety Act 2011*
- *Health Records (Privacy and Access) Act 1997*
- *Human Rights Act 2004*
- *Human Rights Commission Act 2005*

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 illness

[Back to Table of Contents](#)

Definition of Terms

Accredited person—a person undertaking their official functions 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

Authorised person—means a person appointed under s69 of the *Mental Health (Secure Facilities) Act 2015*.

Authorised Health Practitioner: is an Australian Health Practitioner who holds registration as a medical practitioner, registered nurse, psychologist, or occupational therapist (other than a provisionally registered or student practitioner) employed by CHS to provide treatment, care, or support for consumers at Dhulwa.

See the NI 2022-486 - *Mental Health (Secure Facilities) (Health Practitioners) Authorisation 2022 (No 1)* for the full definition and criteria.

Delegated Officer (for prohibited & restricted items)—includes the:

- Clinical Director, FMHS
- Operational Director, FMHS
- Director of Nursing, MHJHADS
- Canberra Health Services Executive on Call

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|----------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 10 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



Delegated Officer (only for restricted items related to consumer and consumer visitor),

- Dhulwa Consultant Psychiatrist
- Dhulwa Assistant Director of Nursing

Prohibited Item—means an item that the CEO or delegate has declared cannot be brought into a secure mental health facility (ss10 & 35, *Mental Health (Secure Facilities) Act 2016*).

Restricted items - means an item CHS has made a restricted item in a secure mental health facility.

Seizeable item—means:

- a prohibited item
- an unapproved restricted item
- any item (whether prohibited or approved restricted) which may be used by a patient in a way that may involve:
 - intimidating anyone else, or
 - an offence, or
 - a risk to the personal safety of anyone else, or
 - a risk to security or good order at the facility.

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

[Back to Table of Contents](#)

Search Terms

Dhulwa Mental Health Unit, Dhulwa, prohibited, restricted, seizeable, unapproved, Mental Health Justice Health and Alcohol and Drug Services, MHJHADS

[Back to Table of Contents](#)

Attachments

Attachment 1: Prohibited and Restricted Items

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Policy Team ONLY to complete the following:

| Date Amended | Section Amended | Divisional Approval | Final Approval |
|--------------|-----------------|---------------------|-----------------|
| 10/05/2024 | New Document | CHS Policy Team | CHS Policy Team |
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This document supersedes the following:

| Document Number | Document Name |
|-----------------|---------------|
| | |

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|--|---------|------------|-------------|------------------|----------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 11 of 13 |
| Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register | | | | | |



Attachment 1 – Prohibited and Restricted Items

| Prohibited Items | | | |
|--|--|---------------------------------|----------------|
| Weapons of any description Exception of weapons carried by a police officer responding to an emergency at Dhulwa | | | |
| Prohibited or dangerous substances (drugs, plants, substances or precursors) or drugs of dependence, including any substance listed in Schedules 9 and 10 of the <i>Poisons Standard</i> or in Schedules 2 and 3 of the <i>Criminal Code Regulation 2005</i>) | | | |
| Alcoholic drinks | | | |
| Cigarettes, e-cigarettes and tobacco products | | | |
| Chewing gum including Nicotine Replacement Therapy (NRT) gums | | | |
| Remote-controlled aircraft or vehicles/unmanned aerial vehicles (drones) | | | |
| Mobile communication device. Includes mobile telephone, smart telephone, tablet, smart watch, two-way radio or any item capable of making/receiving calls, SMS, emails, or wirelessly transmitting data | | | |
| Cameras or camera equipment | | | |
| Any video or audio recording device | | | |
| Prams and strollers | | | |
| Tattooing equipment | | | |
| Violent or offensive written or pictorial material including films, printed material and computer video games | | | |
| Table Key | | | |
| ✓ | Restricted item approval required by Delegated officer before able to bring into Dhulwa | | |
| ✗ | Consumer unable to have restricted item | | |
| < | Item not to be taken into clinical/consumer areas | | |
| # | Item permitted by use by a tradesperson, with approval from a Delegated Officer (s73, Mental Health (Secure Facilities) Act 2016). | | |
| Restricted Item description | | Consumer | Visitor |
| | | Worker/accredited person | |
| Blu-Tack, drawing pins or similar items | | ✗ | ✗ |
| Plastic bags and bin liners | | ✗ | ✗ |
| Lighters and matches (unless for cultural or religious ceremonies) | | ✗ | ✗ |
| ✓ | < | | |

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|-------------------|----------------|---------------|--------------------|-------------------------|-------------|
|-------------------|----------------|---------------|--------------------|-------------------------|-------------|

| | | | | | |
|-----------|---|------------|------------|---------|----------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 12 of 13 |
|-----------|---|------------|------------|---------|----------|

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register



| | | | |
|--|----|---|-------|
| Candles and flammable liquids (includes those brought in by Ministers of religion) | ✗ | ✗ | ✓< |
| Umbrellas | ✗ | ✗ | ✓< |
| Neck wear (ties, scarves or lanyards) | ✗ | ✗ | ✓< |
| Motorcycle helmets | ✗ | ✗ | ✓< |
| USB stick, portable hard drive or other device that can store, download or transmit data | ✗ | ✗ | ✓ |
| Aerosols | ✗ | ✗ | ✓< |
| Hair dye products (for Dhulwa approved hairdressers only) | ✗ | ✗ | ✓ |
| Medication (unscheduled or in Schedule 2, 3, 4 and 8 of the <i>Poisons Standard</i>) | ✗ | ✗ | ✓< |
| Medical devices (including needles, syringes or drug delivery devices) for personal use | ✗ | ✗ | ✓< |
| Supplementary/complementary medicine and vitamins (including protein powders and body building supplements) | ✗ | ✗ | ✓< |
| Chemicals and substances (listed in Schedule 5, 6 or 7 of the <i>Poisons Standard</i>) which are used for cleaning, maintenance, the provision of a trades service, or other approved purpose as part of a staff member or contractor's role and in accordance with safety directions | ✗ | ✗ | ✓ < # |
| Laptop computers, tablet computers and computer software | ✓ | ✗ | ✓ |
| Razors, electric shavers | ✓ | ✗ | ✓< |
| Tools and hardware equipment | ✓ | ✗ | ✓ < # |
| Kitchen tools and utensils | ✓< | ✓ | ✗ |
| Portable audio player (e.g., iPod, MP3 player, other than as part of a mobile communication device) | ✓ | ✓ | ✓ |
| CDs and DVDs | ✓ | ✓ | ✓ |
| Electrical equipment (other than an item listed in this table) | ✓ | ✓ | ✓< |
| Glass and ceramic items – including crockery or glassware | ✓< | ✓ | ✓ |
| Metal cutlery, tins, cans or containers | ✓< | ✓ | ✓ |

| Doc Number | Version | Issued | Review Date | Area Responsible | Page |
|------------|---------|------------|-------------|------------------|----------|
| CHS24/242 | 1 | 10/05/2024 | 01/05/2028 | MHJHADS | 13 of 13 |

Do not refer to a paper based copy of this policy document. The most current version can be found on the CHS Policy Register