

Mokbel could sue for attack

And you pay if he wins

DRUG lord Tony Mokbel could launch civil action against the Victorian government for failing to protect him from his brutal prison bashing, legal experts say.

The drug kingpin suffered facial injuries and was allegedly stabbed in the February 11 attack at Barwon jail.

His injuries could mean he is entitled to thousands of dollars from the Victorian taxpayer if it can be proven Corrections Victoria breached its duty of care to him.

It is understood Mokbel is slowly recovering from his injuries and has been moved to a secure hospital ward.

Legal experts say he may now have a claim against the state for Corrections Victoria failure to prevent the bashing.

Maurice Blackburn Lawyers principal Dimi Ioannou said any lawyers acting for Mokbel would need to prove prison authorities knew of a potential threat to his safety.

"They need to show that they were aware of a potential threat to his safety and then show they breached their duty of care by not protecting him from the threat," she said.

"You then need to show that there was a permanent injury from the incident, which there was."

It is understood prison bosses discussed moving Mokbel into a protective unit the day before the attack, but the drug lord declined.

The *Herald Sun* has also been told Barwon operations managers had wanted to move

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on population, but that was vetoed at a higher level.

Ms Ioannou said Maurice Blackburn Lawyers had launched legal action for other prisoners attacked behind bars, and these always ended in a "negotiated settlement".

Ms Ioannou said it was also open for Mokbel to sue for pain and suffering caused by the attack.

She said the inquiries into Mokbel's bashing — being headed by NSW Supreme Court judge David Ipp and former Queensland corrections commissioner Mark Rallings — should be made public so there was trust in the process.

Two men were charged with attempted murder after the attack.

Mokbel appears to have a far greater chance with civil action than in pursuing victims of crime compensation.

Specialist victims of crime lawyer Joshua Reimer, of Johnstone & Reimer Lawyers, would not comment on the Mokbel case specifically, but said there were obstacles to some offenders being successful at the Victims of Crime Assistance Tribunal.

Mr Reimer said section 54 of the Victims of Crime Assistance Act, which obligates the Tribunal to consider the character and background of a victim, made it difficult for high-level criminal offenders to win a payout.

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