

Visitor Identification, Status and Information



Chief Forensic Psychiatrist Standing Order 15

Provisions to Which this Order Relates

Mental Health Act 2013 – sections 15, 85, 97, 98, 100, 101 and Schedule 1.

Preamble

Secure mental health units accommodate a range of forensic patients including prisoners, youth detainees and people who have been committed to a secure mental health unit by a Court.

Under section 100 of the *Mental Health Act 2013* a responsible official may require a person seeking to enter the secure mental health unit as a visitor to provide proof of identity or status. Certain visitors may also be asked for information including the nature of the person's relationship to any forensic patient and the purpose of the visit under section 101 of the Act.

Purpose

This Standing Order directs controlling authorities, authorised persons and other secure mental health unit staff members exercising responsibilities in relation to the entry of visitors to a secure mental health unit under the *Mental Health Act 2013*, and related matters.

The Order is designed to provide clarity in relation to the information that visitors are required to provide as proof of identity or status before being allowed entry to a secure mental health unit.

Failure by an individual to have regard to this Standing Order is not an offence but may, particularly if it leads to unfavourable patient outcomes that might otherwise have been avoided or if there is a history of such disregard, constitute proper grounds for instigating professional or occupational disciplinary action against that individual.

Direction

I, Professor Kenneth Clifford Kirkby, being and as the Chief Forensic Psychiatrist, pursuant to sections 152 and 153 of the *Mental Health Act 2013* and section 22 of the *Acts Interpretation Act 1931* hereby:

Revoke all previous directions (standing orders) issued under section 152 of the *Mental Health Act 2013* with respect to visitor identification, status and information with effect from 11.59 pm on 30 June 2017; and

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Issue the following direction (standing order) to controlling authorities (and delegates), authorised persons and other secure mental health unit staff members exercising responsibilities in relation to the entry of visitors to a secure mental health unit under the *Mental Health Act 2013*, and related matters, with effect from 12.00 am on 1 July 2017:

Visitor Identity and Status - All Visitors

1. A controlling authority (or delegate), authorised person or other staff member of a secure mental health unit is only to allow a person entry to a secure mental health unit if the person provides proof of identity and proof of status.
2. For the purposes of section 100 of the *Mental Health Act 2013* (the Act), proof of identity is to consist of:
 - a. Biometric data

AND

- b. Either:
 - i. ONE of the following:
 1. Current passport
 2. Current Australian Driver's License
 3. Current photographic ID from either the Australian Defence Force, the Australian Federal Police or a State or Territory Police Force, the Australian Public Service or a State or Territory Public Service, the Tasmanian Prison Service, the University of Tasmania or another Australian University
 4. Other photographic ID featuring a recent photograph of the visitor which is considered by the controlling authority, authorised person or other staff member to be authentic

OR

- ii. TWO of the following:
 1. Current Medicare card

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2. Current Credit or Debit Card or Bank Account Statement
 3. Current entitlement card issued by the Australian Government or by a State or Territory Government
 4. Birth Certificate
 5. Vehicle Registration Papers
 6. Marriage Certificate
 7. Taxation Group Certificate or Assessment Notice
 8. Certificate of Australian Citizenship
 9. Educational report that is less than six months old
3. For the purposes of section 100(2) of the Act, biometric data obtained through use of a handprint identification system is approved.
 4. Biometric data obtained by a secure mental health unit for the purposes of section 100 of the Act is be retained on a biometric data system until its removal is approved by the Chief Forensic Psychiatrist.
 5. In its application to a privileged visitor, for the purposes of section 100 of the Act proof of status is to consist of documentation considered by a controlling authority (or delegate), authorised person or other staff member of a secure mental health unit to be sufficient to establish that the person is a privileged visitor.

Visitor Information – Visitors Other Than Privileged Visitors

1. For the purposes of section 101 of the *Mental Health Act 2013* as it applies to visitors other than privileged visitors, a controlling authority (or delegate), authorised person or other staff member of a secure mental health unit is only to allow a person who is seeking to enter a secure mental health unit entry to the unit if the person provides the following information:
 - a. Information about the purpose of the visit
 - b. Information about the nature of the persons' relationship to or with the forensic patient being visited and to or with any other forensic patient in the secure mental health unit
 - c. His or her address and date of birth
 - d. Occupation or occupational status, and if the visitor is from an organisation, the name of that organisation
 - e. Any other information that has been requested.

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Visitor Information - Secure Mental Health Unit Staff Members and Service Contractors

2. In addition to anything else required by this Standing Order, for the purposes of section 101 of the Act a controlling authority (or delegate), authorised person or other staff member of a secure mental health unit is only to allow a secure mental health unit staff member or service contractor entry to a secure mental health unit if the person has undergone a Tasmanian Police Check which references the national database, or a national police check from the country in which the person usually resides.
3. The controlling authority of a secure mental health unit (or delegate) may grant a service contractor immediate access to a secure mental health unit if there is an urgent requirement for a contractor to attend to a building fault and none of the contractors who have undergone a Tasmanian Police Check which references the national database, or a national police check from the country in which the person usually resides, are available at the relevant time.
4. A service contractor who is granted entry in these circumstances is still required to provide biometric data and proof of identity and status, along with any other information which may be required under section 101 of the Act.
5. A service contractor who is granted entry in these circumstances must be escorted at all times by an authorised person.

Visitor Identity and Information - Emergency Services Personnel

6. The controlling authority of a secure mental health unit (or delegate) may grant emergency services personnel immediate access to a secure mental health unit without the need to provide proof of identity or status, or any other information, in an emergency if it appears to the controlling authority (or delegate), or to an authorised person or other staff member of the secure mental health unit that it is reasonably certain that the personnel are emergency services personnel.
7. The granting of access in these circumstances must be logged via the incident management systems in place at the relevant time within the relevant secure mental health unit.

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Visitor Identity and Information – Police Offices and Tasmania Prison Service Officers Delivering a Patient

The controlling authority of a secure mental health unit (or delegate) may grant Police Officers and/or Tasmanian Prison Service Officers immediate access to a secure mental health unit without the need for biometric data and information which may be required under section 101 of the Act or this Standing Order to be provided if the urgency of the clinical situation and the clinical risks are such that to delay entry while this data and information is obtained would pose an unacceptable clinical risk.

8. A Police Officer or Tasmanian Prison Service Officer who is granted entry in these circumstances is still required to provide proof of identity and status.
9. The Police Officer or Tasmanian Prison Service Officer is to be registered on the biometric data system prior to departure.

Professor Kenneth Clifford Kirkby

Chief Forensic Psychiatrist

Date: 1 July 2017