

# Lunacy Act 1871, Western Australia

1871 – 1903

URL: [http://www.austlii.edu.au/au/legis/wa/num\\_act/la187134vn9168/la187134vn9168.pdf](http://www.austlii.edu.au/au/legis/wa/num_act/la187134vn9168/la187134vn9168.pdf)

## Details

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The Lunacy Act 1871 (No. 9 of 1871) did not distinguish between mental illness and intellectual or physical disability. This meant that children with intellectual disabilities, or physical disabilities such as epilepsy could be, and often were, sent to Fremantle Asylum. This act was repealed by the Lunacy Act 1903 (015 of 1903 (3 Edw. VII No. 15)).

Before the *Lunacy Act 1871*, the primitive mental health system in Western Australia had been governed by the English *Lunacy Act 1845*. Reflecting a general social apathy, the Lunacy Bill was not even debated before it passed into law.

The *Lunacy Act 1871* defined a 'lunatic' as 'every person of unsound mind, and every person being an idiot' (s.2). Commitals could be ordered (Schedule A) or voluntary, at the request of a 'private person' (Schedule B). Epilepsy was one of the conditions explicitly referred to in the Act (committal Schedules). The Schedules also give examples of the information that was to be collected prior to admission, and the forms to be used at admission and for medical reports.

## 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 Organisations

- [Lunacy Department, State Government of Western Australia \(1903 - 1934\)](#)
- [Fremantle Asylum \(1857 - 1909\)](#)

### Resources

- Martyr, Philippa, [Equal under the Law? Indigenous People and the Lunacy Acts in Western Australia to 1920](#), UWA Law Review, 2011