

WESTERN AUSTRALIA

---

**ACTS AMENDMENT (HEALTH  
SERVICES INTEGRATION)  
ACT 1994**

---

**No. 49 of 1994**

---

**AN ACT to amend the *Hospitals Act 1927* and *Mental Health Act 1962*.**

*[Assented to 10 October 1994.]*

**The Parliament of Western Australia enacts as follows:**

**PART 1 — PRELIMINARY**

**Short title**

1. This Act may be cited as the *Acts Amendment (Health Services Integration) Act 1994*.

**Commencement**

2. The provisions of this Act come into operation on 10 October 1994.

**PART 2 — HOSPITALS ACT 1927**

**Principal Act**

3. In this Part the *Hospitals Act 1927* is referred to as the principal Act.

**Section 3 amended**

4. Section 3 of the principal Act is amended —

- (a) in subsection (1), by deleting “but” and substituting the following —

“

and continues to apply to any part of a public hospital despite the fact that an order under section 19 (3) of the *Mental Health Act 1962* is in force in relation to that part declaring it to be an approved hospital but otherwise

”;

and

- (b) by inserting after subsection (1) the following subsection —

“

(1a) Where an order under section 19 (3) of the *Mental Health Act 1962* is in force with respect to part of a public hospital —

- (a) the provisions of that Act relating to the admission, detention, treatment and discharge of patients apply; and

- (b) the psychiatrist in charge of psychiatric services at the hospital has all the powers and duties conferred or imposed on a superintendent under that Act other than the duty referred to in section 9 (2) of that Act.

”.

**PART 3 — MENTAL HEALTH ACT 1962**

**Principal Act**

**5.** In this Part the *Mental Health Act 1962* is referred to as the principal Act.

**Section 8 amended**

**6.** Section 8 of the principal Act is amended —

- (a) by repealing subsection (2) and substituting the following subsection —

“

(2) The Director is responsible for the medical care and welfare of every person treated at every approved hospital or service established under section 19 (1) and for the proper operation of every such hospital or service.

”;

- (b) in subsection (3), by deleting “purpose, any of his duties and when carrying out those duties at the direction of the Director that medical officer” and substituting the following —

“

purpose, or to a psychiatrist of a public hospital under the *Hospitals Act 1927* a part of which is by virtue of an order under section 19 (3) an approved hospital under this Act, any of his duties, other than the duty imposed under section 20, and when carrying out those duties the delegate

”;

and

- (c) in subsection (4), by deleting “superintendent” and substituting the following —

“

superintendent or a psychiatrist of a public hospital under the *Hospitals Act 1927* that is an approved hospital

”.

**Section 9 amended**

7. Section 9 (1) of the principal Act is amended by inserting after “private hospital” the following —

“ or a public hospital under the *Hospitals Act 1927* ”.

**Section 28 amended**

8. Section 28 of the principal Act is amended by inserting after subsection (3) the following subsection —

“

(3a) A medical practitioner who has signed a referral in relation to a person shall not carry out the examination required for the purposes of subsection (3) in relation to that person.

”.

**Section 83 amended**

9. Section 83 (1) of the principal Act is amended by deleting paragraph (c).