



Victoria Government Gazette

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Public Health and Wellbeing Act 2008 INSTRUMENT OF APPOINTMENT UNDER S32A

In this instrument:

Act means the **Public Health and Wellbeing Act 2008**.

Limitations means the Limitations outlined in column 2 of Schedule 1.

Detention Review Officer has the meaning in section 3(1) of the Act.

Schedule means a schedule attached to this instrument.

I, Jacinda de Witts, Deputy Secretary and General Counsel, acting under section 32A(1) of the Act as a delegate of the Secretary of the Department of Health appoint the persons specified in Schedule 1 to be Detention Review Officers for the purposes of the Act.

Period of Appointment

The Detention Review Officers in Column 1 of Schedule 1 are appointed for the period from the commencement date of this instrument until the earlier of:

- (a) 19 April 2022; or
- (b) the date that the state of emergency that was declared on 16 March 2020 and subsequently extended pursuant to section 198 of the Act ceases to exist,

and subject to any conditions set out in Schedule 1.

The terms and conditions of these appointments are as set out in Schedule 2 attached to this Instrument of Appointment.

Commencement

This instrument commences on the date it is signed.

Signed at Melbourne in the State of Victoria

Dated 20 April 2021

JACINDA DE WITTS
Deputy Secretary and General Counsel,
Regulatory, Risk, Integrity and Legal
Department of Health

Schedule 1

Detention Review Officers

Louise Martin

Peter Harris

Simon Thomas

Andrew White

SPECIAL

Schedule 2**1. Appointment arrangements**

The appointment is on a sessional basis. In accordance with section 32A(6) of the Act, the Detention Review Officer will be employed under Division 5 of Part 3 of the **Public Administration Act 2004**.

2. Period of appointment

The period of appointment is from the commencement date of the instrument of appointment to:

- (a) 19 April 2022; or
- (b) the date that the state of emergency that was declared on 16 March 2020 and subsequently extended pursuant to section 198 of the Act ceases to exist.

3. Duties and Responsibilities

The Detention Review Officer's functions, duties and powers are as set out in section 200C of the Act.

4. Termination arrangements

The Detention Review Officer may resign in writing to the Secretary of the Department of Health or their delegate.

The Secretary of the Department of Health or their delegate may revoke the appointment of a Detention Review Officer at any time and for any reason before the expiration of the period of the appointment.

5. Payment Provisions

The Detention Review Officer will be eligible to receive remuneration at the following rates based on the number of days worked and a pro rata calculation of the hours worked by him or her, at the following rates:

Daily rate (8 hours per day and inclusive of all taxes)	\$1217.00
Daily stand-by rate to be rostered on weekends (inclusive of all taxes)	\$200.00

6. Superannuation Obligations

Superannuation contributions will be paid by the employer in accordance with the Commonwealth's **Superannuation Guarantee Act 1992**.

7. Travel and Personal Expenses Arrangements

Except with the prior written approval of the Secretary of the Department of Health or their delegate, travel and personal expenses incurred by the Detention Review Officer in the performance of their functions, duties and powers will not be paid.

8. Leave Arrangements

No leave entitlements are payable in respect of the sessional employment of the Detention Review Officer.

9. Confidentiality

During the term of the appointment, all confidential information (including all personal information) received by the Detention Review Officer in connection with the appointment must be treated by the Detention Review Officer as confidential and the Detention Review Officer must not:

- (a) disclose the confidential information without the prior written consent of the Secretary of the Department of Health or their delegate (and on any conditions as they think fit); or
- (c) use the confidential information,

except strictly for the purpose of carrying out the Detention Review Officer's functions, duties and powers under the Act.

10. Outside Employment

During the term of the appointment, the Detention Review Officer may continue to practice as a lawyer or engage in other employment outside its employment as a Detention Review Officer, except that they may not accept any instructions to act, any employment or other engagement from any other person in relation a detention under section 200 of the Act.

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