

# Media Release

The Hon Daniel Andrews MP  
Premier



**DELIVERING  
FOR ALL VICTORIANS**

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## NEW LAWS TO CRACK DOWN ON EMERGENCY WORKER ATTACKS

The Andrews Labor Government is cracking down on people who attack and injure emergency workers on duty by making sure they are given a custodial sentence, as well as further limiting the use of community correction orders.

The *Justice Legislation Miscellaneous Amendment Bill 2018* will be introduced into Parliament today, and will make injuring an emergency worker – including police, paramedics, doctors and nurses delivering or supporting emergency care, firefighters and prison officers – a category 1 offence under the *Sentencing Act 1991*.

Under these tough new laws, courts will have to impose a custodial sentence and will not be able to sentence offenders to a community correction order or other non-custodial outcome, even after determining that special reasons apply and that the statutory minimum sentence should not be imposed.

As a result of the Government's engagement with emergency worker unions, the Bill will also provide a very narrow exception for cases involving offenders with a mental or cognitive impairment.

This will require a causal link between the impairment and the offending, and the impairment to substantially and materially reduce the offender's culpability. Expert evidence will be required to support reduced culpability for the offence.

Where an impaired offender does meet this high threshold, courts will be able to impose a Mandatory Treatment and Monitoring Order – a new order – with strict conditions and increased consequences for non-compliance.

Under this order, an offender will be required to obtain treatment or other support for the impairment that caused the offending behaviour and must attend court regularly for monitoring, or risk being sent to prison.

The Bill will also significantly restrict the special reasons that courts can consider – in order not to impose a statutory minimum or a custodial sentence for a category 2 offence – by:

- Making it clear that offenders cannot rely on impaired mental functioning where it was caused solely by self-induced intoxication, by drugs or alcohol
- Changing the way existing law applies to young offenders, with people aged 18 to 20 years at the time of their offence no longer able to rely upon their immaturity as a special reason
- Ensuring that if impaired mental functioning is relied upon because it will make imprisonment more risky or burdensome, this must be materially and substantially greater than usual
- Narrowing the existing special reason of 'substantial and compelling circumstances' to clarify that circumstances must be exceptional and rare, and setting out a list of factors that do not constitute substantial and compelling reasons, such as the offender's prospects of rehabilitation, or previous good character.

The Director of Public Prosecutions will also be given new powers to appeal any decision which involved a finding of 'special reasons' if she considers the finding resulted in an inadequate sentence.

The Bill will also require the Supreme and County Courts to have regard to the statutory minimum sentences that would have applied to an adult, when sentencing a young person aged 16 or 17 at the time of offending.

This will ensure that courts have regard to the seriousness of these offences where a statutory minimum sentence would have applied to an adult offender.

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The Government will continue to work with unions, through the Emergency Worker Harm Reference Group, to ensure that emergency workers are properly protected under our laws.

**Quotes attributable to Premier Daniel Andrews**

*“Under these new laws, the cowards who attack and injure emergency service workers will get what they deserve.”*

*“Our emergency service workers put their lives on the line to keep us safe. They are not punching bags.”*

**Quote attributable to Attorney-General Martin Pakula**

*“These existing laws – which were introduced by the previous Liberal Government – have failed. We’re closing the loopholes to make sure that sentences for these crimes are more in line with community expectations.”*

**Quote attributable to Minister for Ambulance Services Jill Hennessy**

*“Our paramedics do a wonderful job saving the lives of Victorians. It’s simply unacceptable that they are attacked just for doing their jobs.”*

**Quote attributable to Minister for Police Lisa Neville**

*“This legislation sends the strongest possible message that its unacceptable to assault and injure a police officer, and if you do you can expect to go to jail.”*