

**Victorian
Law Reform
Commission**

Review of the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

Consultation paper

Easy English version



Review of a law called the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

In this book we will call this **the Act**.

There are some hard words to read.

The hard words are in **bold, blue letters**.

You can look at the end of the book for
more information.



The Act is for **vulnerable** people in our community. For example,

- People with mental problems who the police charge with a crime
- Family members or carers of people with mental problems
- Victims of crime
- Family members or carers of victims of crime



The Act is also for people in the community who care about people's safety.

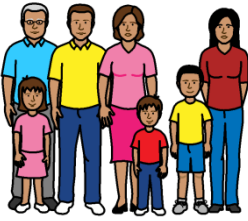
?



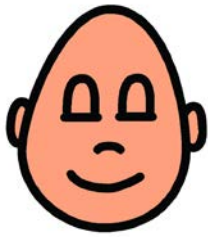
What is a mental condition or problem?

It can be many things like

- mental illness
- intellectual disability
- after a brain injury.

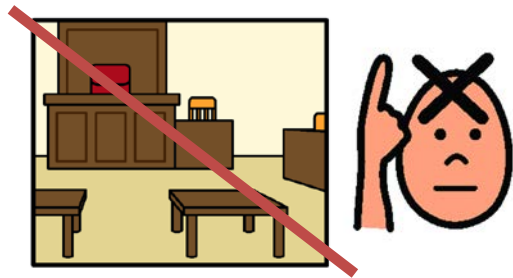


There are **more** people with mental problems than other people from the community in the **criminal justice system**.



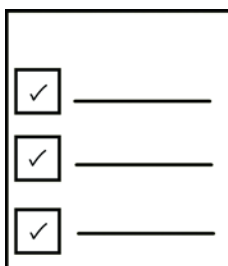
The Act takes care of the

- safety of people in the community
- rights of **vulnerable** people.



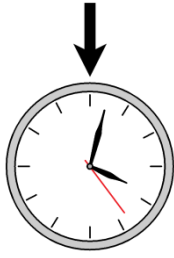
The Act is the law to decide if a person is

- mentally unfit to go to trial
- mentally fit to go to trial
- **not criminally responsible** for the offence.



The laws and the **processes** are to make sure all people

- have a fair go
- are only punished when they are **criminally responsible**.



Why does the Act need a review?

The Act started in 1997.

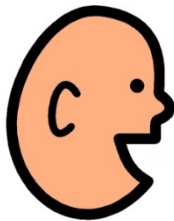
The **Attorney-General** said it is time for a review.



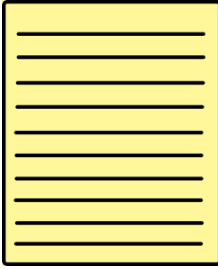
The Attorney-General asked the Victorian Law Reform Commission to do the review. In this book we will say **the Commission**.



The Commission will check if the act
is working



The Commission will talk to lots of people.



Discussion or **consultation** paper

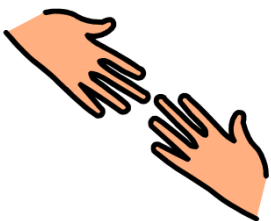
This paper

- will help the Commission find out how the Act has been working
- gives information about the Act now
- says what the Commission has found out so far.



Who can give their ideas?

- You have experience with the Act
- You are affected by the Act
- You have an interest in what the Act means for the community



What you say will help the Commission

- understand the problems and
- write ideas for the future.

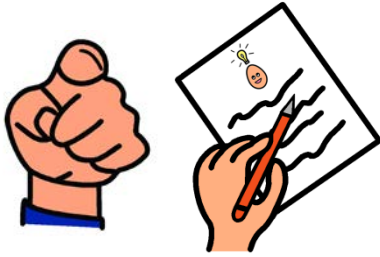
The Commission will

- get information from you
- and
- do some research.



The Commission will write a report for the
Attorney-General.

The Victorian Government will decide to use the
Commission's ideas or **not**.



How you can take part

You can

- write your ideas or story. This is called a **submission**

or

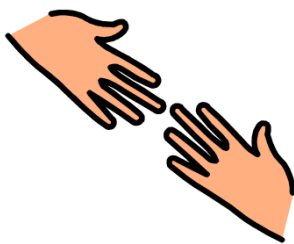
- tell your ideas or story to the Commission.



AUGUST 2013						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
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25	26	27	28	29	30	31

Give your ideas to the Commission

before 23 August 2013.



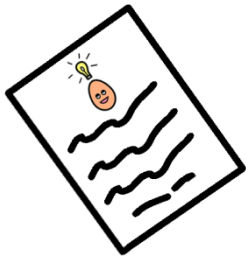
You can get help to do your submission

Contact the Commission

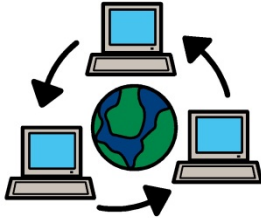
- for an interpreter
- for help to make your submission
- to get this paper in an accessible format.



The Commission will **not** give you legal advice.

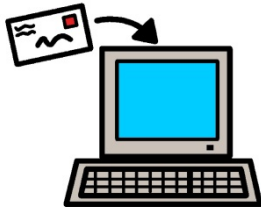


Where to give your submission



Website www.lawreform.vic.gov.au

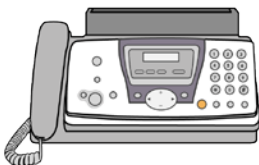
There is a form to fill out.



Email law.reform@lawreform.vic.gov.au



Mail GPO Box 4637, Melbourne Vic 3001

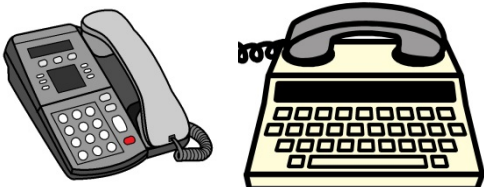


Fax (03) 8608 7888

Phone (03) 8608 7800

Local call 1300 666 555

TTY Phone 1300 666 557



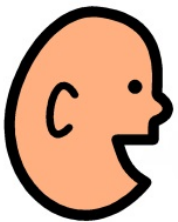


1. Read about the Act

2. Tell us what happened to you.

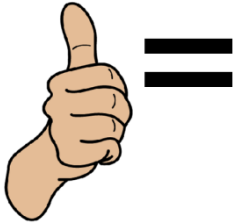
Look for

- **the blue line**
- and**
- **these pictures.**

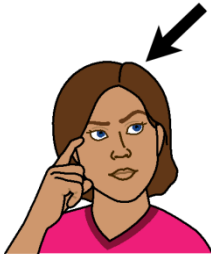




Information about the Act

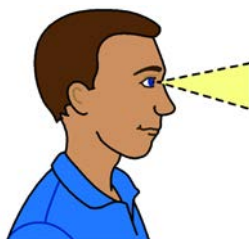
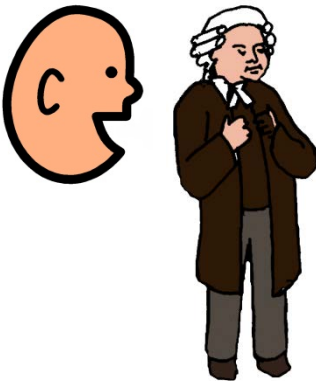


The Act says you have the right to a fair trial.



To have a fair trial you need to have the mental skills. This means you **must** be able to

- understand what you are **accused** of doing
- tell a lawyer what you want them to do.

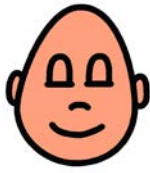
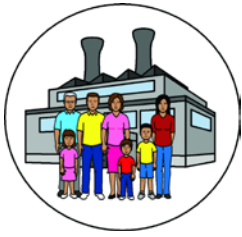


You must **not** be **punished** if you do **not** have the mental skills to understand your crime.

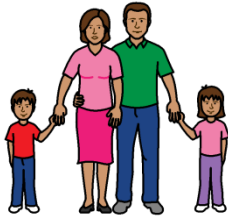
You may have someone watch you.

This is called **supervision**.

Supervision should be **least restrictive**.

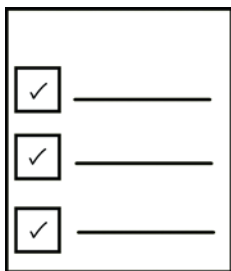


The Act says people in the community have the right to be safe.



The Act says victims and family members have

- the right to be heard
- the right to get information.

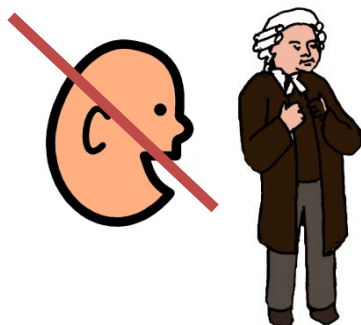


Laws and **processes** in the Act

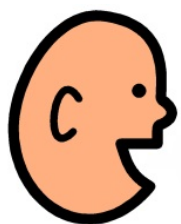
The court needs to find out if you are
fit to go to trial



- Can you understand what would happen in court?



- Can you tell your lawyer what you want?



Tell us about what happened to you.

For example,

- what the experts did
- the time it took.

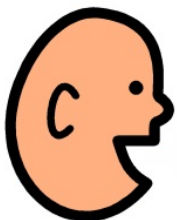


The court must decide if you are not responsible for the crime

The court must decide if you have a mental problem.

You will not be responsible if your mental problem means you

- did **not** know what you were doing
- did know what you were doing but you did **not** know that it was wrong.

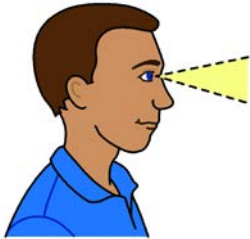


Tell us about what happened to you.



You must decide if you want to say

- you are unfit to go to trial
- or
- you have a mental problem



If you decide to say you are unfit or you have a mental problem

- it will be hard
- it means you may get a **supervision order**.

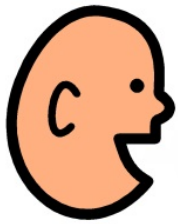


You may be unable to say what you want.

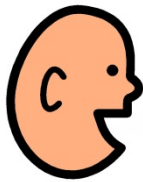
You may need your lawyer to decide.

Lawyers **must** understand that

- a supervision order can be for the rest of your life
- and
- it will really affect your life.



Tell us.



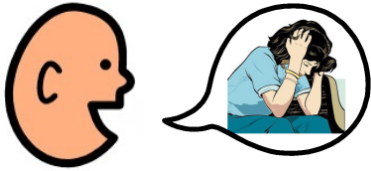
What did your lawyer tell you?



Did you get any other help?

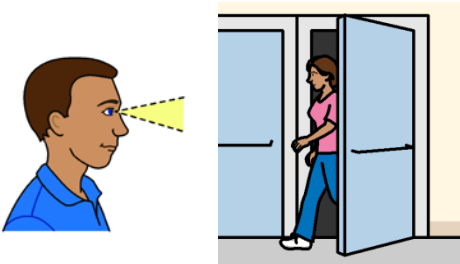
For example,

- **someone came to court with you**
- **someone told you what was happening.**



What happens if the court says

- **you are unfit to go to trial**
- or**
- **not guilty because of mental problems?**



The court will say

- **you need supervision**
- or**
- **you can go free.**



What else can happen?



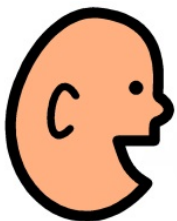
The court may say you must also

- pay the victim
- give back any property or money you stole
- pay the government back
- give some of your property.

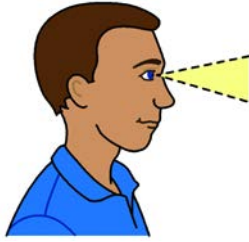
Some things may happen because of other laws.

For example,

- take away your driving license
- you go on the Sex Offenders Register
- you can **not** get some jobs, like driving a taxi
- you must **not** work with children.



Tell us about what happened to you.

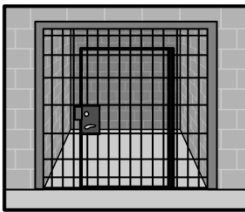


Supervision orders

What is a supervision order?

The court says you must be watched.

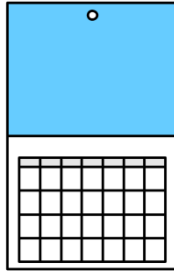
You could be watched for the rest of your life.



A supervision order can be for a person

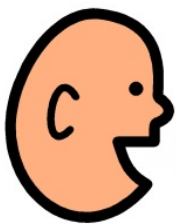
- in **custody**. This is called custodial supervision order
- in the community. This is called a non-custodial supervision order.





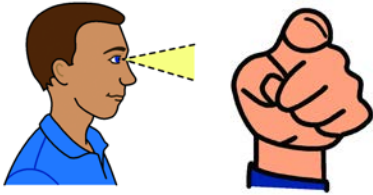
The court can say when to check the supervision order.

The court will check the supervision order and decide if it should change.



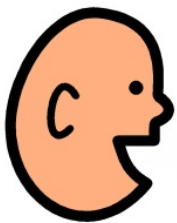
Tell us.

What a supervision order did for you.

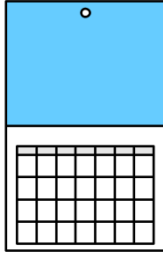


What happens when you are on a supervision order?

The Forensic Mental Health Services or Disability Services looks after you.

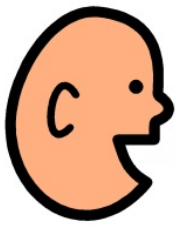


Tell us about what happened to you.

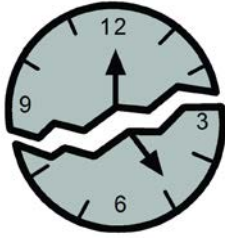


The court decides when the court checks your supervision order.

For example, months or years.



Tell us about what happened to you.



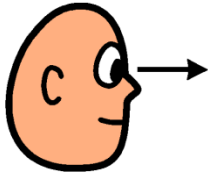
You can ask for leave

You may need

- services. For example, a doctor.
- to go to court
- to support family. For example, a funeral.
- to find a place to live or look for a job
- to help you get better.



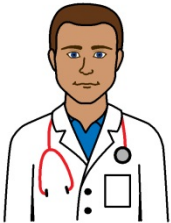
Tell us about what happened to you.



The court looks at lots of things to help it make decisions

The court may look at

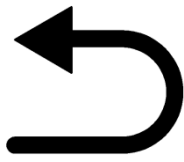
- what mental problem you have
- what mental problem you have **and** what the offence is
- how to keep the community safe
- what help you need
- how the victims and family members feel.



The court gets reports to help it make decisions.

The reports come from

- doctors
- psychologists
- other people who know the person
- victims
- family.



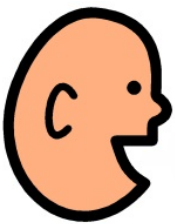
You may go back to court when you are under the Act

You may go to court to

- change your supervision order
- get leave
- stop leave.

You can be in court.

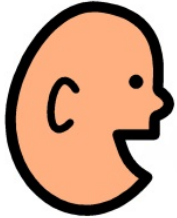
You can have a lawyer.



Tell us about what happened to you.

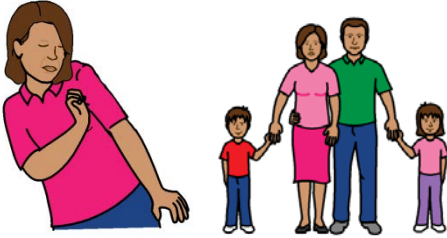


You may need an **advocate**



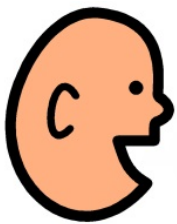
Tell us how an advocate could help you.

Victims, family members and carers



What happens under the Act can affect the lives of

- victims
- family members and carers. For example, tell the court about you
- family members and carers of victims.



Tell us about your experience of the Act.

What do words mean?



Accused

The police charge you with doing a crime.



Advocate

A person who speaks up for you.



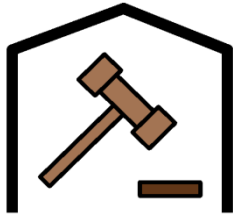
Attorney-General

The Attorney-General checks laws and what happens in court.



Criminally responsible

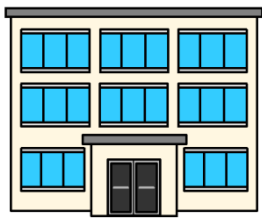
The court says you are to blame for a crime.



Criminal justice system

All the services that deal with justice.

For example, courts, police.



Custody

A place you **must** stay.

The government runs the places. For example, special hospital, special disability service.



Evidence

Information or things to show a crime happened.



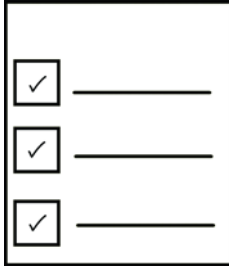
Forensic

Solving crimes for the courts.



Least restrictive

Not too much control of your freedom.



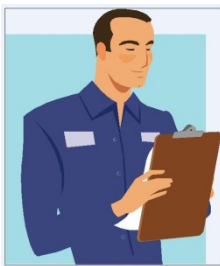
Processes

The steps.



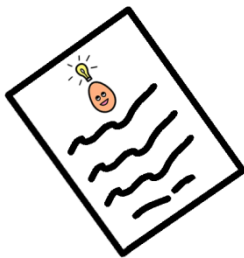
Punished

Get into trouble.



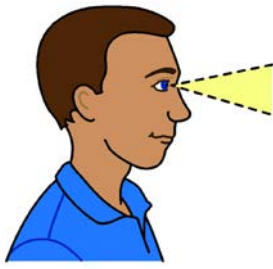
Review

Check.



Submission

Give your ideas.



Supervision

Someone watches you.



Juries

The people in the court that make the decision of guilty or **not** guilty.



Vulnerable

There is a risk of bad things happening.

Easy English made by Scope. June 2013. www.scopevic.org.au.

Contact the Victorian Law Reform Commission for more information.

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