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Minister for Housing
Minister Assisting the Minister for Health (Mental Health)
Member for Kogarah

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Review of Forensic Mental Health System Takes the Next Step
NSW State Plan Priority F3: Improved outcomes in mental health

Minister Assisting the Minister for Health (Mental Health), Cherie Burton today released a Consultation Paper to prompt community discussion on the future of the forensic mental health system in NSW.

The forensic system governs the treatment of patients who are found not guilty of an offence by reason of mental illness.

Ms Burton said that issues relating to forensic patients in NSW are complex in their legal and medical nature and highly sensitive.

“This consultation paper will stimulate comment on these and other issues,” Ms Burton said.

“It was clear from our extensive consultation on the Mental Health Act that the forensic mental health system and the role of the Mental Health Review Tribunal (MHRT) needed to be looked at further.

“That’s why we are conducting a review of both the MHRT and the future of the forensic system in NSW.

“This consultation paper is the next step in this review.”

President of the MHRT, The Hon Greg James QC, is chairing a taskforce to conduct the review, which will take no longer than a year.

Ms Burton said the Consultation Paper raises a number of issues including:

- Public safety in relation to leave and release arrangements;
- The adequacy of current procedures for dealing with questions of an accused’s fitness to be tried;
- The defence of mental illness; and
- The appropriate authority or person for making decisions regarding a forensic patient’s detention, care, treatment, and release.

“I have also requested that the review look at the role of victims of crime and options to support or enhance their involvement in the forensic review process,” Ms Burton said.

The paper provides arguments for and against the current system of executive discretion.

It also examines other options for reform including establishing a role for the Supreme Court or the MHRT in making decisions regarding a forensic patient’s detention and treatment.

"I encourage all individuals, organisations and agencies to make written submissions on the options identified in the paper," Ms Burton said.

Mr James will also be conducting community consultations and all views expressed will be considered in the development of the final recommendations for the Government.

Copies of the consultation paper are available on the NSW Health website at www.health.nsw.gov.au

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