



[Families and marriage](#) | [Rights and protections](#) | [Legal system](#) | [Crime](#) | [National security](#) | [Integrity](#) | [International relations](#) | [Industrial relations](#)

You are here: [Attorney-General's Department](#) >> [Rights and protections](#) >> [Human rights and anti-discrimination](#) >> National Statement of Principles relating to Persons Unfit to Plead or Not Guilty by Reason of Cognitive or Mental Health Impairment

## Human rights and anti-discrimination

[Human rights protections](#)

[Australia's anti-discrimination law](#)

[International human rights system](#)

[United Nations human rights reporting](#)

[Human rights scrutiny](#)

[Australian Human Rights Commission](#)

[Freedom of Religion](#)

**[National Statement of Principles relating to Persons Unfit to Plead or Not Guilty by Reason of Cognitive or Mental Health Impairment](#)**

# National Statement of Principles relating to Persons Unfit to Plead or Not Guilty by Reason of Cognitive or Mental Health Impairment

In November 2015, the Law, Crime and Community Safety Council (now the Council of Attorneys-General) agreed to establish a cross-jurisdictional working group on the treatment of people with cognitive or mental health impairment unfit to plead or found not guilty by reason of mental impairment. As part of this process, the working group developed the *National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment* (the National Principles).

- [National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment \[PDF 870 KB\]](#)
- [National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment \[DOCX 34 KB\]](#)

The National Principles recognise the rights of persons with cognitive or mental health impairment, and seek to identify safeguards throughout legal processes and during the period in which a person who is unfit to plead or not guilty by reason of cognitive or mental health impairment is subject to orders. They are best practice principles to ensure that treatment is tailored, inclusive and recovery oriented, with agencies and service providers collaborating to provide coordinated care.

All states and territories have considered the National Principles and as of August 2019 they have been endorsed by the Australian Capital Territory, Queensland, New South Wales, the Northern Territory, Western Australia, Victoria and Tasmania.

South Australia has advised that while they remain broadly supportive of the objectives of the National Principles, their foremost consideration is the protection of the community. The safety of South Australians is at the heart of their laws, including sentencing laws. As such, South Australia has not endorsed the National Principles as they are inconsistent with their current legislative provisions, policies and procedures.