

Question on Notice
No. 1457
Asked on 7 October 2009

MR JOHNSON asked the Minister for Police, Corrective Services and Emergency Services (MR ROBERTS)—

QUESTION:

Have police guidelines for the prosecution of serious assaults on police involving spitting been downgraded from category B to C and if so, what effect will this have on police being able to claim compensation as part of the final court order?

ANSWER:

I thank the Honourable Member for his question.

The question makes reference to current police guidelines and legislation that does not commence until 1st December 2009. The police guidelines refer to the law as it currently stands.

With reference to police guidelines for the prosecution of serious assaults, the Queensland Police Service has advised that the policy relevant to dealing with serious assaults involving an allegation of spitting has not been altered.

Section 552A(2) of the Criminal Code provides prosecution the election to have the matter dealt with either on indictment or summarily. The Department of Public Prosecutions guidelines provides advice that a matter that involves spitting, biting or a needle stick injury should only proceed on indictment if there is a real risk that the police officer has contracted an infectious disease.

The reference in the question regarding category B and C is a reference to the compensation which is outlined in Schedule 2 of the *Victims of Crime Assistance Act 2009* (the Act).

Serious assault is considered a category C act of violence in the Act and the schedule sets out the minimum and maximum amounts.

The nature of the injury suffered will affect the compensation category applicability.

Current compensation claims made under the Act will not be affected as per the transitional arrangements in Chapter 6, Division 4 of the Act.