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FOR IMMEDIATE RELEASE

AFPA QUESTIONS DECISION TO FINE MAN FOR SPITTING IN POLICE OFFICER'S MOUTH

The Australian Federal Police Association (AFPA) questions why a Canberra man who pleaded guilty to spitting into an ACT Policing (ACTP) member's mouth was punished with a \$350 fine.

Luke Brumec had refused to leave a Civic restaurant after being asked to by a security guard and was subsequently moved on from the area by ACTP members. He was seen shortly afterwards attempting to return to the same area; as he was again escorted away, he spat, and some of the saliva landed in an officer's mouth.

AFPA President Alex Caruana said that a fine was a manifestly inadequate punishment for assaulting a first responder and did not act as a deterrent.

"It is unacceptable for a magistrate to think that this is a fair punishment for assaulting a police officer. My members are rightly questioning why they should go out and put their physical and mental well-being on the line if the courts won't ultimately support them.

"The member who was assaulted will be exposed to ongoing mental trauma as they wait for the results of medical testing. For up to six months, they face having to live separately from their families, unable to physically touch their loved ones or hug their children.

Mr Caruana said that the community policing environment had become a more dangerous one with the government banning spit hoods but not legislating mandatory blood and saliva testing of offenders who weaponised bodily fluids.

"The push from ACT Greens MLA Andrew Braddock to ban spit hoods (an essential piece of Personal Protective Equipment) without thinking of the consequences was ill-conceived. The argument against spit hoods was made on the grounds of human rights. What of the human rights of citizens who devote their working lives to protecting others? With a relatively simple stroke of a pen, the ACT could follow other states and territories which have mandated blood and saliva testing, such as New South Wales and the Northern Territory.

"It beggars belief that a supposedly progressive city like Canberra isn't doing more to curb occupational violence in this respect, as well as mitigate the potential for mental trauma and posttraumatic stress disorder (PTSD)".

The AFPA is currently making submissions to the ACT government about financial penalties being used in lieu of imprisonment. A core part of the AFPA's position is that violent or sexually motivated crimes must not be punished with fines.

The AFPA is also calling on both sides of government to work collaboratively towards introducing mandatory blood and saliva testing legislation in the ACT, as well as removing the provision for assaults against frontline workers to be punishable by fines.

The Association will be approaching Police and Emergency Services Minister Mick Gentleman and Shadow Minister for Police and Veterans' Affairs Jeremy Hanson in the coming weeks in relation to the proposed changes.

Mr Caruana said that during a recent conversation, ACT Attorney-General Shane Rattenbury indicated that he was supportive of legislating mandatory testing.

"I will be re-engaging with Minister Rattenbury as soon as possible with a view to expediting new legislation."

Mr Caruana finished by saying that the AFPA's legal team was currently reviewing options available to members if threatened by bodily fluids, including exploring options for the peaceful withdrawal of labour if similar situations arose in the future.

"Legislation currently in force prevents AFP employees from engaging in industrial action such as strikes and protest marches. There is, however, no legislation preventing members from physically withdrawing from specific situations where the danger to them and/or the public is too great. An example of this in the ACT is traffic pursuits being banned due to the risk to other motorists. My position is that members should similarly withdraw from interacting with a person if they appear to be preparing to spit or have a history of doing so."

For comments:

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