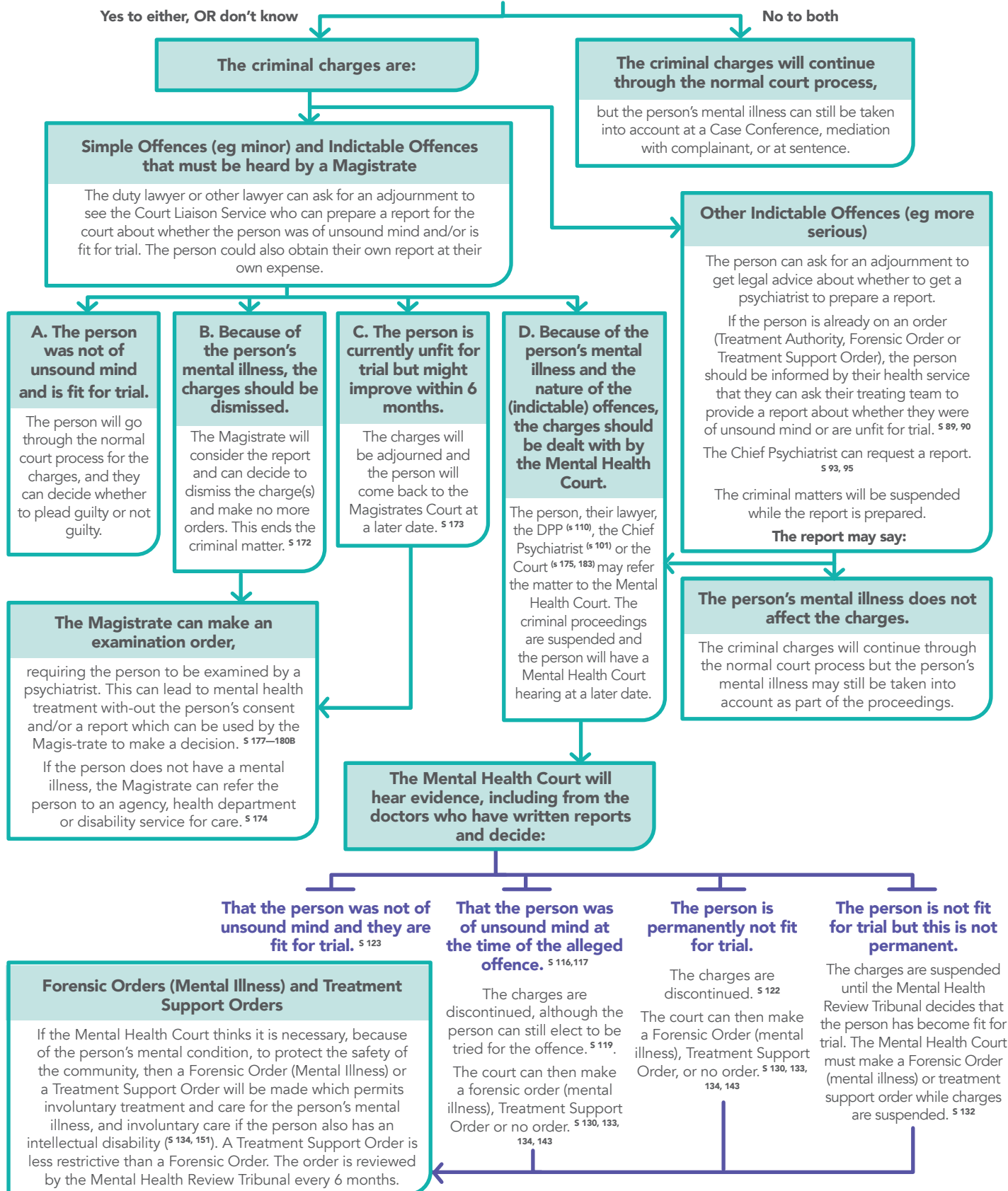


Does the Person, their Doctors, their Lawyer, the Court or the Police think that:

1. The person's mental illness affected them to the extent that they were of 'unsound mind' at the time of the alleged offence(s)? ^{s 109}
2. Because of their mental illness, the person may be unable to follow court proceedings? (unfit for trial)



In Queensland, a person's criminal charges can be dismissed or discontinued if the Court agrees that the person was of unsound mind at the time of the offences or is currently unfit for trial.

Representation in Court

When a person first appears in court they can represent themselves, see the duty lawyer, apply for legal aid or pay for a lawyer. **If mental illness/cognitive impairment is relevant to the charges, they should speak to a lawyer.**

Custody and Hospital

If a person has not been granted bail, and a doctor says they need to go to hospital for treatment for their mental illness, the person may be transferred to an authorised mental health service as a **classified patient**. This can be voluntary (with their consent) or involuntary. Once the person is well enough, they will be returned to custody. **s 74, 75, 83**

See flowchart 'Becoming a Classified Patient'

Intellectual Disability

If the person does not have mental illness but has intellectual or cognitive disability which affects their criminal responsibility for the charges, **see flowchart 'What happens to criminal charge(s) if a person has an intellectual or cognitive disability'**.

Simple Offences and Indictable Offences

See <https://queenslandlawhandbook.org.au/the-queensland-law-handbook/offenders-and-victims/introduction-to-criminal-law/types-of-criminal-offences/>

Unless otherwise specified, references to sections **(s)** are from the *Mental Health Act 2016* (Qld)