

Media Release



Federation of
Community Legal Centres
VICTORIA

Women and families at risk under proposed new mandatory sentencing laws

Thursday 21 June 2018 – for immediate release

The Andrews Government has introduced legislation to expand mandatory sentencing for injury caused to emergency service workers, including ambulance officers, police, protective services officers, and custodial officers.

The legislation has been introduced in a matter of weeks, with no consultation with the community sector, who work with people in times of crisis and trauma and rely on the support of emergency service workers.

The lack of consultation means there are serious consequences that will flow from these changes, undermining the Government's efforts in other areas, such as addressing family violence and institutional child abuse, and improving equality for women and Aboriginal and Torres Strait Islander people.

'We strongly support measures that promote the safety of emergency service workers; however this legislation will not achieve this. Mandatory sentencing has failed in every jurisdiction it operates – it locks up more first time offenders, Aboriginal and Torres Strait Islander people and women, while making no improvements for safety,' said Serina McDuff, CEO of the Federation of Community Legal Centres.

The changes will compromise the working relationships that are necessary between professionals at critical incidents.

'Community workers are concerned that a call for support in times of crisis will result in the person they are trying to help ending up in prison. Workers and people in crisis will not get the support they need, putting them at risk,' said Ms McDuff.

For women experiencing family violence it creates another barrier to call for help. Women may be reluctant to call police if they fear their partner will be sent to prison. In traumatic and volatile situations, family violence victim-survivors may themselves be charged and face a mandatory prison sentence.

The narrowing of the special reasons to be considered will mean the court will be unable to consider the violence and abuse she has suffered.

'These changes will make things even harder for victims of family violence. Women will feel unable to rely on police for help and may themselves be caught by a mandatory prison sentence. Forcing the courts to ignore the trauma and impact of family violence is a huge step backwards for family violence victim-survivors in Victoria,' said Ms McDuff.

Young people who have the most to gain from rehabilitation will be caught up in these laws. The removal of special reasons for young people, including psycho social immaturity and prospects of rehabilitation will have wide reaching implications.

'Families will feel unable to call for help when their kids are experiencing crisis and trauma. It's a terrible position to be in – to need help in a time of crisis while fearing whether that call will send your child to prison,' said Ms McDuff.

The changes will disproportionately impact Aboriginal and Torres Strait Islander people.

'Aboriginal and Torres Strait Islander people face over-policing, racial profiling and systemic discrimination. These changes will send more people to prison, destroying lives and communities,' said Ms McDuff.

'Premier Andrews lack of consultation on these changes places people at serious risk. This legislation has been dangerously rushed, and we are calling on the Premier to halt the changes before they become law,' said Ms McDuff.

The *Justice Legislation Miscellaneous Amendment Bill 2018* was introduced to Parliament yesterday and is due for second reading today. The community sector has not yet seen the legislation and will only have access once it is publicly posted following the second reading.

Media Contact:

Serina McDuff, CEO: 0451 411 479 or serina.mcduff@fclc.org.au