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MEDIA RELEASE

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FORENSIC MENTAL HEALTH REFORMS OFFER GREATER SUPPORT FOR VICTIMS

The NSW Government will introduce stronger support for victims of offences committed by people with cognitive and mental health impairments, as part of an overhaul of the forensic mental health system.

Attorney General Mark Speakman and Minister for Mental Health Tanya Davies today announced the reforms, which focus on improving outcomes for victims while maintaining the fair treatment of people with cognitive and mental health impairments.

“Victims will be given a greater voice in these types of proceedings and a specialist victims support service will be established to provide counselling, crisis support, case management and advocacy services to victims, from early in the justice process,” Mr Speakman said.

Victims will now have the opportunity to make a victim impact statement, to be considered by the court and by the Mental Health Review Tribunal when forensic patients are being considered for leave or release.

Mr Speakman noted victims have also expressed distress at hearing the verdict ‘not guilty by reason of mental illness’, feeling that this minimises the impact of the act.

“The wording of the verdict will be changed to acknowledge the defendant carried out the act, but because of the serious effect of their cognitive or mental health impairment, they are not criminally responsible,” Mr Speakman said.

The reforms also clarify the diversionary options available to magistrates who are dealing with people who have a cognitive or mental health impairment and have been accused of low level offending. A new framework will enable magistrates to monitor compliance with a diversion plan.

“As a government, we have a duty to help people with cognitive and mental health impairments seek treatment and support, to avoid situations where low level offending escalates into something worse,” Mrs Davies said.

The changes implement many of the recommendations made by the Law Reform Commission’s reports on people with cognitive and mental health impairment in the criminal justice system. They are also informed by former Supreme Court Justice the Hon Anthony Whealy QC’s review of the Mental Health Review Tribunal in respect of forensic patients.

The review can be found at www.health.nsw.gov.au/patients/mhrt and <http://www.justice.nsw.gov.au/Pages/Reforms/reform.aspx>

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