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MEDIA RELEASE

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‘ACT PROVEN’ TO REPLACE ‘NOT GUILTY’ IN FORENSIC MENTAL HEALTH REFORMS

The NSW Government has listened to victims and their families and is today introducing reforms to change the ‘special verdict’ for the defence of mental illness.

Attorney General Mark Speakman and Minister for Mental Health Bronnie Taylor said the *Mental Health and Cognitive Impairment Forensic Provisions Bill* would change the language of the verdict ‘not guilty by reason of mental illness’.

“For survivors and victims, criminal justice proceedings can often be a painful and potentially traumatising experience. This can be exacerbated by hearing that a mentally ill defendant is ‘not guilty’ of an offence, even though the court found the defendant committed the act,” Mr Speakman said.

“We have listened to the concerns of victims and families and are delivering on our commitment to introduce a new verdict that better recognises the conduct of the defendant in serious matters.”

“NSW will be the first state or territory in the country to empower its courts to hand down a finding of ‘act proven but not criminally responsible’.”

In addition to the new special verdict, the package of reforms contained in the [Bill](#) will reduce delays for victims and ensure that community safety remains a central consideration across the forensic mental health system.

“Recent studies have shown that on average for mentally ill people who have committed less serious offences, treatment and care are more effective than criminal sanctions in reducing the risk of reoffending,” Mr Speakman said.

“We are improving this model by increasing magistrates’ oversight powers for these defendants to ensure that any potential risks to the community are appropriately managed by the Local Court.”

Mrs Taylor said the changes recognise that defendants with serious mental health and cognitive impairment may sometimes require a different legal response to those who wilfully commit crimes.

“These proposed reforms strike the right balance between the needs of victims and the community and the mental health or cognitive impairment needs of a defendant,” Mrs Taylor said.

“Navigating the complex forensic mental health system can be challenging for anyone. By updating our laws, we will be providing greater certainty and consistency for anyone who comes in contact with the system.”

Victims’ groups, mental health professionals, disability advocates and legal experts were consulted in the drafting of the Bill.

These reforms build on the NSW Government’s \$8.5 million investment for a new Specialist Victims Support Service and form part of the Government’s response to key recommendations of the NSW Law Reform Commission.