

# Lunacy Act 1903, Western Australia

1903 – 1962

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## Details

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The Lunacy Act 1903 (015 of 1903 (3 Edw. VII No. 15)) followed the 1900 (Vosper) Select Committee, and was reportedly based on good practice and professional knowledge at the time. Two provisions for children were made: the ability to transfer a child at an industrial school who appeared to be 'insane' to a government hospital for the insane (s76) and the ability to place a child in a 'licensed house' for the insane (Part V). The Act referred to three types of disability and treated them as one: 'insane, imbecile or idiotic'. The act was repealed by the Mental Health Act 1962 (046 of 1962 (11 Eliz. II No. 46)).

The *Lunacy Act 1903* did not distinguish intellectual disability from mental illness, but it has been seen as an 'important step in distinguishing and distancing the insane from the criminals' (Gillgren, p.63).

In the second reading of the *Lunacy Bill* in the Legislative Assembly, the Premier explained why it was sometimes necessary for children to be sent away to a 'licensed house' for the insane:

*Suppose, for the purpose of argument, that a child of mine were suffering in this manner, I ought to have a right to retain that child, but suppose, on the other hand, I did not wish to retain it in my house. Members can perceive a number of reasons why I should not desire to do so; for instance, I might have other children. At the same time, I might not wish to place that child in a hospital for the insane, for I might be able to pay for better treatment. We wish to provide for cases of that sort in Part V., and not compel persons either to keep in their houses, under their own personal care, those who are thus afflicted, or to place them in a hospital for the insane. Hansard 3 November 1903 pp.1832-33*

Admission procedures required a doctor to document their own assessment (not just certify someone as 'insane' based on the testimony of others) and two medical certificates were required before committal, except in emergencies.

## More info

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### Chronology

- Lunacy Act 1871, Western Australia (1871 - 1903)
  - **Lunacy Act 1903, Western Australia (1903 – 1962)**
    - Mental Health Act 1962, Western Australia (1962 - 1996)

# Related Entries

## Related Events

- [Royal Commission appointed to inquire into alleged cases of brutality at the Claremont Mental Hospital, State of Western Australia \(20 March 1950 - 6 April 1950\)](#)

The Royal Commission stimulated the government to implement the *Lunacy Act Amendment Act 1950*, which had a greater impact on adults than on children in the mental health system. The amendments defined the terms 'restraint' and 'seclusion' and enhanced the role and responsibilities of the Board of Visitors, who were expected to be able to provide the Minister with detailed information about the operation of the Act within the State's mental health institutions.

## Related Organisations

- [Mental Hospitals Department, State Government of Western Australia \(1934 - 1954\)](#)
- [Claremont Mental Hospital \(1903 - 1972\)](#)
- [Mental Health Services, State Government of Western Australia \(1954 - 1984\)](#)
- [Greenplace \(1914 - 1979\)](#)
- [Whitby Falls Hospital \(1897 - 1972\)](#)

## Is amended by

- [Lunacy Act Amendment Act 1920, Western Australia \(1921 - 1962\)](#)

## Related Legislation

- [Mental Treatment Act 1917, Western Australia \(1917 - 1927\)](#)

The *Lunacy Act 1903* was the Principal Act for the *Mental Treatment Act 1917*.

- [Mental Treatment Act 1927, Western Australia \(1927 - current\)](#)

The *Lunacy Act 1903* as amended to 1920 was the Principal Act for the *Mental Treatment Act 1927*.

# Resources

- [Lunacy Bill. Second reading \(moved\) \[Hansard p1829-1836\]](#), Hansard Archive 1870 to 1995, 3 November 1903
- [Lunacy Bill. Second reading \[continued, Hansard p1906-1912\]](#), Hansard Archive 1870 to 1995, 5 November 1903
- [Lunacy Bill. Recommittal \[Hansard p2447-2450\]](#), Hansard Archive 1870 to 1995, 3 December 1903
- [Lunacy Act Amendment Bill. Second reading \(moved\) \[Hansard p446-459\]](#), Hansard Archive 1870 to 1995, 12 August 1903
- [Lunacy Act Amendment Bill. Second reading \[Hansard p530-539\]](#), Hansard Archive 1870 to 1995, 18 August 1903
- [Lunacy Bill. Recommittal \[Hansard p910\]](#), Hansard Archive 1870 to 1995, 9 September 1903
- [Lunacy Bill. Assembly's amendments \[Hansard p2601\]](#), Hansard Archive 1870 to 1995, 9 December 1903
- Martyr, Philippa, [Equal under the Law? Indigenous People and the Lunacy Acts in Western Australia to 1920](#), UWA Law Review, 2011

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