

Mental Health Amendment (Psychiatrists) Bill 2012

CONTENTS

Part 1 — Preliminary matters

- | | | |
|----|--------------|---|
| 1. | Short title | 2 |
| 2. | Commencement | 2 |

Part 2 — *Mental Health Act 1996* amended

- | | | |
|------|------------------------------------------|---|
| 3. | Act amended | 3 |
| 4. | Section 3 amended | 3 |
| 5. | Section 216 inserted | 3 |
| 216. | Validation of certain acts and omissions | 3 |

Part 3 — Instruments amended

- | | | |
|----|-------------------------------------------------------------------------------------------------|---|
| 6. | <i>Hospitals and Health Services (Day Hospital Facility) Determination (No. 2) 2005</i> amended | 5 |
| 7. | <i>Poisons Regulations 1965</i> amended | 5 |
| 8. | Power to amend or repeal unaffected | 5 |

Western Australia

LEGISLATIVE COUNCIL

**Mental Health Amendment (Psychiatrists)
Bill 2012**

A Bill for

An Act —

- 1 • to amend the definition of *psychiatrist* in the *Mental Health*
2 *Act 1996* section 3 and in certain instruments; and
- 3 • to validate certain acts done, and omissions made, on or after
4 18 October 2010 but before the day on which this Act
5 commences.

The Parliament of Western Australia enacts as follows:

1 **Part 1 — Preliminary matters**

2 **1. Short title**

3 This is the *Mental Health Amendment (Psychiatrists) Act 2012*.

4 **2. Commencement**

5 This Act comes into operation on the day on which it receives
6 the Royal Assent.

1 **Part 2 — *Mental Health Act 1996* amended**

2 **3. Act amended**

3 This Part amends the *Mental Health Act 1996*.

4 **4. Section 3 amended**

5 In section 3 delete the definition of *psychiatrist* and insert:

6

7 *psychiatrist* means a medical practitioner —

- 8 (a) who is a fellow of the Royal Australian and
9 New Zealand College of Psychiatrists; or
- 10 (b) who holds specialist registration under the
11 *Health Practitioner Regulation National Law*
12 *(Western Australia)* in the specialty of
13 psychiatry; or
- 14 (c) who holds limited registration under the *Health*
15 *Practitioner Regulation National Law (Western*
16 *Australia)* that enables the medical practitioner
17 to practice in the specialty of psychiatry;
18

19 **5. Section 216 inserted**

20 At the end of Part 10 Division 6 insert:

21

22 **216. Validation of certain acts and omissions**

23 (1) In this section —

24 *act* includes an omission.

25 (2) Any act done, or purportedly done, by or in relation to
26 a psychiatrist under a written law on or after
27 18 October 2010 but before the day on which the
28 *Mental Health Amendment (Psychiatrists) Act 2012*
29 commences is, and is taken always to have been, as

Mental Health Amendment (Psychiatrists) Bill 2012

Part 2 Mental Health Act 1996 amended

s. 5

1 valid as the act would have been if the amendments
2 effected by the *Mental Health Amendment*
3 (*Psychiatrists*) *Act 2012* had been in force when the act
4 was done.

5 Note for section 216:

6 The *Health Practitioner Regulation National Law (WA) Act 2010* section 110
7 commenced on 18 October 2010.
8

Part 3 — Instruments amended

6. *Hospitals and Health Services (Day Hospital Facility) Determination (No. 2) 2005* amended

(1) This section amends the *Hospitals and Health Services (Day Hospital Facility) Determination (No. 2) 2005*.

(2) In clause 3(2) delete the definition of ***psychiatrist*** and insert:

psychiatrist has the meaning given in the *Mental Health Act 1996* section 3.

7. *Poisons Regulations 1965* amended

(1) This section amends the *Poisons Regulations 1965*.

(2) In regulation 2(1) delete the definition of ***psychiatrist*** and insert:

psychiatrist has the meaning given in the *Mental Health Act 1996* section 3;

8. Power to amend or repeal unaffected

The amendment of an instrument by section 6 or 7 does not prevent that instrument from being amended or repealed by subsequent instrument.
