The NSW Government is providing greater support for victims of crime in cases involving people with cognitive and mental health impairments.

A clear focus on supporting victims

- The new Specialist Victims' Support Service (SVSS), established in February 2019, supports victims throughout the justice process. The service educates victims about court and Mental Health Review Tribunal (the Tribunal) processes, and offers support and counselling referrals to facilitate recovery.
- The SVSS also operates the Victims Register (previously known as the Mental Health Review Tribunal Victims Register or Forensic Patient Victims Register). The SVSS notifies registered victims about Tribunal hearings involving relevant forensic patients, and explains the determinations of those hearings in clear terms.
- Victims now have a greater voice, with the Government passing laws enabling victims to make submissions to the Tribunal about how granting a forensic patient leave or release might affect them. Victims may request that the court or Tribunal consider withholding their submission from a forensic patient.
- A new object to protect the safety of victims of forensic patients, and acknowledge the harm done to them, has been included in the Mental Health (Forensic Provisions) Act 1990.
- The Charter of Victims Rights, contained in the Victims Rights and Support Act 2013, now applies to victims of forensic patients and includes specific rights for these victims.

“[This reform recognises the impacts of offending on victims and will help ensure that all registered victims receive the right information and support.”]

Janet Wagstaff
A/Commissioner of Victims Rights

Improving our justice system

- Courts may now seek reports from expert psychiatrists to inform decisions regarding the release of a person found unfit to stand trial and not acquitted or not guilty by reason of mental illness.
- Forensic material, such as DNA, may be retained if the person is found unfit to stand trial and not acquitted or not guilty by reason of mental illness.
- The Tribunal may revoke a conditional release order of a forensic patient who has breached a condition of their release.
- When the Tribunal makes an order to apprehend a forensic patient who is unlawfully absent from their mental health facility or place of detainment, the patient’s limiting term (the sentence that would have been imposed in a normal trial process) will be paused.

These reforms build on the recommendations of the NSW Law Reform Commission and the Review of the Mental Health Review Tribunal, which involved extensive consultation with victims, health and disability agencies and the legal profession.

For more information go to www.justice.nsw.gov.au/reforms

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