



Hon Greg Smith SC MP

Attorney General
Minister for Justice

MEDIA RELEASE

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MENTAL ILLNESS AND THE CRIMINAL JUSTICE SYSTEM

The NSW Government will carefully consider the NSW Law Reform Commission's report on the diversion of people with cognitive and mental health impairments in the criminal justice system, the Attorney General, Greg Smith SC said today.

"People with mental impairments are overrepresented in our courts and jails and the report's recommendations aim to reduce their reoffending by ensuring their impairments are identified early and they have access to appropriate treatment and support," Mr Smith said.

The report's 55 recommendations include:

- expanding services that conduct mental health assessments of defendants at an early stage of the court process;
- reforming existing legislative powers for courts to divert people with cognitive and mental health impairments;
- creating a specialist court list to manage cases involving people with cognitive and mental health impairments;
- expanding the Court Referral of Eligible Defendants into Treatment (CREDIT) program, which addresses the causes of an offender's criminal behaviour; and
- clearer definitions of mental health and cognitive impairment.

"Courts alone can't resolve the complex problems faced by people with mental impairments – an effective response will require continuing support from a variety of agencies in areas such as health, justice, housing and disability," Mr Smith said.

"More comprehensive and effective management of cases involving defendants with mental health issues will help to create safer communities and reduce the risk of unwell people falling through the cracks and committing further crime."

The Department of Attorney General and Justice will set up a committee to prepare a whole-of-government response to the Law Reform Commission's report. The committee will include senior officers from key mental health, disability and criminal justice agencies. The report can be obtained at www.lawlink.nsw.gov.au/lrc

The Law Reform Commission is currently examining matters involving fitness to be tried for a criminal offence, the defence of mental illness and the management of forensic patients. This report is due for completion later in the year.