

Western Australia

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

As at 29 Nov 2012

No. 52 of 2012

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Western Australia

Mental Health Amendment (Psychiatrists) Act 2012

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Western Australia

Mental Health Amendment (Psychiatrists) Act 2012

No. 52 of 2012

An Act —

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

[Assented to 29 November 2012]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary matters

1. Short title

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

2. Commencement

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

Part 2 — *Mental Health Act 1996* amended

3. Act amended

This Part amends the *Mental Health Act 1996*.

4. Section 3 amended

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

psychiatrist means a medical practitioner —

- (a) who is a fellow of the Royal Australian and New Zealand College of Psychiatrists; or
- (b) who holds specialist registration under the *Health Practitioner Regulation National Law (Western Australia)* in the specialty of psychiatry; or
- (c) who holds limited registration under the *Health Practitioner Regulation National Law (Western Australia)* that enables the medical practitioner to practise in the specialty of psychiatry;

5. Section 216 inserted

At the end of Part 10 Division 6 insert:

216. Validation of certain acts and omissions

- (1) In this section —
act includes an omission.
- (2) Any act done, or purportedly done, by or in relation to a psychiatrist under a written law on or after 18 October 2010 but before the day on which the *Mental Health Amendment (Psychiatrists) Act 2012* commences is, and is taken always to have been, as

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Part 2 Mental Health Act 1996 amended

s. 5

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

Note for section 216:

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

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.

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