

Mental Health Act 1962, Western Australia

1962 – 1996

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Details

The Mental Health Act 1962 (046 of 1962 (11 Eliz. II No. 46)) was amended twice before it came into force on 1 July 1966. It repealed the Lunacy Act 1903 and related Acts less relevant to children in out of home care. Intellectual disability was not distinguished from mental 'disorder' in the Act, which began a transition from custodial care to active, early treatment. The Act (s.19) made financial provision for residential care, education and training and other services and facilities that could be used by people with intellectual disabilities. This Act was repealed by the Mental Health Act 1996 (068 of 1996).

The *Mental Health Act 1962* was debated in a politicised climate with a grossly over-crowded Claremont Mental Hospital receiving much publicity. On the eve of the State election, the Inspector General resigned, stating his authority was being undermined by the Ministerial Committee on Mental Health whom he could not persuade to introduce day hospitals and community-based therapeutic services.

In August 1963, Dr Archie S Ellis was appointed Director of Mental Health Services with direct access to the Minister for Health. Dr Ellis has written about the extensive consultation that went into drafting the *Mental Health Act 1962* in its final form – including assistance from the medical and legal professions, voluntary organisations and individuals.

Children with intellectual disabilities continued to be placed with 'old and mentally afflicted' adults.

More info

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 Organisations

- [Mental Health Services, State Government of Western Australia \(1954 - 1984\)](#)

Is amended by

- [Mental Health Act Amendment Act 1965, Western Australia \(1965 - 1996\)](#)
- [Acts Amendment \(Authority for Intellectually Handicapped Persons\) Act 1985, Western Australia \(1985 - 1996\)](#)
The *Acts Amendment (Authority for Intellectually Handicapped Persons) Act 1985* (s.4) amended the *Mental Health Act 1962*, replacing the term 'intellectually defective' with 'intellectually handicapped person'.
- [Mental Health Act Amendment Act 1976, Western Australia \(1976 - 1996\)](#)

Related Legislation

- [Authority for Intellectually Handicapped Persons Act 1985, Western Australia \(1985 - current\)](#)
Before the *Authority for Intellectually Handicapped Persons Act 1985*, intellectual disabilities were dealt with under mental health legislation. The *Authority for Intellectually Handicapped Persons Act 1985* didn't replace mental health laws. Rather, the laws governing intellectual disability took a different and more appropriate path.

Resources

- [Mental Health Act Amendment Bill. Second Reading \[Hansard p1216-1217\]](#), Hansard Archive 1870 to 1995, 5 October 1965
- [Mental Health Act Amendment Bill. Second Reading \[Hansard p1310-1313\]](#), Hansard Archive 1870 to 1995, 7 October 1965
- [Mental Health Act Amendment Bill. Second Reading \[Hansard p876-877\]](#), Hansard Archive 1870 to 1995, 16 September 1965
- [Mental Health Act Amendment Bill. Second Reading \[Hansard p929-933\]](#), Hansard Archive 1870 to 1995, 21 September 1965

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