

# SUPREME COURT OF QUEENSLAND

CITATION: *Puttaburra v Wilson* [2003] QSC 146

PARTIES: **Iris PUTTABURRA**  
(applicant)  
v  
**Harold James WILSON**  
(respondent)

FILE NO/S: S.332/03

DIVISION: Trial Division

PROCEEDING: Application

ORIGINATING COURT: Supreme Court at Townsville

DELIVERED ON: 14 May 2003

DELIVERED AT: Townsville

HEARING DATE: 9 May 2003

JUDGE: Cullinane J

ORDER: **Order the respondent to pay criminal compensation to the applicant in the sum of \$5,000.**

CATCHWORDS: CRIMINAL LAW – CRIMINAL COMPENSATION –  
where now-repealed provisions of the Criminal Code apply –  
where applicant has suffered physical and psychological  
injuries

Criminal Code, Chapter LXVA (since repealed)

*McClintock v Jones* (1995) 79 A.Crim.R. 238, applied

COUNSEL: A J Kimmins for the applicant  
There was no appearance for the respondent

SOLICITORS: Tony Bailey Solicitor for the applicant  
The respondent acted on his own behalf

[1] The applicant seeks criminal compensation pursuant to the provisions of Chapter LXVA of the Criminal Code (the provisions of this in respect of the consequences of an attack upon her by the respondent on 1.3.79 at Palm

Island. He was convicted of grievous bodily harm and sentenced to imprisonment for four years and eight months.

- [2] The respondent did not appear on the application.
- [3] The respondent is a relative of the applicant. It appears that on 1.3.79 he, without any warning, and without there having been any provocation by the applicant struck the applicant with a knife a number of times. She was stabbed in the stomach, side, neck, breast, chest and back. There were a total of 12 knife wounds.
- [4] She was taken by aircraft from Palm Island to the Townsville General Hospital and underwent surgery which involved the reparation of internal damage including damage to a kidney.
- [5] She says that ever since this time she has suffered from shortness of breath. She has difficulty doing housework. She suffers from some back pain. She obviously has significant scarring to the various areas where the stab wounds were inflicted.
- [6] According to the report of a psychologist she suffers from chronic post traumatic stress disorder a condition which she probably suffered from prior to the incident but which has been exacerbated by it. It is suggested that some counselling might be necessary.
- [7] In terms of the legislative scheme as it applied at the time the prescribed amount was some \$5,000.
- [8] Assessing the compensation in accordance with the principles laid down in cases such as *McClintock v Jones* (1995) 79 A.Crim.R. 238, it is apparent that the damages which the applicant would be entitled to recover in accordance with those principles exceeds the prescribed amount. This is putting aside any question of economic loss or care and assistance.
- [9] In these circumstances the appropriate course is to award the prescribed amount to the applicant by way of compensation.
- [10] I assess the applicant's compensation in the sum of \$5,000 and order that the respondent pay the assessed sum to the Applicant.
- [11] There is an application for costs, however on the assumption that there is power to award such costs I do not think an order should be made given that this application has been made some 24 years after the relevant events.