

|  |
| --- |
| Human Services (Complex Needs) Act 2009 |
| Instrument of delegation |

# Interpretation

In this instrument:

**Act** means the *Human Services (Complex Needs) Act 2009*.

**Area Director** means a Director with the word ‘Area’ in their title.

**department** means the Department of Health and Human Services in the State of Victoria.

**functions and powers** means the functions, powers and discretions (as the case may be) of the Secretary to the department under the provisions of the Act specified in column 1 of the Schedule.

**limitations** means the limitations or conditions, if any, respectively specified in column 4 of the schedule.

**officers** means the persons named in or for the time being holding, acting in or performing the duties of the respective offices or positions in the department specified in column 3 of the schedule.

**Operational Division** means each of the following divisions of the department: East Division, West Division, North Division and South Division.

**schedule** means the attached schedule to this instrument, which forms part of this instrument.

**Service Agreement** means any contract or agreement administered through the department’s Service Agreement Management System (SAMS).

# Description

The descriptions in column 2 of the attached schedule are for ease of reference only. They do not affect the interpretation of nor limit the delegation of the functions and powers contained in the statutory provisions specified in column 1 of the schedule.

# Delegation

I, **Kym Peake**, Secretary to the Department of Health and Human Services, acting under section 6 of the Act:

* + 1. **DELEGATE** the functions and powers to the officers specified in column 3 of the schedule; and
		2. **REVOKE** the previous instrument of delegation made by the Secretary to the Department of Health and Human Services under the Act dated 15 April 2016.

# Commencement

This instrument commences on the date it is signed.

Signed at Melbourne in the State of Victoria

This 17th day of July 2017

**Kym Peake**

Secretary

Department of Health and Human Services

#

# Schedule

|  |  |
| --- | --- |
| Source of authority/power: | *Human Services (Complex Needs) Act 2009* |
| Holder of power/function: | Secretary |
| Authority type: | Delegation |

| COLUMN 1Statutory provisions | COLUMN 2Descriptions | COLUMN 3Delegates/officers | COLUMN 4Limitations |
| --- | --- | --- | --- |
| Section 5  | Consult with expert advisers  | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 8  | Determine eligibility | Deputy Secretary, Children, Families, Disability and Operations Deputy Secretary, Operational Division |  |
| Section 9  | Notify person before a determination is made | Director, Client Outcomes and Service ImprovementDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 10  | Notify person of determination of eligibility | Director, Client Outcomes and Service ImprovementDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 11  | Enter into contracts for assessment of eligible persons and development of care plans | Director, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 12(1)  | Cause a care plan to be developed for an eligible person | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 12(2) | Engage a service provider to develop a care plan for an eligible person | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 12(4) | Approve a care plan | Director, Client Outcomes and Service ImprovementDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 13  | Develop a care plan, including:consult with certain persons and bodiescomprehensively assess the person’s needsobtain and consider relevant information | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 14(1) | Seek to obtain information to develop a care plan  | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service Improvement Area DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 14(2)(a) | Disclose information for the development of a care plan | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations Assistant Director, Individual and Family SupportArea DirectorManager, Individual and Family SupportManager, Residential Client ServicesManager, Local Connections |  |
| Section 15   | Give a copy of the care plan and notice to eligible person. Give a copy of the whole or part of a care plan to a service provider identified in the care plan. | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 16(1)  | Appoint a care plan coordinator  | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 16(2) | Request a report from a care plan coordinator | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Sections 16 (3)(4)(5) | Seek and obtain information from a care plan co-ordinator and other’s providing services to eligible persons.Disclose information to a care plan co-ordinator. | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 18(1)  | Vary a care plan | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 18(1) | Terminate a care plan | Director, Client Outcomes and Service ImprovementDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 18(2) | Extend the duration of a care plan | Director, Client Outcomes and Service ImprovementDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 18(4) | Notify in writing that a care plan has been terminated | Director, Client Outcomes and Service ImprovementDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |
| Section 19  | Receive a refusal to be considered for eligibility | MACNI CoordinatorManager, Complex ClientsDirector, Client Outcomes and Service ImprovementArea DirectorDeputy Secretary, Operational DivisionDeputy Secretary, Children, Families, Disability and Operations  |  |