

# Mental Deficiency Act 1939, Victoria

1939 – 1959

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## Details

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The Mental Deficiency Act 1939 (No.4704) provided for the establishment of state institutions for the care of mental defectives and retarded children and for the licensing of privately run institutions. It transferred responsibility for children defined in this way from the Education Department to the Department of Mental Hygiene. This change reflects the views at the time, that 'Scientifically the problem of mental deficiency is medical, educational, and social'. Its full title is 'An Act to make provision for the Care of Mentally Defective Persons and Mentally Retarded Children and for other purposes'. The Mental Hygiene Act 1958 (No. 6314) repealed this Act.

Dr Guy Springthorpe, in an address to the Medico Legal Society in 1940, discussed the situation in Victoria that provided the backdrop for the new mental deficiency legislation. He estimated that there were up to 5,000 children in the state who could fit the Act's definition of mental deficiency. Dr Springthorpe spoke of the inadequate situation, with only about one-tenth of 'mentally defective' or 'retarded' children being dealt with by the Department of Mental Hygiene. Instead, large numbers of children were being accommodated in inappropriate children's institutions run privately, or by the Children's Welfare Department. Springthorpe cited an investigation in 1939 which had found that 'on any one day at the Welfare Depot [Royal Park] 30 per cent of the residents were mentally retarded'.

*There are probably between 4,000 and 5,000 children in Victoria who could be brought under the provisions of the Act when it is proclaimed. At present only about one-tenth are being dealt with by the Department of Mental Hygiene. That does not include the even larger number who are only dull or backward, and will still, as previously mentioned, be under the control of the educational authorities. Certain other departments and non-departmental institutions are at present handling more mentally deficient cases than they ought. It is almost a scandal the number of retarded children who enter some of the institutions of the Children's Welfare Department. There they are apt to stick. Although some of them have recently been moved out, investigations made last year by the Victorian Council for Mental Hygiene show that on any one day at the Welfare Depot 30 per cent of the residents were mentally retarded.*

This Act was not brought into operation (according to Explanatory Papers for 1958 consolidation.)

## More info

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### Chronology

- **Mental Deficiency Act 1939, Victoria (1939 – 1959)**
  - Mental Hygiene Act 1958, Victoria (1959 - 1962)
  - Mental Health Act 1959, Victoria (1962 - 1987)

- [Mental Health Act 1986, Victoria \(1987 - current\)](#)

## Related Entries

### Related Glossary Terms

- [Mental deficiency \(c. 1900 - c. 1969\)](#)

### Related Organisations

- [Department of Mental Hygiene \(1934 - 1944\)](#)
- [Mental Hygiene Branch \(1944 - 1959\)](#)

### Is amended by

- [Mental Hygiene Authority Act 1950, Victoria \(1952 - 1959\)](#)
- [Ministry of Health Act 1943, Victoria \(1944 - 1956\)](#)

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