

# Criminal Law (Mentally Impaired Accused) Act 1996, Western Australia

1996 –

URL: [http://www.austlii.edu.au/au/legis/wa/consol\\_act/cliaa1996335/](http://www.austlii.edu.au/au/legis/wa/consol_act/cliaa1996335/)

## Details

---

The Criminal Law (Mentally Impaired Accused) Act 1996 (070/1996) acknowledges that not all people who come before the courts are 'mentally fit' to stand trial (s.9). The Act applies to all Western Australian courts where criminal proceedings are heard, including the Children's Court. The Act established the Mentally Accused Review Board. The Act makes provision for identifying if a person is mentally unfit and, if so, determining how to proceed with the charge and whether/where the accused person should be held in custody and under what terms.

The *Criminal Law (Mentally Impaired Accused) Act* was originally known as the *Criminal Law (Mentally Impaired Defendants) Act*. The title changed in 2005 to replace the term 'defendant' with 'accused'. This change was also reflected in the name of the Board, which had been known as the Mentally Impaired Defendants Review Board up to 2005. The use of the term 'defendant' was deemed inappropriate if a trial could not proceed.

## More info

---

### Related Entries

#### Related Organisations

- [Children's Court of Western Australia \(1907 - current\)](#)
- [Mentally Impaired Accused Review Board \(1997 - current\)](#)

---

You can view this page online by visiting <https://www.findandconnect.gov.au/entity/criminal-law-mentally-impaired-accused-act-1996/>