



**Mark Speakman**  
Attorney General

**Tanya Davies**  
Minister for Mental Health

## **MEDIA RELEASE**

Thursday, 22 November 2018

### **SAFE & FAIR FORENSIC MENTAL HEALTH SYSTEM FOR VICTIMS**

Victims will receive more support and a stronger voice as part of a major overhaul of the forensic mental health system, Attorney General Mark Speakman and Minister for Mental Health Tanya Davies announced today.

“New laws have passed through NSW Parliament today that will ensure balanced consideration of victims’ rights after a person is found unfit to be tried or not guilty by reason of mental illness,” Mr Speakman said.

The reforms include a new Specialist Victims Support Service (SVSS), which will begin operating early next year.

“The NSW Government is investing \$8.5 million from next financial year in establishing and maintaining a vital service to deliver crisis support, counselling, case management and advocacy to victims throughout the justice process,” Mr Speakman said.

“The service will manage a specialist victims’ register that keeps victims of forensic patients up-to-date on relevant case developments, such as when an application to release a person from a mental health facility is listed for hearing.”

Mrs Davies said victims will be able to make submissions to the Mental Health Review Tribunal (the Tribunal) about how it would impact them if a forensic patient was released into the community, and will now be able to provide Victim Impact Statements for consideration by a court or the Tribunal.

“The new process acknowledges the harm victims have suffered and will provide the Tribunal with a more comprehensive picture when making decisions regarding the graduated leave and release of forensic patients back to a community setting,” Mrs Davies said.

The new laws will also require a forensic patient’s limiting term (the estimated sentence that would have been imposed in a normal trial process) to be paused if they are unlawfully absent.

Forensic material, such as a defendant’s DNA, will now be retained if the person is declared unfit for trial at a special hearing or found not guilty due to mental illness. The material will be available for comparison if a forensic patient commits a further offence upon release.

The NSW Government is continuing to consult relevant stakeholders on what the new wording should be for the 'not guilty by reason of mental illness' verdict. The name of the verdict is being changed to reduce confusion for victims, patients and the community.

The new laws represent the first stage of the Government's transformative changes to the way NSW deals with people with cognitive and mental health impairment in the criminal justice system.

The reforms implement key recommendations from former Supreme Court judge the Hon Anthony Whealy's examination of the Mental Health Review Tribunal in respect of forensic patients, as well as a report on the same matter by the NSW Law Reform Commission.