1. The Member for Southern Downs and Deputy Leader for the Opposition, Mr Lawrence Springborg MP introduced the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2010 as a Private Member’s Bill in February 2010.
2. The Bill proposed amendments to section 340 of the Criminal Code, which contains the offence of serious assault. The Bill aims to introduce mandatory minimum sentences of three months imprisonment for people convicted of assaulting police or public officers where the assault involves actual bodily harm or biting, spitting or throwing bodily fluid/faeces at a prescribed person, defined as a police officer and ambulance, fire and rescue and rural fire officers. The Bill provides that the minimum term cannot be suspended in whole or part and will generally apply to children except in those cases where the court is satisfied that exceptional circumstances exist.
3. While assaults on police and other public officers are abhorrent, judicial discretion is an important element of Queensland’s criminal justice system because it allows particular facts of each case, the impact on the victim or community, and the circumstances of the offender to be taken into account. This ensures the courts are free to construct a sentence which is appropriate to the circumstances and nature of the crime.
4. In *R v King* [2008] QCA 001, the Chief Justice, with whom Keane J agreed, stated that offenders who spit on police officers should ordinarily expect to be imprisoned, meaning actual imprisonment. This decision confirms the appropriateness of the existing sentencing system whereby judges retain the discretion to craft an appropriate sentence.
5. Cabinet decided to oppose the Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2010.
6. *Attachments*
* [Criminal Code (Serious Assaults on Police and Particular Other Persons) Amendment Bill 2010](Attachments/CrCodeSAssAB10_P.pdf)
* [Explanatory Notes](Attachments/CrCodeSAssAB10Exp.pdf)