



MEDIA RELEASE

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REVIEW OF MENTAL HEALTH IN THE CRIMINAL JUSTICE SYSTEM

The NSW Law Reform Commission has released four consultation papers on the law, practice and policy applying to people with mental health and cognitive impairments who are caught up in the criminal justice system.

The Law Reform Commission is examining whether the law in this area is fair and up to date with scientific and medical knowledge.

The term “mental health and cognitive impairment” is broad and includes people with a psychiatric or mental illness, brain injuries, dementia, and intellectual disability.

The four consultation papers cover:

- an overview of the issues raised by the reference;
- criminal responsibility and consequences;
- diversion; and
- forensic samples.

The four papers ask over 160 questions about this complex and important area, covering issues such as:

- How should people with mental health and cognitive impairments be treated if they do not have sufficient understanding to be tried?
- In what circumstances should people with a mental health or cognitive impairment have a defence to a crime?
- What should happen to people found not guilty by reason of a mental health or cognitive impairment?
- When should people with mental health or cognitive impairments be diverted from the criminal justice system and how can that process be made more effective?

A fifth paper is planned covering issues specific to young people with mental health or cognitive impairments.

The Commission is encouraging interested organisations, groups and individuals to make submissions on the issue of mental health in the criminal justice system. Following on from the release of these papers the Commission intends to undertake direct consultation with experts and the community. The deadline for submissions is 28 May 2010.

The papers are available on the Commission’s website at www.lawlink.nsw.gov.au/lrc.

The NSW Law Reform Commission has been proposing changes to the state’s law since 1966 as the first permanent law reform agency established in Australia. The Chairperson is James Wood QC AO, and the lead Commissioner on this reference is Professor Hilary Astor.