

21 September 2022



AUSTRALIAN FEDERAL POLICE ASSOCIATION MEDIA RELEASE

BANNING OF SPIT HOODS MUST MEAN MANDATORY BLOOD AND SALIVA TESTING

The Australian Federal Police Association (AFPA) maintains its position that if the ACT Government moves to ban spit hoods in the ACT, they **must** also pass legislation to allow for mandatory blood and saliva testing of people who spit on or bite police officers.

AFPA President Alex Caruana said that if Greens MLA Andrew Braddock continued his push to ban spit hoods, he must appreciate the need for such supporting legislation.

"Mr Braddock talks about all the jurisdictions that have banned or don't use spit hoods. However, he fails to mention that all those jurisdictions have mandatory blood testing for people who spit or bite police officers.

"If Mr Braddock follows his own logic that just because everyone else is doing it, then so must the ACT — he should also introduce similar legislation to that which New South Wales, Queensland, the Northern Territory, South Australia, and Western Australia all have," Mr Caruana said.

The AFPA also believes any legislative amendments banning spit hoods would contravene the *Australian Capital Territory (Self-Governance) Act 1988*.

Mr Caruana said that Mr Braddock needs to explain how he would circumvent section 23, 1(c) of the Act.

"The *Australian Capital Territory (Self-Governance) Act 1988* is very clear. Section 23, 1(c) clearly states that the provision by the Australian Federal Police of policing services to the Territory is excluded from the ACT Government having the power to make laws.

"Before the ACT Greens start banning operational policing safety devices and impacting the provision of policing services in the ACT, they'll need to address section 23.

"If Mr Braddock can't answer that question, then ACT Attorney-General Shane Rattenbury is welcome to step in and explain to the ACT community how he'll allow a possible breach of the Act. Mr Caruana said.

For comments:

AFPA Media and Government Relations Manager Troy Roberts - (02) 6285 1677 – troy.roberts@afpa.org.au