

JUVENILES — FITNESS TO STAND TRIAL

**627. Hon LJILJANNA RAVLICH to the parliamentary secretary representing the Attorney General:**

How many juveniles unfit to stand trial were acquitted on account of unsoundness of mind for the years 2009, 2010 and 2011 to date, and what was the nature of the alleged offences?

**Hon MICHAEL MISCHIN replied:**

I thank the honourable member for some notice of the question.

With respect, the member's question appears to misunderstand the manner in which the Criminal Law (Mentally Impaired Accused) Act 1996 operates. The usual effect of being found unfit to stand trial for an offence is that the person does not stand trial for an offence and thus cannot be acquitted on account of unsoundness of mind. In other words, being found unfit to stand trial and being acquitted on account of unsoundness of mind are two alternative outcomes that may apply to a mentally impaired accused.

The only conceivable circumstance in which a juvenile could be unfit to stand trial and be acquitted of an offence would be if they were temporarily found unfit to stand trial for an offence pursuant to section 16(2) of the Criminal Law (Mentally Impaired Accused) Act 1996, and then later found fit to stand trial and tried for the offence and acquitted on account of unsoundness of mind.

If the member instead wishes to know, firstly, how many juveniles were found unfit to stand trial and, secondly, how many juveniles were acquitted on account of unsoundness of mind in each of the above years, the Attorney General has advised me that to answer that question would certainly require a certain amount of research and allocation of resources and cannot be answered in the allocated time frame. It is requested that the question be placed on notice and the wording of the question reconsidered to clarify exactly what is sought.