

TERMS OF REFERENCE

QUEENSLAND SENTENCING ADVISORY COUNCIL

PENALTIES FOR ASSAULTS ON POLICE AND OTHER FRONTLINE EMERGENCY SERVICE WORKERS, CORRECTIVE SERVICES OFFICERS AND OTHER PUBLIC OFFICERS

I, Yvette D'Ath, Attorney-General and Minister for Justice, having regard to:

- the Queensland Government and community expectation that police officers and other frontline emergency service workers, corrective services officers and other public officers who face inherent dangers in carrying out their duties, should not be the subject of assault during the execution of their duties;
- the significance of police officers and other frontline emergency service workers, corrective services officers and other public officers needing to have confidence that the criminal justice system properly reflects the inherent dangers they face in the execution of their duty and the negative impacts that an assault in the course of their duties has on those workers, their colleagues and their families;
- the importance of the penalties provided for under legislation and the sentences imposed for assault of frontline public officers being adequate to meet the relevant purposes of sentencing under section 9(1) of the *Penalties and Sentences Act 1992* (Qld), including punishment, deterrence and community protection, while also taking into account the individual facts and circumstances of the case, the seriousness of the offence concerned and offender culpability;

refer to the Queensland Sentencing Advisory Council, pursuant to section 199(1) of the *Penalties and Sentences Act 1992* (PSA), a review of the sentencing options and penalties for assault of police officers and other frontline emergency service workers, corrective services officers and other public officers in the execution of their duty.

In undertaking this reference, the Queensland Sentencing Advisory Council will:

- consider and analyse the penalties and sentencing trends for offences involving assaults against police officers, corrective services officers and all other public officers that fall within the scope of section 340 of the Criminal Code in the execution of their duties, including the impact of the 2012 and 2014 amendments introducing higher maximum penalties, and determine if this is in accordance with stakeholder expectations;
- determine whether it is appropriate for section 340 of the Criminal Code to continue to apply to police officers and other frontline emergency service workers, corrective services officers and other public officers ('public officers') or whether such offending should be targeted in a separate provision or provisions, possibly with higher penalties, or through the introduction of a circumstance of aggravation;
- determine whether the definition of 'public officer' in section 340 of the Criminal Code should be expanded to recognise other occupations, including public transport drivers (e.g. bus drivers and train drivers);

- review section 790 of the *Police Powers and Responsibilities Act 2000* (Qld) and section 124(b) of the *Corrective Services Act 2006* (Qld) and similar provisions in other legislation to assess the suitability of providing for separate offences in different Acts targeting the same offending, including the impact of the lesser offences on sentencing for offences under section 340 of the Code, and whether the penalties imposed on offenders convicted of these offences reflect stakeholder expectations;
- examine relevant offence, penalty and sentencing provisions in other Australian and relevant international jurisdictions to address this type of offending and any evidence of the impact of any reforms;
- identify ways to enhance community knowledge and understanding of the penalties for this type of offending;
- have regard to any relevant statistics, research, reports or publications regarding causes, frequency and seriousness of offending against police officers and other frontline emergency service workers, corrective services officers and other types of public officers;
- consult with stakeholders, including but not limited to the Queensland Police Service, Queensland Ambulance Service, Queensland Corrective Services, Queensland Health, Queensland Fire and Emergency Service, the judiciary, legal profession, employee unions or any other relevant government department and agencies;
- advise on options for reform to the current offence, penalty and sentencing framework to ensure it provides an appropriate response to this form of offending; and
- advise on any matters relevant to this reference.

The Queensland Sentencing Advisory Council is to provide a report on its examination to the Attorney-General and Minister for Justice by **30 June 2020**.

Dated the 2nd day of *December* 2019


YVETTE D'ATH

Attorney- General and Minister for Justice

Leader of the House