

## **Understanding and interpreting mental health legislation and certification documents (WA)**

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The process of being sent to a mental hospital in Western Australia has had many names: 'certification', or being 'signed up', or 'put away'. These notes will help to explain this process, and may help you to read and interpret documentation relating to admission in Western Australia since 1920.

### The 1871 and 1903 Lunacy Acts

These Acts first established the process of formal admission to a mental hospital in WA.

A person could not be admitted to an asylum unless they had been:

- a) examined by at least one (preferably two) **medical practitioners** who then completed medical certificates; and
- b) given a order for committal signed by two **justices of the peace**; and
- c) **received** by the institution (sometimes there was no room for new admissions).

A person could also be received as a private (fee paying) patient, in which case their family members could sign the order for committal.

Very few changes took place in this basic process for decades. The new Lunacy Act in 1903 introduced the concept of the 'voluntary boarder', a patient who came to the Hospital freely and/or with the consent of their family, to be treated for a specific period of time while paying full fees, and then discharged.

### The Mental Treatment Act 1917

This was the first legislation in Western Australia that made it possible for a person to receive psychiatric treatment without being certified as insane. It was designed to help returned servicemen with mental problems to get treatment, but to avoid the stigma of certification.

Heathcote opened in 1929 as a 'reception home' for people who had become mentally unwell but who had no previous history of being certified insane. Patients were admitted there as 'voluntary patients' without being certified, but if they failed to recover quickly enough (within six months) they could be certified and sent to Claremont Mental Hospital. The Mental Treatment Act was amended in 1927 to allow for this process.

### The Mental Health Act 1962

The next major change in the admissions process took place in 1962 with the new Mental Health Act. Under this Act there were now three types of admission:

- a) 'informal' [voluntary] admissions
- b) admission by referral (like the former process of observation and then certification)
- c) admission by reception order (involuntary admission)