

Media Release

The Hon Martin Pakula MP
Attorney-General
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**DELIVERING
FOR ALL VICTORIANS**

Thursday, 20 September, 2018

NEW LAWS PASS PARLIAMENT TO PROTECT EMERGENCY WORKERS

The Andrews Labor Government has passed new laws that crack 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* has passed Parliament and makes 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 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 new laws also provide a very narrow exception for cases involving offenders with a mental or cognitive impairment.

The new laws 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'.

The Director of Public Prosecutions has also been 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 Government will continue to work with unions, through the Emergency Worker Harm Reference Group, to ensure that emergency workers are adequately protected under our laws.

Quote attributable to Attorney-General Martin Pakula

"These new laws will make sure that sentences for attacking our emergency workers, who put their lives on the line every day to keep us safe, 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."

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