

# Mental Hospitals Act 1858, Tasmania

1858 – 1963

**Other Names:**

- The Insane Persons' Hospitals Act
- The Mental Diseases Hospital Act

**URL:** [http://www.austlii.edu.au/au/legis/tas/num\\_act/tipha22vn23374/](http://www.austlii.edu.au/au/legis/tas/num_act/tipha22vn23374/)

## Details

---

The Mental Hospitals Act 1858 with the full title 'An Act for the Regulation of the Care and Treatment of the Insane, and for the Appointment, Maintenance, and Regulation of Hospitals for the Insane' (Act no. 22 Vict. No.23) provided extensive instruction on the management and establishment of psychiatric hospitals and the admission. This act was repealed by The Mental Health Act 1963 (Act No.63 of 1963) on 3 December 1963.

The Mental Hospitals Act 1858 granted the Governor in Council power to name and appoint any institution within Tasmania as a Mental Hospital, and to revoke the status of Mental Hospital from any institution. Under this legislation the power and responsibility of the Governor in Council was shared with at least 5 commissioners per institution, 2 of which had to be doctors. These commissioners were responsible for regularly reviewing the institution's administration, maintenance and treatment of people admitted to the hospital.

This act also made explicit the legal criteria for admission to a Mental Hospital and discharge. It does not cover the medical requirements, instead it instructs that two independent Doctors must assess any individual and provide reason for their conclusions about the individual's mental health before admission to a Mental Hospital. Doctors were also required to make similar assessments about whether the quality of care a patient was receiving from family or friends was adequate, or if an individual facing or found guilty of criminal charges mental health was a complicating factor in their crimes, and if admission to a Mental Hospital should be considered instead of prison or hard labour. Provision was also made to transfer people from Prisons and Hard Labour to Mental Hospitals.

The responsibility for the cost of admission to a Mental Hospital is also laid down in this legislation and may include relatives, friends or to be drawn from the estate of the patient. Other financial matters dealt with by this legislation include penalties for staff and commissioners of Mental Hospitals who maltreat people admitted to the Mental Hospital or fail to retain adequate records of people admitted to the Mental Hospital.

## More info

---

### Chronology

- **Mental Hospitals Act 1858, Tasmania (1858 – 1963)**
  - Mental Health Act 1963, Tasmania (1963 - 1999)
    - Mental Health Act 1996, Tasmania (1996 - 2014)
      - Mental Health Act 2013, Tasmania (2014 - current)

## Related Entries

### Is amended by

- [Mental Hospitals Act 1960, Tasmania \(1960 - 1963\)](#)
- [Mental Hospitals Act 1885, Tasmania \(1885 - 1963\)](#)
- [The Mental Diseases Hospitals Act 1915, Tasmania \(1915 - 1938\)](#)
- [The Mental Diseases Hospitals Act 1929, Tasmania \(1929 - 1938\)](#)
- [Mental Hospitals Act 1939, Tasmania \(1939 - 1958\)](#)
- [Mental Hospitals Act 1942, Tasmania \(1942 - 1958\)](#)
- [Mental Hospitals Act 1951, Tasmania \(1951 - 1958\)](#)

## Resources

- Tooth, John, [Treatment of Mental Illness](#), The companion to Tasmanian history, 2005

---

You can view this page online by visiting <https://www.findandconnect.gov.au/entity/mental-hospitals-act-1858/>