Victoria seeks to tighten laws after pair avoids prison over paramedic assault

By state political reporter Richard Willingham and Simon Galletta

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A fierce outcry from Ambulance Victoria paramedics and the broader public has prompted the Andrews Government to seek to toughen up laws regarding assaults on emergency service workers.

Ambulances across Victoria were scrawled with the message "it's not OK to assault paramedics" after two women escaped prison despite being found guilty of assault on paramedic Paul Judd, in the Melbourne suburb of Reservoir, last year.

Chenaye Bentley was also attacked and Mr Judd, a 40-year veteran of Ambulance Victoria, is still off work.

Amanda Warren and Caris Underwood had been found guilty last year and sentenced to prison for assaulting Mr Judd, but were free on bail pending an appeal.

But on appeal, they escaped prison terms despite the state introducing mandatory sentences for people who assault emergency service workers.

There are special circumstances provisions in the law to avoid a mandatory sentence and those were applied to the pair who assaulted Mr Judd.

The State Government ordered urgent advice on how to tighten access to the special circumstances provisions.

Health Minister Jill Hennessy said the court's decision was "frustrating".

"We want accountability for those that are violent towards paramedics and it is absolutely essential that we continue as a community and as a government to work to try and reduce occupational violence," Ms Hennessy said.

"Our Government does not want a sentencing regime that delivers these kinds of outcomes and that is why the Attorney has instructed the Department of Justice to provide advice for the purposes of changing the law.

"Change can't come soon enough.

"The special reasons exemption that exists in the legislation has not produced the outcome that our Government wants."

Paramedics frustrated, angry

Mr Judd suffered four fractures in his foot and has had three operations, one which left him with a severe post-surgery infection.

He has also been diagnosed with post-traumatic stress disorder.

"My view was that if you do the crime you pay the time, regardless of what that is," he told ABC Radio Melbourne.

"If people see that there's no outcome and they don't need to be afraid of having some sort of sentence, then there's no repercussions and that's not justice."

Mr Walker said he was hopeful Mr Judd would one day be able to return to work.

Victorian paramedics are attacked on the job every 50 hours, Ambulance Victoria chief executive Tony Walker said.

"Attacking or assaulting a paramedic is unacceptable. It would never be acceptable in any other workplace and it is not acceptable in ours," Mr Walker said.
"There's a lot of anger and frustration amongst my workforce at the moment."

Ambulances Employees Association assistant secretary Danny Hill said at least 100 ambulances had the message of anger written on it.

"It is just raw emotion that is being expressed at the moment," Mr Hill said.

"This has devastated paramedics.

"Clearly the laws have let us down, and it's positive that they are being fixed.

"It's just a shame that the underlying legislation didn't protect Paul and Chenaye."

Regional paramedics have also written messages on their ambulances and said the problems were not restricted to the metropolitan area.

Steve Funberger, from Ambulance Victoria's Northern Mallee District, said there had been times when he had ordered staff not to attend calls deemed too dangerous.

"Sometimes we know a location of interest that's problematic ... and we won't attend if we think our staff are under threat," he said.

"We have a large reliance on Mildura police.

"They're invaluable to us, and if we're under duress they respond to us in a quick manner."

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Assaults on paramedics to be put in same category as murder in Victoria

By Richard Willingham and staff

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Any attack on Victoria's emergency service workers will be treated the same as murder and rape by the courts under tough reforms to be imposed by the State Government.

Cabinet agreed on Monday to have attacks on first responders and prison staff that resulted in injury classified as a category-one offence, which requires the court to impose a custodial sentence.

The Victorian Government has been under significant pressure after two women were spared jail time despite being found guilty of a serious assault on paramedics.

Last week, a paramedic was admitted to hospital with back and facial injuries after being spat at and punched by a patient.

The previous Coalition government introduced mandatory jail time for attacks on emergency service workers but the women were able to access special circumstances rules to avoid incarceration.

Premier Daniel Andrews met with the Police Association and Ambulance Employees Association, who have been calling for people to be jailed for such attacks, regardless of circumstance.

Police Minister Lisa Neville said the changes would close those loopholes.

"This is about sending a very strong message — you will see a custodial sentence," she said.

"You might claim you've been drunk or on drugs, [that] will not allow you out of serving time."

Under a category-one offence a custodial sentence is required, and not a community-based order.

Custodial sentences can include mental health centres.

Attackers deserve 'full force of the law'

Ambulance union secretary Steve McGhie told ABC Radio Melbourne he believed putting attacks on emergency service workers in the same category as serious crimes was appropriate.

"They're there to care for people, not there to be used as punching bags and footballs," he said.

"And if someone takes it upon themselves that that's what they think a paramedic is there for and they can punch them, spit at them, threaten them with knives, threaten them with guns ... if they think that's acceptable than I think the full force of the law should come down on them.

"I don't think it will quite fix the problem but it'll certainly go a long way to sending a strong message that when people do take that action of assaulting emergency service workers, and certainly frontline health workers, then there are serious ramifications from that," he said.

How the legal change works for juvenile offenders is yet to be determined and the laws will be introduced in the coming weeks.

The Opposition promised to introduce changes to tighten special circumstances when Parliament resumes on Tuesday.
The Andrews Government is also considering how to tighten rules around special provisions when it comes to drug and alcohol-affected people.