



Queensland
Government

Department of
Housing and Public Works

Our Ref: HPW 01164-2020
Your Ref: 592302/1; 5188417

30 JUN 2020

Mr John Robertson
Chair
Queensland Sentencing Advisory Council
GPO Box 2360
BRISBANE QLD 4001

Dear Mr Robertson

Thank you for your letter of 7 May 2020 about the release of the Issues Paper from the Queensland Sentencing Advisory Council, on 30 April 2020, regarding penalties for assaults on police and other frontline emergency service workers, corrective service officers and other public officers.

In relation to the further consultation by the Queensland Sentencing Advisory Council through the Issues Paper and the Issues Paper questions of April 2020, the Department of Housing and Public Works (DHPW) raises the following issues.

We consider it is not clear whether the current offences under section 340(2AA) of the Criminal Code (related to serious assaults including biting, bodily fluid being thrown at a public officer and spitting) extends to all front-line workers of DHPW. Front-line workers in DHPW include housing officers, sport and recreation officers and QBuild officers.

It appears the definition of 'public officer' is unclear because it is defined differently in section 1 and section 340 of the *Criminal Code*.

In this regard I note it is stated at section 9.2.4 of the Issues Paper that:

'... the current definition of a 'public officer' under section 1 of the Criminal Code is broad, and presuming that this is not displaced by the current inclusive definition in section 340 ...'

Rather than rely upon a presumption, DHPW considers it would be desirable to amend the definition of 'public officer' in the *Criminal Code* to make sure these types of offences cover all front-line workers of DHPW.

DHPW considers the broader definition of 'public officer' be further expanded to include non-departmental staff who are engaged by DHPW through an employment agency, as well as contractors, where it would be reasonable for the public to identify them as performing works for departments and agencies of the State of Queensland. The reason for this is that agency staff and contractors are often used by DHPW to carry out its activities.

I hope the information provided answers your enquiry. If you need any more information or help with this matter, [REDACTED]

Yours sincerely

[REDACTED]
Liza Carroll
Director-General