



Mark Speakman

Attorney General and Minister for the Prevention of Domestic Violence

Bronnie Taylor

Minister for Mental Health, Regional Youth and Women

MEDIA RELEASE

Sunday, 28 March 2021

COMMUNITY SAFETY AT CENTRE OF FORENSIC MENTAL HEALTH REFORMS

The NSW Government's re-write of forensic mental health laws to help boost community safety has now come into force.

Attorney General Mark Speakman and Minister for Mental Health Bronnie Taylor said the reforms are designed to provide better support for victims and drive down reoffending, while amending the language of the verdict 'not guilty by reason of mental illness'.

"It can be painful for victims and their families to hear that a mentally ill defendant is 'not guilty' of an offence, despite the court finding that they committed the act in question," Mr Speakman said.

"The new verdict will now be recorded as 'act proven but not criminally responsible' which better acknowledges the impact of the defendant's actions on victims and their families."

The reforms have also introduced improvements to streamline the forensic mental health system, ensuring community safety is paramount while providing appropriate responses for offenders with a mental health impairment or cognitive impairment.

"Magistrates now have increased oversight powers to ensure risks to victims and the community are managed. Defendants with mental health or cognitive impairments who've committed minor offences now have access to treatment and support, which has been shown to reduce the risk of reoffending," Mr Speakman said.

Mrs Taylor said the reforms provide a consistent approach for people with cognitive or mental health impairment.

"This is a complex area of the legal system and these reforms respond to the needs of defendants with serious mental health or cognitive impairment as well as the needs of victims," Mrs Taylor said.

The new *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* replaces the *Mental Health (Forensic Provisions) Act 1990*. The Government listened to victims groups, health professionals, disability advocates and legal experts in developing these reforms.

The reforms complement the NSW Government's \$8.5 million investment in the Specialist Victims Support Service and form part of the Government's response to the recommendations of the NSW Law Reform Commission.