



PART A — Nature and extent of assaults on public officers

Chapter 2 How frequent are assaults on public officers?

2.1 Introduction

This chapter, together with the following two chapters of this report, explores key issues that have informed the Council's understanding of assaults of public officers and its views about whether the current legal framework in Queensland is appropriate to respond to this form of offending, or is in need of reform. Questions explored were:

- How common are assaults on public officers, and what types of offences are most commonly charged when a public officer is assaulted based on sentencing data? (Chapter 2)
- Who commits assaults on public officers (by gender, age and Aboriginal and Torres Strait Islander status) and what types of public officers are the victims of such assaults? (Chapter 3)
- In what circumstances are public officers assaulted and what are the relevant contextual factors? (Chapter 4).

In responding to these issues, the Council has drawn on a range of data sources and research including:

- a literature review commissioned by the Council undertaken by the Griffith Criminology Institute that reported on evidence around the causes, frequency and seriousness of assaults on public officers, as well as any evidence of the impact and outcomes of these reforms;
- data on reported incidents of assault and WorkCover claims, including the type of injury reported and amount claimed;
- courts data on sentencing outcomes for serious assault under section 340 of the *Criminal Code*, and summary offences that may be charged where an assault has been committed on a public officer;
- an analysis of a sample of sentencing remarks for serious assault cases sentenced in the higher courts; and
- consultation with stakeholders on relevant issues, such as potential factors contributing to demographic trends.

2.2 Findings from the literature – incidence of assaults on public officers

The Council has had the benefit of considering the Griffith Criminology Institute's literature review, which provides an overview of academic literature on the incidence of assaults on public officers, the findings of which are summarised below.

Overall, estimates of the prevalence of, and trends in, assaults against public officers, are not easily made. Different data sources, different definitions of violence, and different time periods make it difficult to compare different types of public officers. Although most studies focused on physical assault, there were a sufficient number that defined workplace violence more broadly. In other words, more reliable studies are required to provide a robust empirical assessment of the extent of assaults against public officers.

With that limitation, the research suggests that, at least in Australia, New Zealand, the United Kingdom (UK) and Canada:

- rates of the incidence of assault may be lowest among firefighters, and highest in the health and welfare sectors;
- the most common type of assault against public officers does *not* involve weapons or result in serious injury;
- assaults in the workplace are more commonly *reported* by male staff than female staff, across a range of occupational groups.

Trends in the incidence of assaults against public officers are more difficult to assess, due to possible changes in reporting and the environment (in addition to methodological limitations). More recent research suggests that, at least for those in the justice sector, assaults against public officers may have declined. However, this may not be the case for those in the healthcare and welfare sector.

Although conclusions about the trends and extent of assaults against public officers are made tentatively, the impact of these assaults on both victims and organisation should not be overlooked. For victims, the research documents detrimental impacts such as: negative consequences for emotional and physical well-being; decreased connectedness to the organisation; lack of a desire to remain in the occupation; and reduced job performance, including increased errors. However, the extent of the organisational costs of these assaults – such as lost productivity and high staff turnover – has been largely understudied, especially outside the health sector and the United States. A 2011 Australian study of accepted workers' compensation claims made by police officers estimated

an average of 587 work hours per claim (ranging from claims for one hour to over 11,840 hours) were lost due to injuries caused by the broader category of occupational violence.

2.3 Reported incidents and accepted WorkCover claims

Section summary

- Agencies in the health sector recorded the highest number of assaults; however, very few of these assaults resulted in a claim for compensation. On the other hand, police officers, corrective services officers and youth detention staff had higher rates of compensation claims following an assault. These findings are supported by the evidence in the literature review that workers in care professions may view occupational violence as ‘part of their job’.
- When viewed as a rate of the workforce, police officers and prison officers are the most likely to receive compensation following an assault, followed distantly by teacher aides and paramedics.

As highlighted in the Griffith University literature review, the findings of which are summarised above, certain occupational groups are less likely to report assaults committed against them. Public officers working in care professions, including healthcare, education, and emergency response sectors, under-report assaults committed against them, as the professional orientation of these professions inhibits reporting. For example, some professionals may view occupational violence as ‘part of their job’.¹ The issue of under-reporting is expanded on in section 11.1.1 of this report.

The Council obtained data from a range of public sector agencies on the number of incidents reported internally from 2014–15 to 2018–19 that involved the assault of a public officer. It is important to note that the definition of ‘assault’ could be applied differently in each agency, and therefore the number of reported incidents might not be comparable across agencies. Further data were obtained from WorkCover Queensland on the number of accepted claims that involved the assault of a public officer.² These figures are displayed in Table 2-1 below.

A conversion rate was calculated by dividing the number of accepted WorkCover claims by the number of incidents reported by each agency. Employees in the health sector had the lowest conversion rate, with only 4.3 per cent of reported incidents resulting in an accepted WorkCover claim. The Queensland Ambulance Service had a conversion rate of 8.5 per cent – almost twice that of Queensland Health but comparatively low in relation to other agencies. Police officers had a higher conversion rate, with 26.8 per cent of reported incidents leading to an accepted WorkCover claim.

Similarly, corrective services officers also had a higher conversion rate, with 34.8 per cent of incidents resulting in an accepted claim.

Table 2-1: Number of reported incidents and accepted WorkCover claims for assaults of public officers, 2014–15 to 2018–19

Agency	Reported incidents	Accepted WorkCover claims	Conversion rate
Queensland Health	34,844	1,481	4.3%
Queensland Ambulance Service	1,656	141	8.5%
Queensland Fire and Emergency Services	19	2	10.5%
Queensland Police Service – Police Officers	9,103	2,440	26.8%
Queensland Corrective Services – Prison staff* (2018–19 only)	333	116	34.8%
Youth Justice – Detention centre staff* (2018–19 only)	121	18	14.9%

Source: Incident data provided by individual agencies – unreported data, 2014–15 to 2018–19. Claims data provided by WorkCover Queensland – unreported data, 2014–15 to 2018–19.

Notes:

(1) Incident data from different agencies are sourced from different administrative systems and may not be directly comparable. Incident data from QCS and Youth Justice reflect the number of incidents recorded in prison and detention facilities involving a staff member. Data from the QPS reflect the number of assaults of on-duty police officers that were charged. Data from Queensland Health, QAS and QFES reflect the number of incidents involving the assault of a staff member that were reported internally.

(*) Due to Machinery-of-Government changes, only includes data from 2018–19.

The number of accepted WorkCover claims can provide an indication of which public sector agencies are affected by assaults. However, due to differences in reporting rates between different professions (discussed above), some occupational groups may under-report more than others. The extent of harm caused may also affect the number of

¹ Christine Bond et al, *Assaults on Public Officers: A Review of Research Evidence* (Griffith Criminology Institute for Queensland Sentencing Advisory Council, March 2020) [3.2].

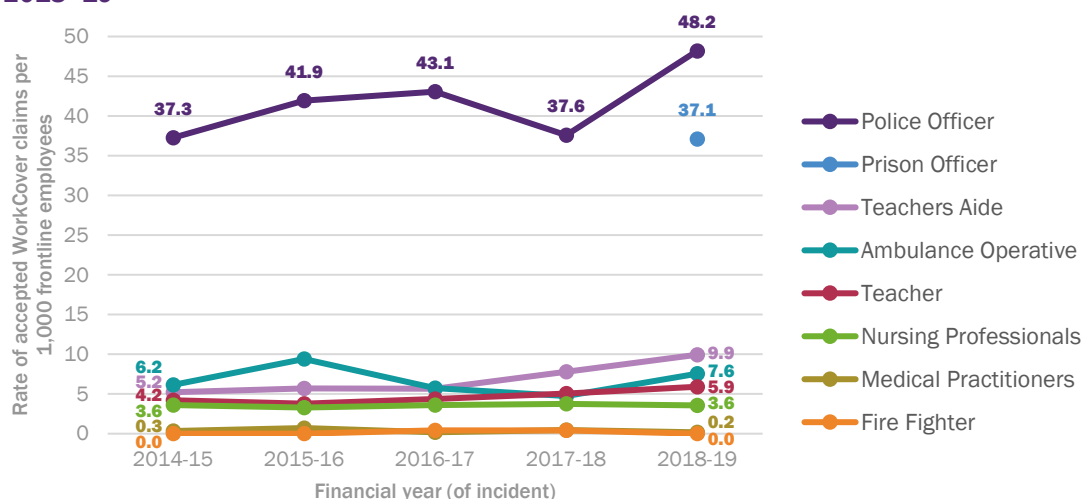
² See Appendix 3 for the methodology WorkCover used to extract the claims data.

claims accepted by WorkCover; that is, assaults that result in medical costs or time off work may be more likely to result in a WorkCover claim. Table A4-3 in Appendix 4 provides a breakdown of the number of accepted WorkCover claims by agency and occupation from 2014-15 to 2018-19. It is important to note that some occupational groups have many more employees than other occupational groups. Hence, data between agencies are not comparable. For comparable data, refer to Figure 2-1 below, which reports the number of accepted WorkCover claims reported as a rate of workers employed in those roles.

In 2018-19, the QPS, Department of Education, and Department of Health reported the highest number of accepted WorkCover claims resulting from an assault of a staff member (n=583, 581, 284, respectively, excluding guards and security officers). QCS and the Department of Child Safety, Youth and Women also reported a large number of accepted WorkCover claims (n=107 and n=123, respectively, excluding guards and security officers). Guards and security officers accounted for 45 claims, across a range of agencies. While the number of assaults in other agencies (such as the Queensland Ambulance Service) is relatively low, it is important to note that there are also fewer workers employed in these agencies – see Figure 2-1 for further context.

Figure 2-1 shows the rate of accepted WorkCover claims per 1,000 employees where the claim was the result of the assault of a public officer. Police officers had the highest rate, which has increased over the past five years, from 37.3 claims per 1,000 officers in 2014-15 to 48.2 claims per 1,000 officers in 2018-19. Prison officers (of both adult prison and juvenile detention centres) had the second-highest rate of claims, with 37.1 accepted WorkCover claims per 1,000 officers in 2018-19. Due to Machinery-of-Government changes, the Council was unable to obtain comparable numbers of prison officers for years prior to 2018-19 to allow for a comparison over time. The remaining occupational groups for which data were available were relatively low in comparison. There were 7.6 accepted WorkCover claims per 1,000 ambulance operatives in 2018-19. Teacher aides had a rate of 9.9 claims per 1,000 employees in 2018-19, which was higher than the rate of 5.9 for teachers.

Figure 2-1: Rate of accepted WorkCover claims per 1,000 employees for assault of public officers, 2014-15 to 2018-19



Source: Claims data provided by WorkCover – unreported data, 2014-15 to 2018-19. Rates calculated from the number of frontline workers as provided by the Queensland Public Service Commission – unreported data, 2014-15 to 2018-19.
 Note: Prison officers were not identified as a discrete group prior to 2018-19.

2.4 Sentenced cases involving acts intended to cause injury

Section summary

- Serious assault offences comprise 11.8% of all sentenced acts intended to cause injury.
- Other assaults of public officers comprise 16.0% of all sentenced acts intended to cause injury.

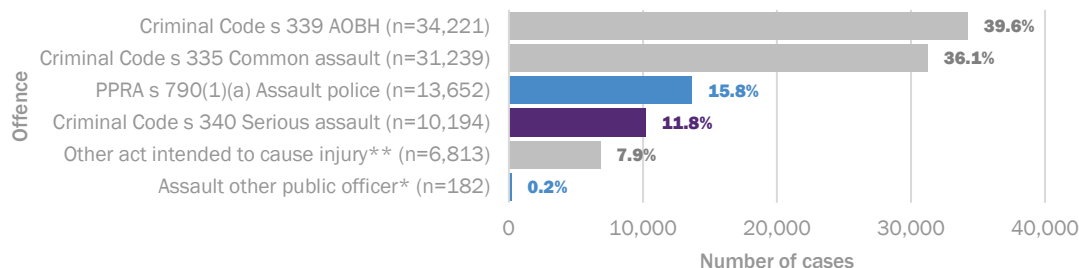
As discussed above, not all cases involving the assault of a public officer are reported. Even fewer cases proceed to a WorkCover claim, or result in criminal charges. The remainder of this chapter discusses those cases that have resulted in a conviction for an offence sentenced by a Queensland Court.

The Australian and New Zealand Standard Offence Classification (ANZSOC) is used to classify offences into broad categories for statistical purposes. To ascertain the prevalence of serious assaults, Figure 2-2 shows a breakdown of all offences falling within the broad offence category of ‘acts intended to cause injury’. This category includes offences that cause non-fatal injury or harm to another person where there is no sexual or acquisitive element and includes offences such as common assault and assaults occasioning bodily harm (AOBH). As the ANZSOC is a national classification, its broad categories may not always account for the elements of offences as they exist in

individual jurisdictions. For this reason, it is important to note that, in the Queensland context, some offences that are classified under ‘acts intended to cause injury’ do not actually require an ‘intent’ to injure, and the classification might more accurately be thought of as ‘assaults that cause harm’.

Assaults against a public officer make up a substantial proportion of all acts intended to cause injury sentenced in Queensland Courts – see Figure 2-2. Assault of a police officer under section 790(1)(a) of the *Police Powers and Responsibilities Act 2000* (Qld) (PPRA) accounted for 15.8 per cent of all acts intended to cause injury. An additional 11.8 per cent of cases involved a serious assault. A further 0.2 per cent of cases involved the assault of a public officer under a different legislative provision.

Figure 2-2: Number of sentenced cases involving an ‘act intended to cause injury’



Data include higher and lower courts, adult and juvenile cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Notes:

- (1) Totals will add to more than 100%, as a case will be counted multiple times if it contains multiple offences.
- (2) For the purposes of this analysis, some offences were recoded from the offence classification of ‘resist or hinder government official’ to ‘acts intended to cause injury’. These included:

- the serious assault of a public officer (*Criminal Code* s 340(2AA));
- the assault or obstruction of a corrective services officer (*Corrective Services Act 2006* s 124(b));
- the assault or obstruction of a watch-house officer (*Police Power and Responsibilities Act 2000* s 655A); and
- resisting a public officer (*Criminal Code* s 199).

(*) ‘Assault other public officer’ includes assaults and obstructions of corrective services officers under s 124(b) of the CSA, watch-house officers under s 655A of the PPRA, and public officers under s 199 of the *Criminal Code*.

(**) Offences with fewer than 5,000 cases were grouped as ‘other act intended to cause injury’; these include offences such as GBH (n=2,133), unlawful stalking (n=1,549), wounding (n=1,397), and others.

2.5 Sentenced cases involving the assault of a public officer

Section summary

- There were 10,194 sentenced cases involving a serious assault from 2009–10 to 2018–19. In 7,932 of these cases, serious assault was the most serious offence sentenced.
- The most common type of serious assault involved assault of a police officer, comprising 65.4% of cases, although the number of these cases has decreased over the past five years.
- The lesser summary offence of assaulting or obstructing a police officer was sentenced in 85,434 cases over the 10-year period, although the number of these cases has decreased considerably over this time.
- There were over 60 different offences identified throughout various pieces of legislation that involved the assault, obstruction, hindering or resisting of a public officer – these were sentenced in 1,553 cases.

2.5.1 Serious assault

From 2009–10 to 2018–19, there were 10,194 cases sentenced in Queensland's courts that involved a charge of serious assault – see Table 2-2. These cases involved a total of 13,565 offences of serious assault and were committed by 9,061 unique individuals. In 7,932 of these cases, serious assault was the most serious offence sentenced.

Table 2-2: Frequency of serious assaults sentenced in Queensland courts

Section	Offence Description	Cases	Offenders	Offences	MSO
340	Serious assault – nfd*	4	4	5	2
340(1)(a)	Serious assault – Intent to commit/resist arrest	294	292	366	169
340(1)(b)	Serious assault – Police officer	6,538	6,014	8,736	5,191
340(1)(c)	Serious assault – Performing duty at law	236	229	306	160
340(1)(d)	Serious assault – Performed duty at law	85	82	101	60
340(1)(f)	Serious assault – Conspiracy in trade	2	2	2	1
340(1)(g)	Serious assault – 60 years and over	1,702	1,664	1,823	1,329
340(1)(h)	Serious assault – Person with a disability	40	39	45	32
340(2)	Serious assault – Corrective services officer	292	246	422	213
340(2AA)	Serious assault – Public officer	1,337	1,259	1,759	775
TOTAL		10,194	9,061	13,565	7,932

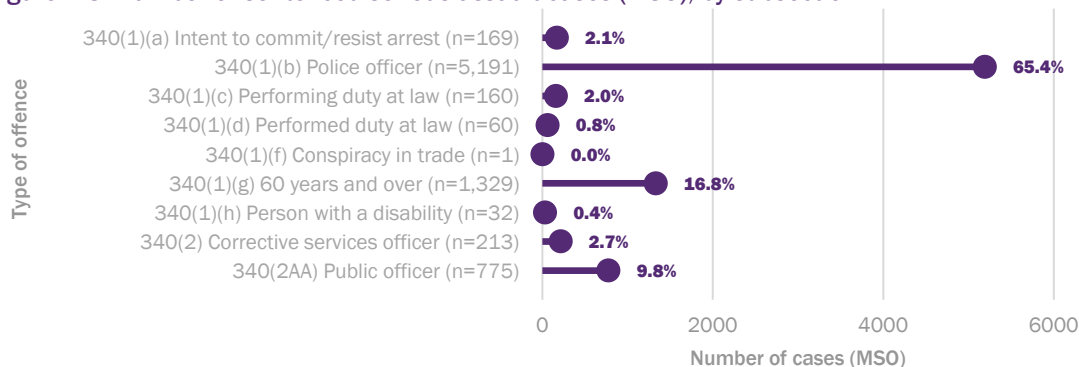
Data include higher and lower courts, adult and juvenile cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: (*) nfd = not further defined – these cases could not be classified into specific subsections.

Figure 2-3 shows the number of cases sentenced where serious assault was the most serious offence (MSO) sentenced. The serious assault of a police officer was, by far, the most common type of serious assault, accounting for 65.4 per cent of cases sentenced under section 340 (MSO). The second most frequently sentenced type of serious assault involved people aged 60 years and over (16.8%). Public officers were the third-largest category (9.8%). The remaining types of serious assault only account for small percentages of all serious assault cases, including cases involving a serious assault charge under section 340(1)(c) assault of a person performing a duty at law and section 340(1)(d) assault of a person who has performed a duty at law, as well as section 340(2) assault of a working corrective services officers at a corrective services facility.

Figure 2-3: Number of sentenced serious assault cases (MSO), by subsection



Data include: Higher and lower courts, adult and juvenile cases (MSO) sentenced between 2009–10 and 2018–19.

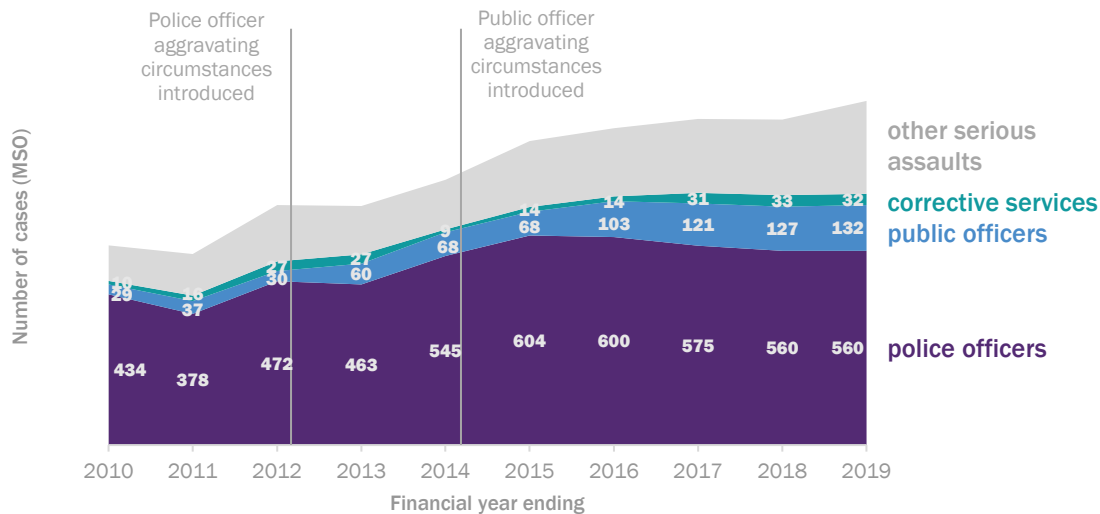
Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Figure 2-4 provides a breakdown of the types of serious assault over time. For a detailed breakdown see Table A4-2 in Appendix 4.

The number of serious assaults of a police officer increased by 39.2 per cent from 2009–10 to 2014–15; however, since 2014–15, the number of serious assaults involving a police officer as the victim has declined by 7.3 per cent. The QPS Violent Confrontations Review, undertaken by the QPS following five fatal police shootings in 2013–14, observed a 15.2 per cent reduction of all reported assaults of on-duty police officers between 2012 and 2014. The review identified the increased use of ‘accoutrements (capsicum spray, taser and firearms) which are traditionally deployed from a greater distance between the subject and police officer’ as a possible contributing factor.³

The number of assaults of public officers more than quadrupled over the data period, from 29 cases (MSO) in 2009–10 to 132 in 2018–19. Over the same period, the number of employees in the public sector increased by 18.8 per cent.

Figure 2-4: Number of sentenced serious assault cases (MSO), by subsection over time

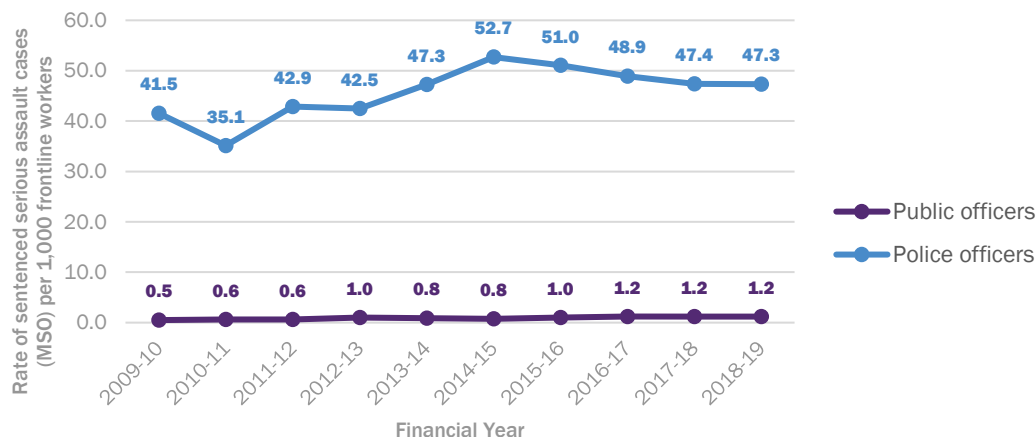


Data include higher and lower courts, adult and juvenile cases (MSO) sentenced between 2009–10 and 2018–19. Source: QGSO, Queensland Treasury — Courts Database, extracted November 2019.

³ Queensland Police Service, Violent Confrontations Review Team, Operational Capability Command, *QPS Violent Confrontations Review* (undated) <<https://www.police.qld.gov.au/sites/default/files/2018-12/QPS%20Violent%20Confrontations%20Review.pdf>> 23.

The decrease in serious assaults against police officers in recent years is even more notable considering the number of police officers in Queensland has increased by 3.2 per cent over the same period (2014–15 to 2018–19). Figure 2-5 shows the rate of sentenced serious assault cases per 1,000 frontline employees. In 2014–15, there were 52.7 sentenced cases involving the assault of a police officer (MSO) per 1,000 officers, reducing to 47.3 in 2018–19. Over the same period, the rate of assaults of public officers increased minimally, from 0.8 sentenced cases per 1,000 frontline workers in 2014–15 to 1.2 in 2018–19.

Figure 2-5: Rate of sentenced serious assault cases (MSO) per 1,000 frontline employees over time



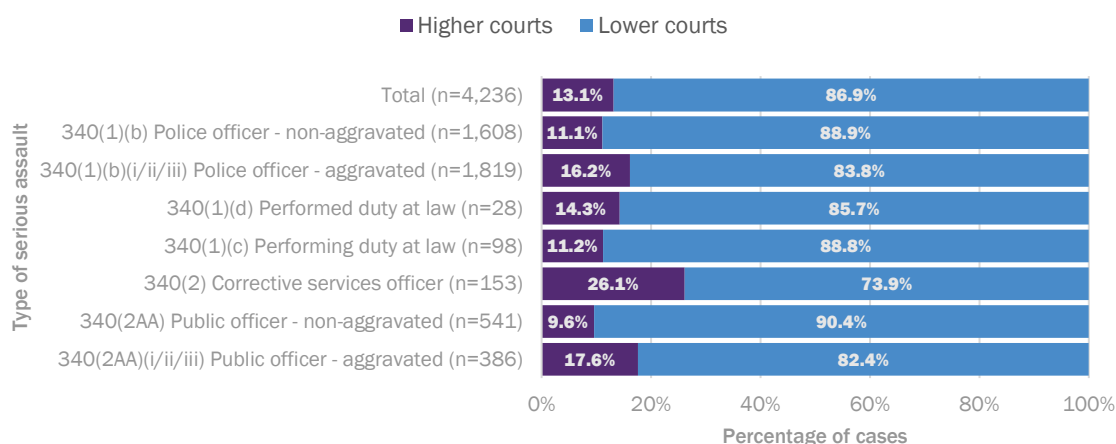
Data include higher and lower courts, adult and juvenile cases (MSO) sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019. Rates calculated from the number of frontline workers provided by the QPSC – unpublished data, 2014–15 to 2018–19.

Note: ‘Public officers’ includes serious assaults of corrective services officers under s 340(2), public officers under s 340(2AA), and those performing or who performed a duty imposed at law under s 340(1)(c) and s 340(1)(d).

While most cases involving a serious assault are heard in the Magistrates Courts, some types of serious assault are more likely to be dealt with in the higher courts. Serious assaults of working corrective services officers by prisoners who are either in prison or on parole are the most likely type of serious assault to be sentenced in the higher courts (26.1%). The non-aggravated assault of a public officer is the least likely type of serious assault to be dealt with by the higher courts, with 90.4 per cent of these cases sentenced in the Magistrates Courts – see Figure 2-6.

Figure 2-6: Proportion of serious assault of a public officer cases sentenced in the higher and lower courts



Data include adult and juvenile cases sentenced between 2014–15 and 2018–19 where the offence was committed on or after 5 September 2014.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

2.5.2 Summary offences

In contrast to serious assaults under the *Criminal Code*, the offence of assaulting or obstructing a police officer under section 790 of the PPRA is a less serious offence that can only be dealt with by a Magistrates Court, unless transmitted to a higher court to be dealt with alongside more serious charges.

Compared with the number of cases sentenced for serious assault of a police officer under section 340(1)(b) of the *Criminal Code* (Qld) (n=6,538), a much larger number of cases (n=85,434) involved an offender being sentenced for assault or obstruction of a police officer under section 790 of the PPRA. In 24,488 of those cases, the assault

or obstruction of a police officer was the most serious offence sentenced, indicating that this offence is often charged alongside more serious offences.

Other summary offences involving the assault or obstruction of a public officer were sentenced far less often. Resisting public officers under section 199 of the *Criminal Code* was sentenced in 25 cases over the 10-year period, 147 cases were sentenced involving assault or obstruction of a corrective services officer (CSA s 124(b)), and 10 cases were sentenced involving assault or obstruction of a watch-house officer (PPRA s 655A).

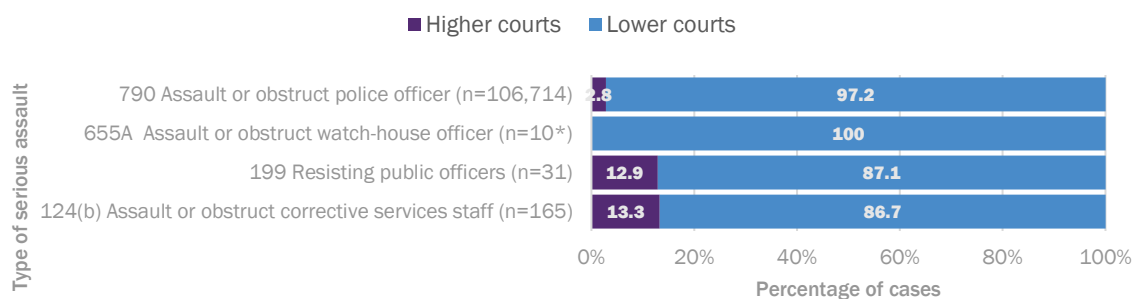
Table 2-3: Frequency of summary offences sentenced in Queensland courts

Section	Offence Description	Cases	Offenders	Offences	MSO
124(b)	Assault or obstruct corrective services staff	147	138	165	81
199	Resisting public officers	25	25	31	7
655A	Assault or obstruct watch-house officer	10	10	10	6
790	Assault or obstruct police officer	85,434	61,924	106,714	24,488

Data include higher and lower courts, adult and juvenile cases sentenced from 2009–10 to 2018–19. Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Due to the less serious nature of these summary offences, they were predominantly sentenced in the lower courts – approximately 87 per cent or more of these offences were sentenced in the lower courts. Those sentenced in the higher courts are likely to be dealt with alongside more serious charges.

Figure 2-7: Proportion of summary offences cases sentenced in the higher and lower courts



Data include adult and juvenile cases, offences sentenced from 2009–10 to 2018–19.

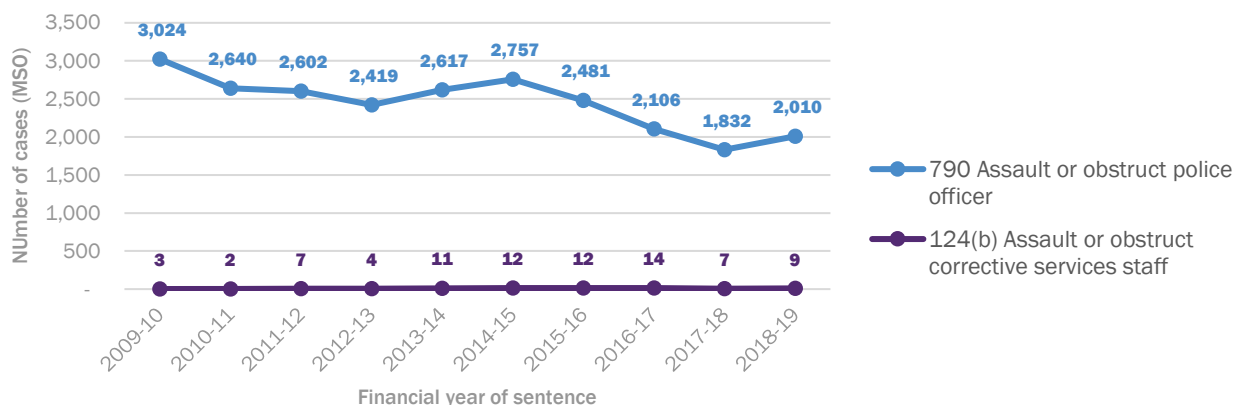
Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: (*) Small sample size

The number of assault or obstruction of police officers (MSO) sentenced under section 790 of the PPRA has decreased over the past 10 years, from 3,024 cases in 2009–10 down to 2,010 cases in 2018–19. This decrease might be partly attributable to an increased use of penalty infringement notices (PINs). Police officers can issue PINs for obstruction offences (although not for assault offences), which means the person does not have to go to court if they pay the infringement amount. Officers use their discretion in deciding whether to issue a PIN or to instead choose the court process. Other non-court actions include cautioning, conferencing and referral to support services.

Far fewer cases were sentenced for assault or obstruction of corrective services staff (CSA s 124(b)); however, proportionally, there was a slight increase in cases from 2009–10 to 2018–19, peaking at 14 cases in 2016–17.

Figure 2-8: Number of sentenced summary offence cases (MSO), over time



Data include higher and lower courts, adult and juvenile cases (MSO) sentenced from 2009–10 to 2018–19. Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

2.5.3 Other offences

Table 2-4 below lists all the offences that have been sentenced in Queensland Courts from 2009–10 to 2018–19 that involved the assault, obstruction, resistance or hinderance of a particular category of person. The list was compiled by searching for all offences that contained the phrases ‘resist’, ‘obstruct’, or ‘hinder’. Additionally, any offences that were categorised under certain ANZSOC categories were included. These categories included:

- 1541 Resist or hinder government official (excluding police officer, justice official or government security officer)
- 1562 Resist or hinder police officer or justice official

The resulting list of offences was manually reviewed to verify that the included offences were relevant.

Offences that have been examined in detail elsewhere in this report were not included in this analysis. These offences were:

- s 340 *Criminal Code* – Serious assault;
- s 790 PPRA – Assault or obstruction of a police officer;
- s 124(b) CSA – Assault or obstruction of a corrective services officer; and
- s 199 *Criminal Code* – Resisting public officers.

The type of penalty received at sentencing is included in the table. Due to the small number of cases for most of these offences, it was not feasible to provide more detailed breakdowns – as a result, the data include penalties from all courts, and for both adults and young people. The penalties are grouped into broad categories:

- Custodial penalties – including imprisonment, suspended sentences, and intensive correction orders (for young offenders, this included detention, conditional release orders and boot camp orders);
- Community-based penalties – including probation and community service;
- Monetary penalties – including fines, compensation and restitution payments; and
- Other – including good behaviour bonds, and cases that were convicted but not further punished (for young offenders, this included reprimands and court-ordered conferences).

Table 2-4: Offences involving the assault, obstruction, resist or hinderance of a specific category of person

Act	Section	Offence description	Cases	MSO	Sentencing outcomes			
					Custodial penalties	Community-based penalties	Monetary	Other
ANZSOC category: 02 Acts Intended to cause injury								
<i>Transport Operations (Marine Safety) Act 1994</i>	190(1)	Obstruction of master or crew	10	6	2	1	3	4
<i>Police Powers & Responsibilities Act 2000</i>	655A(1)(a)	Assault watch-house officer	5	3	2	2	1	0
<i>Criminal Code (Qld)</i>	317(1)(c)	Acts intended to cause GBH – resisting arrest	4	3	4	0	0	0
<i>Justices Act 1886</i>	40(1)(D)	Unlawfully assault or wilfully obstruct a person in attendance at a court or an examination	2	0	2	0	0	0
<i>Criminal Code (Qld)</i>	317(1)(d)	Acts intended to cause GBH – resisting public officer	1	1	1	0	0	0
ANZSOC category: 13 Public order								
<i>Liquor Act 1992</i>	165A(4)	Resisting authorised person after being refused entry to premises	491	223	1	6	385	99
<i>Liquor Act 1992</i>	166	Obstruction generally	274	129	0	8	216	52
<i>Petroleum and Gas (Production and Safety) Act 2004</i>	805(1)(B)	Obstruction of petroleum authority holder – carrying out an authorised activity for the petroleum authority on the land	2	2	0	0	2	0
<i>Criminal Code (Qld)</i>	206	Obstruct minister of religion while officiating by threats or force	1	0	1	0	0	0
ANZSOC Category: 1541 Resist or hinder government official (excluding police officer, justice official or government security officer)								
<i>Ambulance Services Act 1991</i>	46	Obstruct/hinder ambulance officer	198	73	7	21	114	58
<i>Criminal Code (Cth)</i>	149	[Cth] Obstruction of Commonwealth public officials	73	23	2	8	37	31
<i>Liquor Act 1992</i>	173ED(3)	Resisting an authorised person who is removing a prohibited person from premises	70	10	0	2	60	10
<i>Transport Operations (Passenger Transport) Act 1994</i>	135(1)	Obstruction of an authorised officer in the exercise of a power	62	1	1	3	33	25
<i>Fisheries Act 1957</i>	182	Obstruct an inspector	43	18	0	0	42	1
<i>Liquor Act 1992</i>	185(1)	Obstruct investigator or person assisting investigator	24	10	0	1	16	7
<i>State Buildings Protective Security Act 1983</i>	29	Resist security officer	21	4	1	5	10	5
<i>Fire and Emergency Services Act 1990</i>	150C(1)	Obstruction of persons performing functions	20	9	3	3	17	2
<i>Hospital & Health Boards Act 2011</i>	187(1)	Obstructing an authorised person or security officer	14	1	1	2	7	4
<i>Transport Operations (Road Use Management) Act 1995</i>	54(2)	Obstruction of authorised officer	14	6	0	0	14	0
<i>Transport Operations (Road Use Management) Act 1995</i>	80(5A)	Obstructing healthcare professional taking blood specimen	4	0	0	2	1	1
<i>Animal Care & Protection Act 2001</i>	206(1)	Obstruct authorised officer or inspector without reasonable excuse	4	1	0	0	3	1
<i>Transport Operations (Marine Safety) Act 1994</i>	182(1)	Obstruction of shipping inspectors	3	1	0	0	2	1
<i>Work Health and Safety Act 2011</i>	190	Offence to assault, threaten or intimidate inspector	2	1	0	0	0	2
<i>Criminal Code (Qld)</i>	190-191	[Repealed] obstructing/resisting possession of post and telegraph officers etc.	2	1	0	0	1	1
<i>Recreation Areas Management Act 2006</i>	194(1)	Obstructing an authorised officer	2	0	0	0	2	0
<i>Food Act 2006</i>	214(1)	Obstructing an authorised person in exercise of power	2	0	0	0	2	0
<i>[Repealed] Consumer Credit Act 1994 (Qld)</i>	47	[Repealed] Obstructing inspector	2	0	0	0	2	0
<i>Australian Securities & Investment Commission Act (Cth)</i>	66(1)(A)	Engage in conduct that obstructs or hinders ASIC in the performance of its functions	2	0	1	0	0	1
<i>Animal Management (Cats And Dogs) Act 2008</i>	137(1)	Obstruction of authorised person	2	2	0	0	2	0
<i>Fair Trading Act 1989</i>	91(1)	Obstruction	1	1	0	0	1	0

Act	Section	Offence description	Cases	MSO	Sentencing outcomes			
					Custodial penalties	Community-based penalties	Monetary	Other
[Repealed] <i>Property Agents and Motor Dealers Act 2000</i>	561	[Repealed] Threatening or obstructing inspectors	1	1	0	0	1	0
[Repealed] <i>Workplace Health and Safety Act 1995</i>	173	[Repealed] Unlawfully obstructing inspector	1	1	0	0	0	1
<i>Mental Health Act 2016</i>	625(1)	Obstruct an official exercising a power, or someone helping an official exercising a power	1	1	0	0	0	1
<i>Nature Conservation Act 1992</i>	155	Obstruct conservation officer	2	1	0	0	2	0
<i>Forestry Act 1959</i>	86(1)(A)	Abuse forest officer performing duties	1	1	0	0	1	0
<i>Heavy Vehicle National Law Act 2012</i>	584(1)	Obstruct an authorised officer, or someone helping an authorised officer, exercising a power under the heavy vehicle national law (Queensland)	1	1	0	0	1	0
<i>Sunshine Coast Regional Council - Local Law No 1 (Admin) 2011</i>	23	Threatening etc. an authorised person	1	1	0	0	1	0
<i>Work Health And Safety Act 2011</i>	188	Offence to hinder or obstruct inspector	1	0	0	0	0	1
<i>Transport Operations (Marine Safety) Act 1994</i>	85	Obstruction of a harbour master	1	0	0	0	0	1
<i>Brisbane City Council - Local Law 04 - Legal Proceedings</i>	PART 12 S2(C)(I)	Use threatening, insulting or abusive language to officer discharging/attempting to discharge duties	2	0	0	0	2	0
<i>Transport Infrastructure Act 1994</i>	107(1)	[Repealed] Obstructing an authorised person for a railway	1	0	0	0	0	1
<i>Transport Operations (Road Use Management) Act 1995</i>	73(1)(B)	Obstruction of person authorised under section 71	1	0	0	0	1	0
ANZSOC Category: 15621 Resist arrest, incite, hinder, obstruct police								
<i>Kowanyama Aboriginal Council By-Laws 1997</i>	30	Obstruct, hinder or resist police	29	14	0	0	29	0
<i>Police Powers & Responsibilities Act 2000</i>	575(1)	[Repealed] Assault or obstruct authorised person exercising a power (special event)	23	6	1	2	14	6
<i>Child Protection Act 1999</i>	160(1)	Obstruction of authorised officer etc.	19	6	0	2	10	7
[Repealed] <i>Police Act 1937</i>	59	[Repealed] Assault/obstruct/hinder police/resist arrest	42	3	2	0	22	18
<i>Police Service Administration Act 1990</i>	10.20A(2)	[Repealed] Assault/obstruct police officer in performance of duty	25	2	2	0	16	7
<i>Police Powers & Responsibilities Act 2000</i>	655A(1)(b)	Obstruct watch-house officer	5	3	0	0	4	1
<i>Woorabinda Aboriginal Council By-Laws</i>	3.7	Assault/obstruct police	3	1	0	0	2	1
ANZSOC Category: 15623 Resist or hinder other justice official								
<i>Corrective Services Act 2006</i>	127(1)	Obstructing staff member	26	11	16	0	5	6
<i>Criminal Code (Qld)</i>	148	Obstructing officers of courts of justice	3	2	0	1	1	1
<i>Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984</i>	64	Obstruction, intimidation and assault	1	0	1	0	0	0

Chapter 3 Who is involved in assaults on public officers?

3.1 Demographic profile of people sentenced for serious assault

Section summary

- Serious assaults of public officers were most commonly committed by men (66.6%) and by non-Indigenous people (61.7%), with an average age of 28.8 years.
- Aboriginal and Torres Strait Islander peoples were overrepresented for the offence of serious assault of a public officer, with men being sentenced at a rate 16 times greater than their non-Indigenous counterparts, and women being sentenced at a rate 12 times greater than non-Indigenous women.
- The rate of overrepresentation of Aboriginal and Torres Strait Islander peoples has been decreasing in recent years for these offences.

3.1.1 Gender

Males comprised the majority of offenders sentenced for the serious assault of a public officer, regardless of the category of serious assault. Overall, two-thirds of sentenced offenders were male (66.6%). The proportion of female offenders was highest at 36.4 per cent for the serious assault of a public officer (s 340(2AA)) and was the lowest at 16.0 per cent for the serious assault of a corrective services officer – see Table 3-1.

Table 3-1: Gender of offenders sentenced for serious assault of a public officer

Section	Offence	Total (n)	Female (%)	Male (%)
340(1)(b)	Serious assault – police officer	5,191	30.3	69.7
340(1)(c)/(d)	Serious assault – performing/performed duty	220	26.4	73.2
340(2)	Serious assault – corrective services officer	213	16.0	84.0
340(2AA)	Serious assault – public officer	775	36.4	63.6
Total	All serious assault of public officer offences	6,399	30.4	66.6

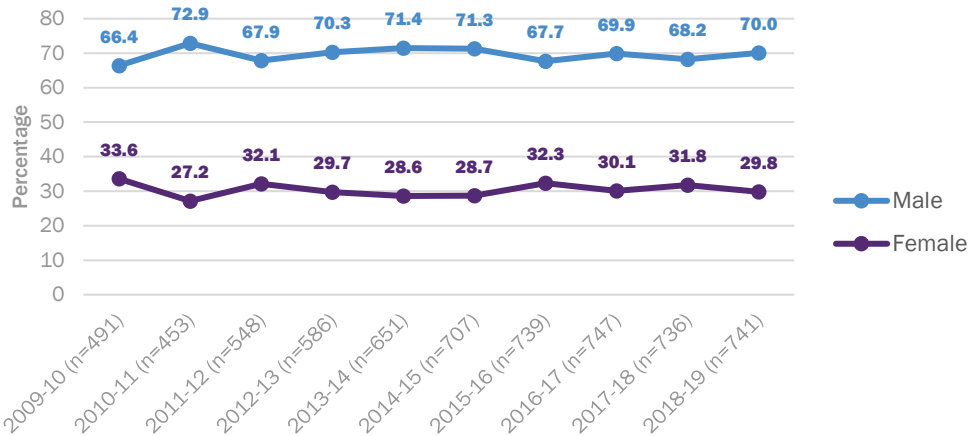
Data include adult and juvenile offenders, higher and lower courts, MSO sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Notes: Cases where gender and/or Indigenous status was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

Over the 10-year data period, there was no change in the gender of offenders being sentenced for section 340 serious assault of a public officer. Each year the proportion of male offenders was approximately double that of female offenders. The proportion of female offenders peaked in 2009–10 at 33.6 per cent of offenders sentenced for serious assault.

Figure 3-1: Gender of offenders sentenced for serious assault of a public officer, over time



Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c) and 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

3.1.2 Aboriginal and Torres Strait Islander status

Almost two-thirds of people sentenced for the serious assault of a public officer were non-Indigenous (61.7%). This finding was consistent across all types of serious assault – see Table 3-2. The proportion of Aboriginal and Torres Strait Islander offenders was lowest at 37.3 per cent for the serious assault of public officer performing/performed a duty (s 340(1)(c)/(d)), and highest at 39.9 per cent for serious of corrective services officer – although, overall, there was little difference between the different types of serious assault.

Table 3-2: Aboriginal and Torres Strait Islander status of people sentenced for serious assault of a public officer

Section	Offence	Total (n)	Aboriginal and Torres Strait Islander (%)	Non-Indigenous (%)
340(1)(b)	Serious assault – police officer	5,191	37.6	61.8
340(1)(c)/(d)	Serious assault – performing/performed duty	220	37.3	62.3
340(2)	Serious assault – corrective services officer	213	39.9	59.6
340(2AA)	Serious assault – public officer	775	38.8	60.9
Total	All serious assault of public officer offences	6,399	37.8	61.7

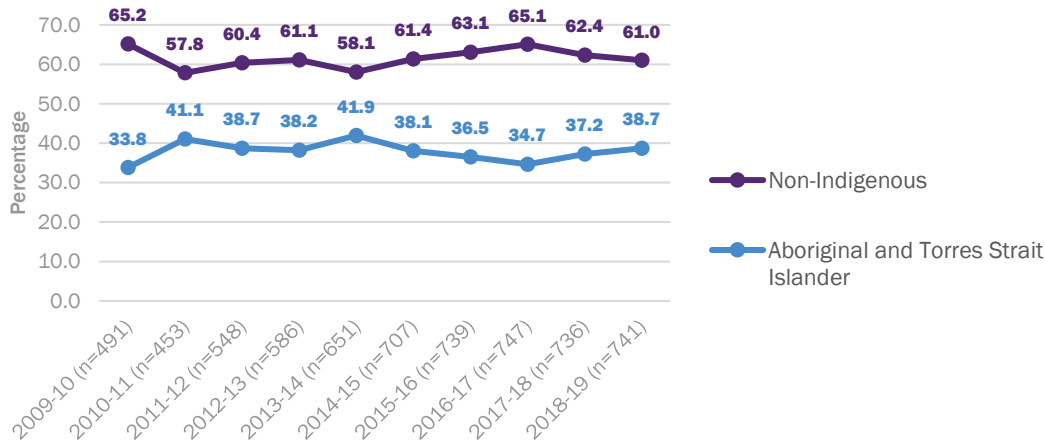
Data include adult and juvenile offenders, higher and lower courts, MSO sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender and/or Indigenous status was unknown have been included in the calculations but not presented; therefore, the percentages may not total 100%.

Over the 10-year data period, there was little fluctuation in the Aboriginal and Torres Strait Islander status of offenders sentenced for serious assault of a public officer, with the majority of offenders being non-Indigenous. The proportion of Aboriginal and Torres Strait Islander offenders was lowest in 2009–10 at 33.8 per cent, peaking at 41.9 per cent in 2013–14 – see Figure 3-2.

Figure 3-2: Aboriginal and Torres Strait Islander status of offenders sentenced for serious assault of a public officer, over time



Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c) and 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

3.1.3 Gender and Aboriginal and Torres Strait Islander status

Overall, non-Indigenous males make up the largest proportion of offenders sentenced for assault of a public officer, accounting for close to half (43.5%) – see Table 3-3. Aboriginal and Torres Strait Islander males comprised just over one-quarter of sentenced offenders (25.8%) while Aboriginal and Torres Strait Islander females made up the smallest number of offenders.

Table 3-3: Serious assaults of a public officer by gender and Aboriginal and Torres Strait Islander status

Section	Type of serious assault	Total (n)	Aboriginal and Torres Strait Islander		Non-Indigenous	
			Female (%)	Male (%)	Female (%)	Male (%)
340(1)(b)	Police officer	5,191	12.1	25.5	18.0	43.9
340(1)(c)/(d)	Performing/performed duty	220	8.6	28.6	17.7	44.1
340(2)	Corrective services officer	213	7.5	32.4	8.5	51.2
340(2AA)	Public officer	775	13.9	24.9	22.3	38.6
Total	All serious assault of public officer	6,399	12.0	25.8	18.2	43.5

Data include adult and juvenile offenders, higher and lower courts, MSO sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender and/or Indigenous status was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

3.1.4 Age

Overall, the average age at offence for offenders sentenced for serious assault (of a public officer) was 28.8 years. The youngest offender was aged 10.7 years while the oldest was 71.0 years. By offence, there were small differences in the average age at offence, with those sentenced for serious assault of a public officer performing/performed a duty being slightly younger at 27.6 years and those sentenced for assault of a public officer being slightly older at 31.3 years – see Table 3-4.

Table 3-4: Average age at offence by type of serious assault

Section	Offence	Total (n)	Average age (years)
340(1)(b)	Serious assault – police officer	5,191	28.5
340(1)(c)/(d)	Serious assault – performing/performed duty	220	27.6
340(2)	Serious assault – corrective services officer	213	28.6
340(2AA)	Serious assault – public officer	775	31.3
Total	All serious assault of public officer offences	6,399	28.8

Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c) and 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Considering gender and Aboriginal and Torres Strait Islander status in conjunction, Aboriginal and Torres Strait Islander peoples sentenced for serious assault (of a public officer) were slightly younger than their non-Indigenous counterparts (27.0 years compared with 29.2 years for females and 27.4 years compared with 30.0 years for males) – see Figure 3-3. However, it is important to note that the average age of the Aboriginal and Torres Strait Islander population is younger in comparison to the non-Indigenous population in Queensland – for more details on this, see the Australian Bureau of Statistics, *Estimates of Aboriginal and Torres Strait Islander Australians*, cat. no. 3238.0.55.001.

Figure 3-3: Average age (at offence) of offenders sentenced for serious assault of a public officer by gender and Aboriginal and Torres Strait Islander status

Average age:	Male	Female
Aboriginal and Torres Strait Islander	27.4	27.0
Non-Indigenous	30.0	29.2

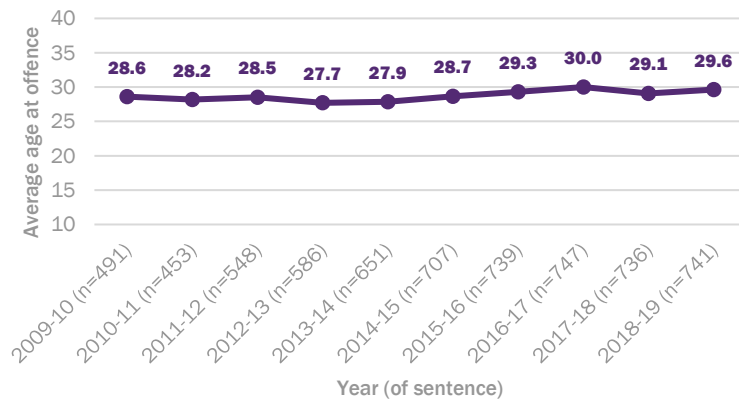
Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c) and 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender and/or Indigenous status was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

There was little change in the average age of offenders sentenced for serious assault over the 10-year period, increasing slightly from 28.6 years in 2009–10 to 29.6 years in 2018–19 – see Figure 3-4. The youngest average age was 27.7 years in 2012–13 and the oldest was in 2016–17 at 30.0 years.

Figure 3-4: Average age (at offence) of offenders sentenced for serious assault of a public officer, over time



Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c), 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

3.1.5 Overrepresentation of demographic groups by estimated resident population

This section explores the overrepresentation of demographic groups by expressing the number of sentenced serious assault cases as a rate over the estimated residence population (ERP) of each group. While Aboriginal and Torres Strait Islander peoples comprise approximately 4.6 per cent of the Queensland population,¹ they are overrepresented across the criminal justice system, especially in respect of offences involving the assault of public officers.

Table 3-5 shows the rate of sentenced offences per 1,000 ERP for various types of offending in 2015–16. The table compares the rate of overrepresentation for all sentenced offences across the criminal justice system, and then narrows its focus to acts intended to cause injury, and finally provides offending rates for serious assaults.

Across all sentenced cases in the criminal justice system, 150 Aboriginal and Torres Strait Islander men per 1,000 ERP were sentenced for an offence in a Queensland court. This was four times the rate of non-Indigenous men, who were sentenced at a rate of 37.1 men per 1,000 ERP. For serious assault of a public officer, Aboriginal and Torres Strait Islander men offended at a rate of 3.3 per 1,000 ERP – this is 16 times higher than the rate for non-Indigenous men at 0.2 men per 1,000.

As explored earlier in this chapter, Aboriginal and Torres Strait Islander women made up the smallest number of sentenced serious assault cases (12.0% of cases, see Table 3-3). However, when expressed as a rate of the population, Aboriginal and Torres Strait Islander women were the second most overrepresented demographic in Queensland, following Aboriginal and Torres Strait Islander men. Table 3-5 shows that 70.1 Aboriginal and Torres Strait Islander women per 1,000 were sentenced for an offence in the criminal justice system – six times higher than the rate of 11.6 for non-Indigenous women. For the offence of serious assault of a public officer, Aboriginal and Torres Strait Islander women were sentenced at a rate of 1.2 women per 1,000 – a rate that is 12 times higher than that of non-Indigenous women at 0.1 per 1,000.

Table 3-5: Rate of offending per 1,000 estimated resident population in 2016

Offence category	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
All sentenced offences	70.1	150.0	11.6	37.1
Acts intended to cause injury offences	8.5	21.3	0.5	2.1
s 340 serious assault offences	1.4	3.8	0.1	0.3
s 340 serious assault against a public officer*	1.2	3.3	0.1	0.2

Data include unique offenders (adult and juvenile), higher and lower courts, offences occurring in 2015–16.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019. Estimated resident population figures were retrieved from ABS Cat No. 3101.0 Table 53 and are for the estimated number of Queenslanders aged 10 or older by gender and Aboriginal and Torres Strait Islander status as at June 2016. Shown as a rate per 1,000 Estimated Resident Population.

Note: (*) ss 340 (1)(b), (1)(c), (1)(d), (2), and (2AA)

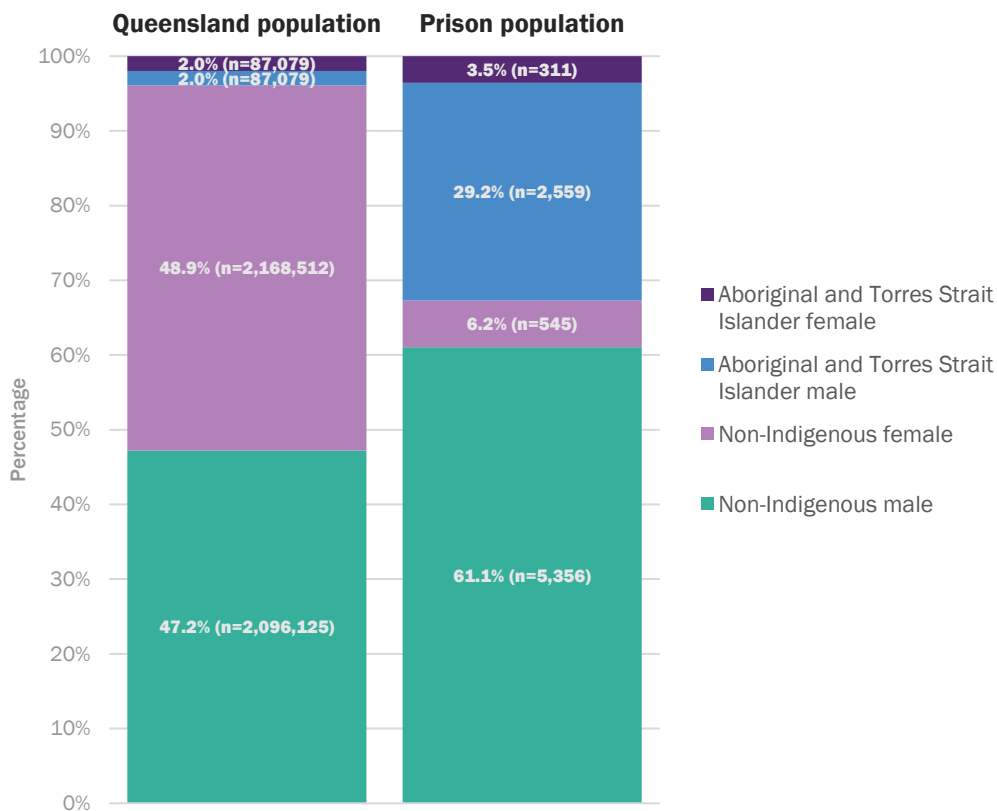
¹ As at 30 June 2016. For population estimates of Aboriginal and Torres Strait Islander peoples in Queensland, see Queensland Government Statistician's Office, Population estimates and projections, *Aboriginal and Torres Strait Islander Queenslanders* (11 July 2019) available at <<https://www.qgso.qld.gov.au/statistics/theme/population/aboriginal-peoples-torres-strait-islander-peoples/population-estimates-projections>>.

For serious assaults of corrective services officers by prisoners, a different rate needs to be calculated to provide more accurate findings. For these offences, the rate must be calculated from the prison population, which is markedly different from the composition of the general population in Queensland. Figure 3-5 below illustrates the differences between the general population of Queensland and its prison population.

Male offenders comprise the vast majority of people in Queensland’s prisons. While Aboriginal and Torres Strait Islander men only comprise approximately 2.0 per cent of the Queensland population (aged 10 years or over), they comprise over 29.2 per cent of the prison population.

Aboriginal and Torres Strait Islander women are also overrepresented in the prison population – while they comprise approximately 2.0 per cent of the Queensland population, they are 3.5 per cent of the prison population. Non-Indigenous women are the only demographic group that is underrepresented in the prison population – making up 48.9 per cent of the overall Queensland population, non-Indigenous women only comprise 6.2 per cent of the prison population.

Figure 3-5: Differences between the general Queensland population and the prison population



Data include population figures as at 30 June 2019, for people aged 10 years or older.

Source: Estimated resident population figures retrieved from ABS Cat No. 3101.0 Table 53, and Cat No. 3238.0 Table 3 and are for the estimated number of Queenslanders aged 10 or older as at June 2019.

Prison population retrieved from ABS Cat No. 4517.0 *Prisoners in Australia 2019*, Table 21 as at 30 June 2019.

Note: The proportion of male and female Aboriginal and Torres Strait Islander peoples in the general population was estimated by dividing the total estimate of Aboriginal and Torres Strait Islander peoples in half.

Table 3-6 shows the number of assaults of corrective services officers as a rate per 1,000 of the prison population. It includes serious assaults under section 340(2) as well as assaults and obstructions under section 124(b) of the *Corrective Services Act 2006*. The data include cases from 2012–13 to 2018–19, as breakdowns by gender and Aboriginal and Torres Strait Islander status were only available from the Australian Bureau of Statistics from 2012–13 onwards.

Aboriginal and Torres Strait Islander women had the highest rate of offending against corrective services officers, with a rate of 12.7 women per 1,000 in the adult prison population – this was twice the rate of Aboriginal and Torres Strait Islander men, who assaulted corrected services officers at a rate of 6.5 men per 1,000 of the adult prison population. Non-Indigenous women also had a higher rate of assaulting corrective services officers compared with non-Indigenous men (8.6 women per 1,000, compared with 4.6 men per 1,000).

Aboriginal and Torres Strait Islander offenders generally had higher rates of assault of corrective services officers compared with their non-Indigenous counterparts. For men, Aboriginal and Torres Strait Islanders assaulted corrective services officers at a rate of 6.5 per 1,000, compared with 4.6 per 1,000 for non-Indigenous men.

Table 3-6: Rate of serious assault of corrective services officer offences by prison population per 1,000

Offence category	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
Assaults of corrective services officer	12.7	6.5	8.6	4.6

Data include unique adult offenders, higher and lower courts, sentenced for s 340(2) or s 124(b), offence occurring on or after 1 July 2012, sentenced between 2012–13 and 2018–19.

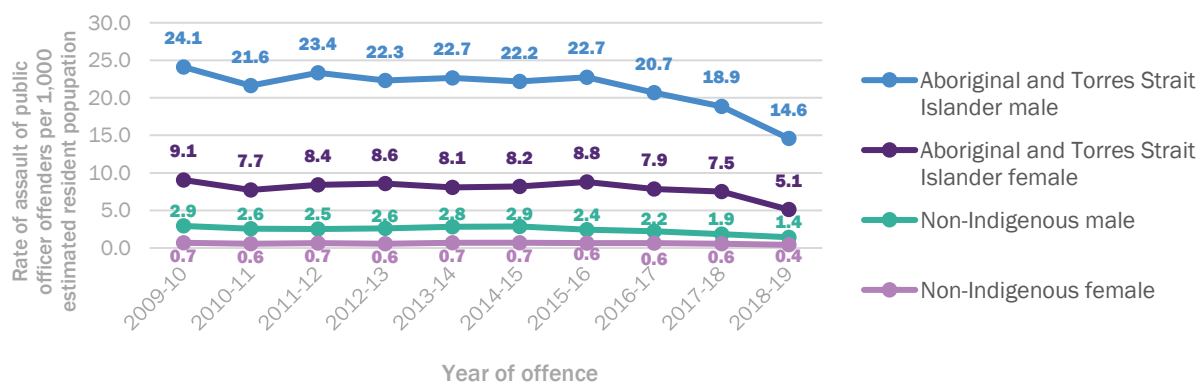
Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019. Prison population as at 30 June 2013 to 30 June 2019 retrieved from ABS Cat No. 4517.0 Prisoners in Australia, 2013 to 2019, Table 20, 21, or 22. (Indigenous status by gender only available from 2012–13 onwards.)

Figure 3-6 shows the rate of people who assaulted a public officer (excluding corrective services officers) per 1,000 estimated resident population over the 10-year data period.

Overall, the rate of serious assaults of public officers has decreased for all demographic groups. The largest decrease was for Aboriginal and Torres Strait Islander men, falling from a rate of 24.1 men per 1,000 population in 2009–10, to a low of 14.6 men per 1,000 in 2018–19.

The figure also shows that Aboriginal and Torres Strait Islander men were the most overrepresented demographic for the serious assault of public officers (excluding corrective services officers) over the data period. The second most overrepresented group was Aboriginal and Torres Strait Islander women – each year between 5 and 10 Aboriginal and Torres Strait Islander women per 1,000 estimated resident population were sentenced for the serious assault of a public officer.

Figure 3-6: Rate of serious assault of public officer* per 1,000 estimated resident population



Data include unique offender count, adult and juvenile offenders, higher and lower courts, offence occurring on or after 1 July 2009, presented by financial year of offence, sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019. Estimated resident population aged 10 or over as at 30 June each year retrieved from ABS Cat No. 3238.0 Table 3 (assumed 50% male and female based on census data) and Cat No. 3101.0 Table 53 (non-Indigenous population estimated by Queensland ERP (aged over 10) minus Indigenous population ERP).

Note: (*) 'Public officer' includes ss 340(1)(b), (1)(c), (1)(d) and (2AA), and 790.

As outlined in Chapter 1, the Council observed the marked overrepresentation of Aboriginal and Torres Strait Islander peoples and women in the preparation of the Issues Paper and undertook some additional work to understand what might be driving this particular level of overrepresentation. This work comprised three elements:

1. Additional targeted consultation with key stakeholders, including the Council's Aboriginal and Torres Strait Islander Advisory Panel
2. An expert report from an Aboriginal and Torres Strait Islander academic
3. Analysis of sentencing remarks to understand the circumstances and broader context of these assault events, to determine whether there are different circumstances involved for different demographic groups.

Consultation with key stakeholders elicited a number of important themes that helped contextualise these demographic findings.

The following themes have been noted by the Council:

- The Aboriginal and Torres Strait Islander Advisory Panel provided advice arising from their own consultation with professional and personal networks. They spoke about the experience of being an Aboriginal and Torres Strait Islander in ordinary circumstances in public spaces. One member spoke about his personal experience of being stopped by police where he lived while he was out for a run, for no apparent reason. He felt he had come to the attention of police because he was a black man in a white, wealthy neighbourhood and he was running (and therefore suspicious). In these circumstances, where Aboriginal and Torres Strait Islanders are faced with a situation where they are confronted by a public officer such as a police officer, the historical relationships between them and authority figures leads to a 'fight or flight' reaction, whereby the immediate response is to either 'get out of there', or to react protectively and defensively.
- Key stakeholders at a roundtable meeting on 22 June 2020 raised several relevant issues, one of which was the question of whether women were overrepresented due to escalating behaviour in the context of a domestic violence callout by police. Another issue related to the poor management of mental health and lack of diversion and early intervention options for people experiencing critical mental health problems. If relevant interventions were available, these individuals would not end up in custody (and often, these people end up in solitary confinement and in conflict with corrective services officers). A third issue raised by the group was the chronic and fundamental levels of disadvantage experienced by Aboriginal and Torres Strait Islander peoples, which is demonstrated in there being little or no improvements in the national Closing the Gap targets.
- An expert report received by the Council in July 2020, written by Associate Professor Chelsea Bond, Dr David Singh and Helena Kajlich from the School of Social Science at The University of Queensland, provides an interpretation of the overrepresentation issue by using Critical Race Theory² as a means of interrogating a series of case studies from media articles and in coronial reports of Aboriginal and Torres Strait Islander peoples who have been involved in interactions with public officers. The report outlines the racialisation of Aboriginal and Torres Strait Islander peoples as a risk or threat to public good and emphasises the need to understand the violent historical context of the relationship between Aboriginal and Torres Strait Islander people and authority figures that has accompanied land dispossession. The report comments: 'community memory connects the violence of the frontier to contemporary violence of the front line'. (The authors acknowledge that the views expressed in their report are their own and not necessarily those of the Council.)
- The sentencing remarks analysis is presented in the next chapter of this report.

These are important themes to understand when thinking about the demographic patterns outlined in this chapter. It is particularly important to consider this in the context of the Black Lives Matter movement, which emerged across the world in the wake of the death of George Floyd at the hands of police in the United States in May 2020 – the period when interactions between public officers and members of the community were being considered by the Council.

The overrepresentation of Aboriginal and Torres Strait Islander peoples is not limited to the types of offending examined in this report.³ In 2017, the Australian Law Reform Commission published its *Pathways to Justice* report

² Critical race theory is described in the expert report as follows: 'Critical race theory grew out of a movement in the US law where questions were asked of the very foundations of the liberal political order, including notions of equality, legal reasoning, Enlightenment rationalism and the supposed neutrality of the law. Race, racism and power are central to these questions. Leading CRT scholar David Theo Goldberg, in exploring the nature of the state, law and race, argues that hierarchical understandings of race and the development of the modern state are aligned.'

³ See Queensland Sentencing Advisory Council, *Community-based Sentencing Orders, Imprisonment and Parole Options* (Final Report, July 2019) 54–55 [4.5].

– the most recent major study into the issue of overrepresentation in the criminal justice sector.⁴ The report noted that Aboriginal and Torres Strait Islander peoples ‘may be more likely to end up in prison for the same offence’ compared with their non-Indigenous counterparts.⁵

The Council acknowledges the devastating continuing impacts of colonisation experienced by the Aboriginal and Torres Strait Islander community, and the intergenerational trauma that has been inherited by modern Indigenous Australia. These themes form an important backdrop to the work on this review, and the Council is undertaking further work outside of this reference to contribute to a broader understanding of Indigeneity and sentencing. This will be informed by the important work undertaken as part of this review.

⁴ Australian Law Reform Commission, *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Final Report* (Report No. 133, 2017).

⁵ *Ibid* 230 [7.4], citing Australian Bureau of Statistics, *Corrective Services, Australia, June Quarter 2017*, Cat No. 4512.0 (2017) Table 19.

3.2 Who are the victims of assaults on public officers?

Section summary

- Police officers were the most common victim of serious assault of a public officer, followed by paramedics, detention centre staff, and corrective services officers.
- A 'public officer' under sections 340(2AA), (1)(c) and (1)(d) involved a wide range of professions including paramedics, detention centre workers, medical/hospital workers, security guards, watch-house officers, transport officers, and child safety officers.
- Young people were most likely to assault a detention centre worker or education worker, whereas adults were most likely to assault a paramedic or medical worker.
- Spitting was most common in situations where the victim was a transport officer or security guard.
- Sentenced assaults of detention centre workers have increased considerably over the 10-year period.

This section of the report explores who the victims of serious assault are and seeks to uncover the occupations of victims who have been classified as a 'public officer'. To provide a high-level overview, Table 3-7 provides a breakdown of all victims of serious assault of a public officer. This includes police officers under section 340(1)(b) and corrective services officers under section 340(2), in addition to the more ambiguous categories of public officers under sections 340(1)(c), (1)(d) and (2AA). Overall, across all serious assaults of a public officer from 2009–10 to 2018–19, the vast majority of victims were police officers (78.5%), distantly followed by paramedics (5.4%).

Table 3-7: Overview of the occupation of victims of serious assaults

Victim occupation	Frequency	Percentage
Police	8,886	78.5
Paramedic	612	5.4
Detention centre worker	442	3.9
Corrective services officer	420	3.7
Medical/hospital worker (excluding security)	377	3.3
Security guard	219	1.9
Watch-house officer	130	1.1
Transport officer (excluding security)	62	0.5
Child safety officer	46	0.4
Compliance officer	31	0.3
Education	28*	0.2
Carer	16*	0.1
Unknown	16*	0.1
Staff at licensed premises (excluding security)	14*	0.1
Firefighter/fire investigator	10*	0.1
Other government role	8*	0.1
Youth worker	7*	0.1
TOTAL	11,324	100

Data include lower and higher courts, adult and juvenile offenders, cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury — Courts Database, extracted November 2019, QGIS and the QPS.

Notes: Count is by charge (i.e. victim) — therefore the victim may not be unique; victims entered as 'prison officer' or 'correctional officer' or under section s 340(2) where the offender was sentenced as a child have been coded as 'detention centre worker'.

(*) Small sample size

3.2.1 Victims recorded in the court process

The remainder of this section will focus on serious assaults of a public officer under section 340(2AA), as well as serious assaults of a person performing, or who has performed, a duty at law under sections 340(1)(c) and 340(1)(d). For details on the methodology and data used, please refer to Appendix 3.

Paramedics were the most common victims of serious assault of a public officer under section 340(2AA); the second most common victim occupation was a medical/hospital worker – see Table 3-8. The serious assault of a person who is performing, or has performed, a duty at law under section 340(1)(c)/(d) has somewhat different victims, with detention centre workers, security guards, and police officers among the most frequent occupations.

The occupation of victims who were assaulted by young offenders was markedly different from the victims who were assaulted by adults. Unsurprisingly, young offenders most commonly assaulted detention centre workers. Over the 10-year data period, 28 education workers were sentenced under these provisions – the majority of these assaults (82.1%, n=23) were committed by young people. Adult offenders most commonly assaulted paramedics, medical staff, security guards, compliance officers and police officers.

Table 3-8: Victim occupations, by type of serious assault and whether the offender was an adult

Victim type	TOTAL	340(2AA) Public officer	340(1)(c)/(d) Duty at law	Adult offenders	Young offenders
Victim occupation	N	%	%	%	%
Paramedic	612	95.1	4.9	90.0	10.0
Detention centre worker	422	72.8	27.3	5.2	94.8
Medical/hospital worker (excluding security)	377	93.4	6.6	91.8	8.2
Security guard	219	64.4	35.6	90.0	10.1
Police officer	150	59.3	40.7	90.0	10.0
Watch house officer	130	69.2	30.8	91.5	8.5
Transport officer (excluding security)	62	83.9	16.1	64.5	35.5
Child safety officer	46	93.5	6.5	69.6	30.4
Compliance officer	31	71.0	29.0	100.0	0.0
Education worker	28	71.4	28.6	17.9	82.1
Corrective services officer	18*	-	-	-	-
Carer	16*	-	-	-	-
Unknown	16*	-	-	-	-
Staff at licensed premises (excluding security)	14*	-	-	-	-
Firefighter/fire investigator	10*	-	-	-	-
Other government role (state or federal)	8*	-	-	-	-
Youth worker	7*	-	-	-	-
TOTAL	2,166	81.2	18.8	71.1	28.9

Data include lower and higher courts, adult and juvenile offenders, cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019, QGIS and the QPS.

Notes: Count is by charge (i.e. victim) – therefore the victim may not be unique; victims entered as ‘prison officer’ or ‘correctional officer’ where the offender was sentenced as a child have been coded as ‘detention centre worker’.

(*) Small sample size

Impact of the introduction of aggravating circumstances

From 5 September 2014, it became an aggravating circumstance to assault a public officer by biting, spitting, throwing or applying bodily fluid or faeces; causing bodily harm to a public officer; or, at the time of the assault, being or pretending to be armed. The aggravating circumstances carry a higher maximum penalty of 14 years' imprisonment for adult offenders and 7 years' detention for juvenile offenders. The maximum penalty for a non-aggravated serious assault committed by a child (but only if the child is before a higher court) is 3.5 years' detention. In the lower courts, a jurisdictional limit of one year's detention applies, for any offence, committed by a juvenile.⁶

There are differences in the occupation of victims based on the type of aggravating circumstance – see Table 3-9.

Serious assault with bodily fluid was more prevalent for some occupations. Two-thirds of serious assaults with transport officers as victims involved bodily fluid (66.7%), and only 20.0 per cent of serious assaults of transport officers did not involve any aggravating circumstances. Similarly, 44.1 per cent of serious assaults of a security guard involved bodily fluids and only one-third of assaults on security guards did not involve any aggravating circumstances (32.3%). Assaults involving bodily fluid were relatively high for detention centre staff (32.5%), medical/hospital staff (26.4%) and watch-house officers (24.1%).

Medical workers were the most likely to receive bodily harm, at a rate of nearly 1 in 5 (18.8%), closely followed by security guards (18.3%). Police officers were also more likely to receive bodily harm than other occupational groups, at 16.0 per cent.

Being armed was most common where the victim was a police officer or a transport officer (excluding security), with 1 in 10 (10.0%) assaults involving a weapon (where the case was sentenced as a public officer under section 340(2AA)).

Table 3-9: Aggravating circumstances by victim occupation

Victim occupation	TOTAL	Bodily fluid	Bodily harm	Armed	No aggravating circumstances
	N	%	%	%	%
Paramedic	375	16.8	10.4	5.1	68.5
Detention centre worker	269	32.5	4.8	9.3	53.5
Medical/hospital worker (excluding security)	261	26.4	18.8	3.1	54.4
Security guard	93	44.1	18.3	8.6	32.3
Watch-house officer	58	24.1	8.6	0	67.2
Police	50	22	16	10	58
Transport officer (excluding security)	30	66.7	6.7	10	20
Other	29	26.7	17.2	0	58.6
Compliance officer	18*	0	0	11.1	88.9
Corrective services officer	15*	20	13.3	0	73.3
Child safety officer	14*	7.1	14.3	7.1	71.4
TOTAL	1,212	26.2	11.7	5.9	57.8

Data include lower and higher courts, adult and juvenile offenders, offences occurring on or after 5 September 2014, cases sentenced from 2014–15 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019, QGIS and the QPS.

Notes:

(1) Count is by charge (i.e. victim) – therefore the victim may not be unique; victims entered as 'prison officer' or 'correctional officer' where the offender was sentenced as a child have been coded as 'youth detention worker'.

(2) Small categories have been combined into 'other' due to sample size, includes firefighter/fire investigator, education, carer, youth worker, staff at licensed premises (excluding security), other government roles and unknown.

(*) Small sample size

⁶ See *Youth Justice Act 1992* (Qld) s 176 regarding the 7-year maximum penalty – this can only be imposed by a judge, not a magistrate. See s 175 regarding the 3.5-year maximum regarding serious assault simpliciter offences (if the sentence is imposed by a judge) and 1-year maximum penalty available to magistrates generally. The differences in sentencing juvenile offenders are discussed in Chapter 6.

Victim occupation by offender demographics

Non-Indigenous offenders are more prevalent across most victim occupation types, particularly male offenders. Although Aboriginal and Torres Islander offenders are less prevalent, they are overrepresented as they comprise 44.2 per cent of offenders for assault of a public officer (ss 340(1)(c), (1)(d), and (2AA)), yet make up only 3.8 per cent of Queensland's population aged 10 years and over.⁷

When the victim was a detention centre worker, Aboriginal and Torres Strait Islander males were the most common offender at 83.7 per cent. For paramedics, medical/hospital staff, security guards, police officers, and watch-house officers, non-Indigenous male offenders were most common. However non-Indigenous females were the offender in about one-quarter of assaults on paramedics, medical/hospital workers and security guards. Close to half of the child safety officers were assaulted by a non-Indigenous female (43.5%) with a further 19.6 per cent of assaults on child safety officers perpetrated by an Aboriginal and Torres Strait Islander female. Non-Indigenous females were by far the most likely to seriously assault a carer (62.5%). See Table 3-10.

For a complete picture of serious assaults of public officers, including police officers under section 340(1)(b) and corrective services officers under section 340(2), see Table A4-6 in Appendix 4.

Table 3-10: Offender demographics by victim occupation

Victim occupation	TOTAL	Aboriginal and Torres Strait Islander		Non-Indigenous	
		Female (%)	Male (%)	Female (%)	Male (%)
Paramedic	612	15.5	19	24.4	40.4
Detention centre worker	422	4	83.7	0.2	11.9
Medical/hospital worker (excluding security)	377	13.8	21.5	26	38.5
Security guard	219	7.3	16.9	24.2	50.7
Police officer	150	12.7	28.7	15.3	43.3
Watch-house officer	130	15.4	20	18.5	46.2
Transport officer (excluding security)	62	16.1	14.5	4.8	64.5
Child safety officer	46	19.6	8.7	43.5	28.3
Compliance officer	31	0	19.4	9.7	71
Education worker	28*	7.1	39.3	10.7	39.3
Corrective services officer	18*	5.6	33.3	5.6	55.6
Carer	16*	12.5	18.8	62.5	6.3
Unknown	16*	6.3	50	12.5	31.3
Staff at licensed premises (excluding security)	14*	7.1	21.4	21.4	50
Firefighter/fire investigator	10*	0	20	20	60
Other government role (state or federal)	8*	0	37.5	25	37.5
Youth worker	7*	0	28.6	14.3	57.1
TOTAL	2,166	11.3	32.9	18.4	36.9

Data include lower and higher courts, adult and juvenile offenders, ss 340(1)(c), s 340(1)(d), and (2AA), cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019, QGIS and the QPS.

Notes:

(1) Cases where gender and/or Aboriginal and Torres Strait Islander status was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%;

(2) Count is by charge (i.e. victim) – therefore the victim may not be unique and if an offender had multiple victims the demographic of the offender will be counted more than once;

(3) Victims entered as 'prison officer' or 'correctional officer' or under section s 340(2) where the offender was sentenced as a child have been coded as 'detention centre worker'.

(*) Small sample size

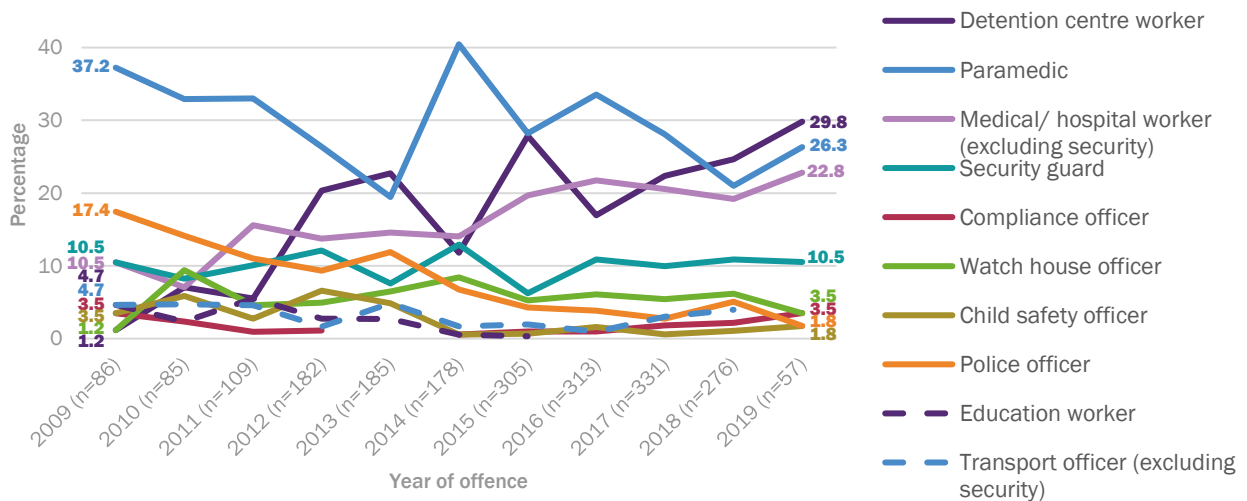
⁷ As at 30 June 2015. See Queensland Government Statistician's Office, *Population Estimates by Indigenous Status, LGAs, 2001 to 2015*, available at <<http://www.qgso.qld.gov.au/subjects/demography/atsi-people/tables/pop-est-indigenous-status/index.php>> accessed 4 August 2017.

Change in victim occupation over time

Figure 3-7 shows the proportion of victim occupations for serious assaults of a public officer (s 340(2AA), (1)(c), (1)(d)) over the past 10 years. Paramedics, detention centre workers, and medical/hospital workers remained in the top three over most of the data period. In 2019, detention centre workers comprised 29.8 per cent of cases, paramedics comprised 26.3 per cent, and medical/hospital workers comprised 22.8 per cent. Paramedics were consistently the most common type of public officer in most years, with detention centre workers taking the top spot in 2018 and 2019. Detention centre workers, on the other hand, comprised only 1.2 per cent of cases in 2009, and rose to the most common type of victim in 2009 at 29.9 per cent.

Security guards made up another type of occupation that was consistent over the data period, remaining relatively unchanged at 10.5 per cent of cases in 2009, and remaining at 10.5 per cent of cases in 2019.

Figure 3-7: Occupational group of victims of serious assault, over time



Data include lower and higher courts, adult and juvenile offenders, ss 340(2AA), 340(1(c)) and 340(1(d)), offences occurring from 2010 to 2018, sentenced 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019, QGIS and the QPS.

Notes:

(1) Count is by charge (i.e. victim) – therefore the victim may not be unique.

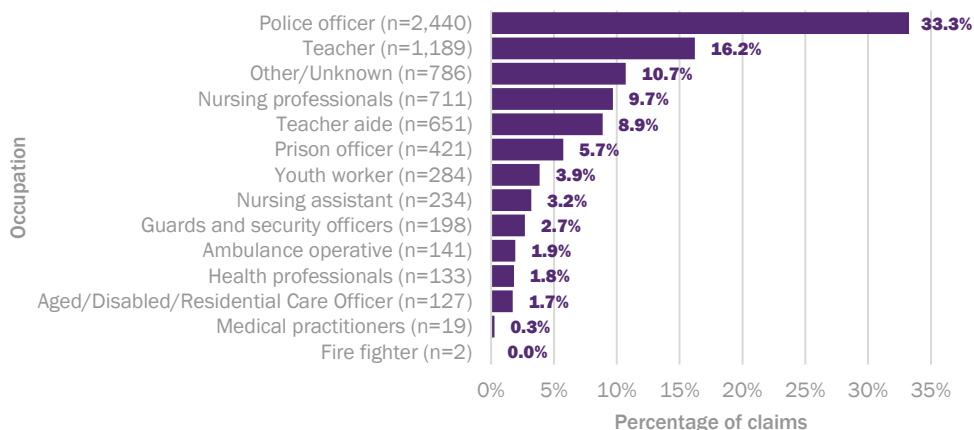
(2) Occupational groups where the total sample was less than 25 have been included in calculations but not presented.

3.2.2 Victims recorded in WorkCover claims

Data were obtained from WorkCover on all claims that were accepted due to the assault of a public officer. Details on the methodology used to extract this information are available in Appendix 3, and further analysis of WorkCover data is available at section 4.3 of this report.

WorkCover data show that one-third of the accepted assault-related claims were made by police officers (n=2,440, 33.3%). Collectively, those working in the police, education and medical sectors comprised three-quarters of accepted assault-related claims (75.2%) – see Figure 3-8.

Figure 3-8: Proportion of assault-related claims by reported occupation type, 2014–15 to 2018–19



Source: WorkCover Queensland – unpublished data, 2014–15 to 2018–19.

3.2.3 Repeat offenders and recidivist offenders

Section summary

- Serious assaults of corrective services officers were the most likely offence to result in repeat offending (i.e. a future charge of the same offence). The summary offence of assaulting or obstructing a police officer was similarly high.
- Assaults or obstructions of corrective services staff were the most likely offences to result in future violent offences, closely followed by serious assaults of a person who was performing or who had performed a duty at law.
- Aboriginal and Torres Strait Islander peoples had higher levels of recidivism, with a higher proportion of people committing repeat offences, as well as other violent offences.
- Men had higher levels of recidivism compared with women for offences involving the assault of a public officer; although these gendered differences were less pronounced, and in some cases reversed, for assaults that did not involve a public officer.

The Council identified the need to understand recidivism as part of its Terms of Reference, particularly to enable it to comment on which offences are associated with what levels and quantum of reoffending. Ultimately, all sentencing aims to prevent offenders from engaging in further criminal activity, to protect the community either through incapacitation (incarcerating individuals) or through rehabilitation so the causes of the offending are addressed and ideally removed.

In this section, the term ‘repeat offender’ is used to describe people who commit the same offence multiple times, while the term ‘reoffending’ or ‘recidivism’ is used to describe people who repeatedly commit offences of any type.

There are considerable challenges in measuring recidivism. For the purposes of the present exercise, the Council operationalised recidivism as any sentencing event that was followed by another sentencing event within two years of an offender’s expected release from custody. For more information on the application of this methodology, please see Appendix 3.

The darkest purple bars in Figure 3-9 (below) show the proportion of cases in which the offender reoffended. The lightest purple bars show the proportion of cases where the offender was a repeat offender – that is, where they reoffended by committing the same offence. The other bars show the proportion of cases in which the offender reoffended by committing a similar offence, either an act intended to cause injury, or assault of a public officer.

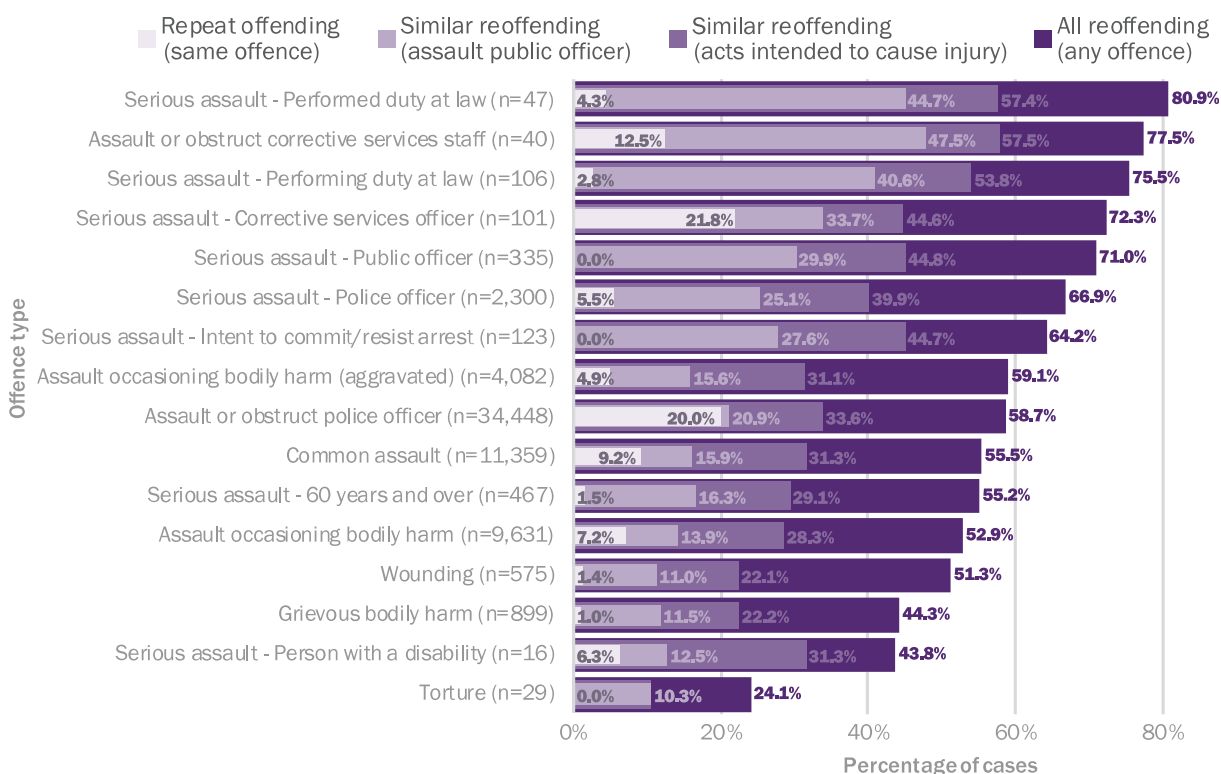
The serious assault of a person performing a duty at law under section 340(1)(c) of the *Criminal Code* had the highest rate of reoffending, with 80.9 per cent of cases followed by a new offence within two years. Similarly, cases involving the serious assault of a person who performed a duty at law under section 340(1)(d) of the *Criminal Code* also had high levels of reoffending at 75.5 per cent.

The assault or obstruction of a corrective services officer under section 124(b) of the CSA had the second-highest level of reoffending for all offences examined at 77.5 per cent. The serious assault of a corrective services officer under section 340(2) was also high at 72.3 per cent. These offences also saw a high rate of repeat offending; that is, one in five cases that involved the serious assault of a corrective services officer were followed by a subsequent serious assault of a corrective services officer (21.8%). The assault or obstruction of a corrective services officer also had relatively high levels of repeat offending, with 12.5 per cent of cases leading to a repeat offence.

The assault or obstruction of a police officer under section 790 of the PPRA had the second-highest percentage of repeat offending out of all the offences examined, with 20.0 per cent of cases followed by a repeat offence.

General types of assault, such as common assault, AOBH, GBH and wounding had lower rates of recidivism compared with serious assaults of a public officer. Of these offences, aggravated AOBH had the highest rate of reoffending at 59.1 per cent. Common assault was slightly lower at 55.5 per cent, and non-aggravated AOBH was slightly lower again at 52.9 per cent. The more serious offences of wounding and GBH had lower reoffending again at 51.3 per cent and 44.3 per cent, respectively.

Figure 3-9: Percentage of cases that resulted in reoffending within two years of release, by type of offence



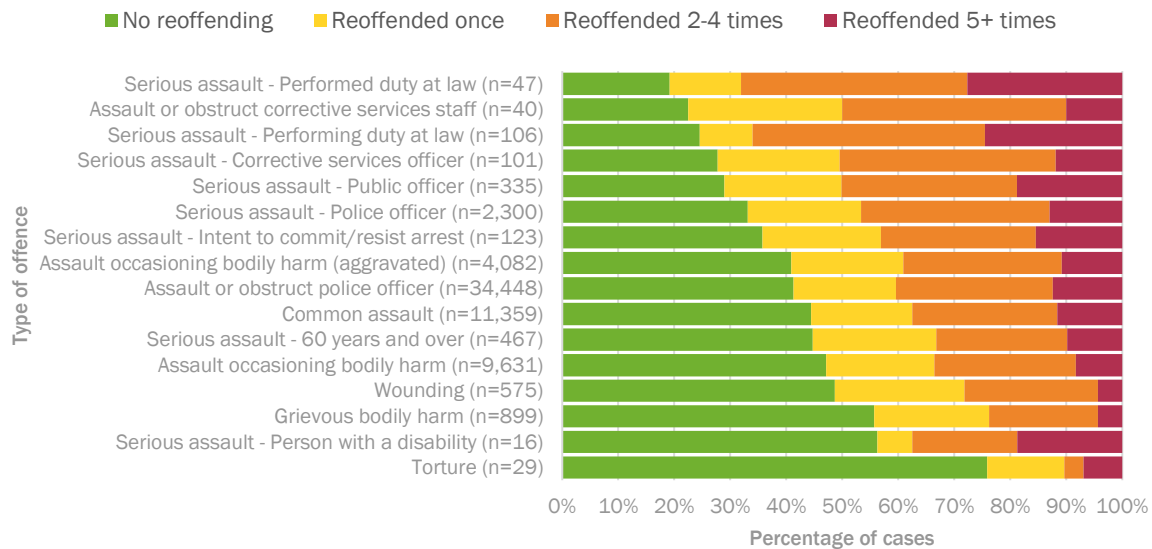
Data include adult and juvenile cases sentenced between 2010-11 and 2013-14 where reoffending occurred within two years of the offender's expected release from custody.

Source: QGSO, Queensland Treasury — Courts Database, extracted November 2019.

Figure 3-10 shows the number of occurrences of reoffending that followed the sentencing for each type of assault. The green bars illustrate the proportion of cases that had no reoffending. The yellow portion of the bar represents cases in which the offender reoffended once, and the orange represents cases where the offender was sentenced in up to four separate court events within two years of their release from custody from the initial offence. The red portion of the bar represents cases in which the offender reoffended and was sentenced five times or more. For the percentage values, see Table A4-5 in Appendix 4.

Cases involving the serious assault of a person who was performing or had performed a duty at law under section 340(1)(c) or (d) of the *Criminal Code* were not only the most likely to reoffend, but they reoffended more often. Over a third of offenders for these offences (40.4% and 40.0%, respectively) reoffended between two and four times, and a quarter of offenders reoffended five times or more (27.7% and 24.5%, respectively).

Figure 3-10: Number of instances of reoffending, by type of offence



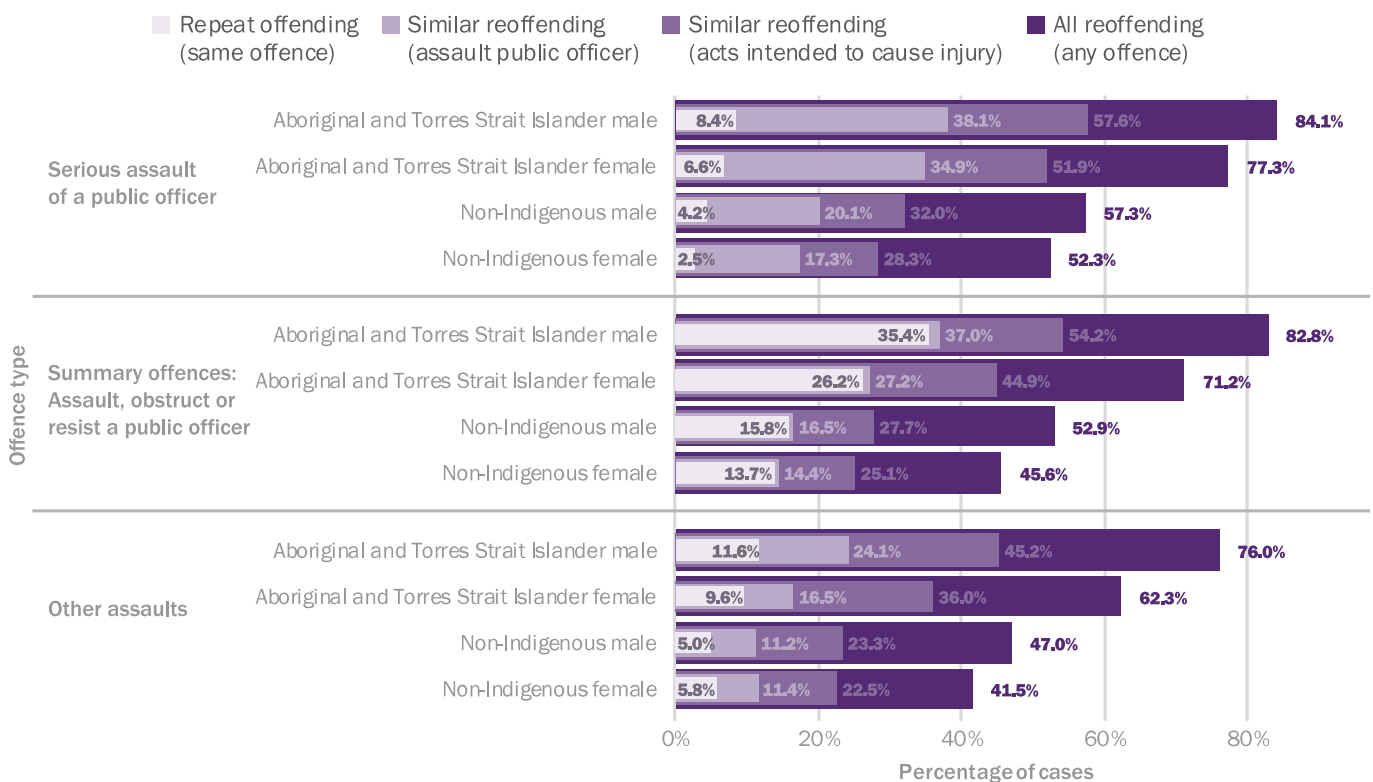
Data include adult and juvenile cases sentenced between 2010–11 and 2013–14 where reoffending occurred within two years of the offender’s expected release from custody.
 Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

The percentage of cases that resulted in recidivism was different for various demographic groups – see Figure 3-11. Male offenders generally had higher levels of reoffending compared with female offenders, and Aboriginal and Torres Strait Islander offenders had higher levels of reoffending compared with non-Indigenous offenders.

Analysis of serious assaults of a public officer (including police officers, corrective services officers, people performing a duty at law, and other public officers) shows that Aboriginal and Torres Strait Islander males reoffend with another assault of a public officer in 38.1 per cent of cases, which is slightly higher than the 34.9 per cent of cases in which a female Aboriginal and Torres Strait Islander person reoffends by assaulting another public officer. The proportion of cases in which a non-Indigenous male reoffended by assaulting another public officer was lower, with one in five cases (20.1%) resulting in this type of recidivism. Non-Indigenous females reoffended in this way in 17.3 per cent of cases.

Figure 3-11 contains additional statistics on reoffending for summary offences involving the assault or obstruction of a public officer, and other assault-related offences (such as common assault, AOBH, or serious assault not involving a public officer).

Figure 3-11: Percentage of cases that resulted in reoffending within two years of release, by demographics and type of offence



Data include adult and juvenile cases sentenced between 2010–11 and 2013–14 where reoffending occurred within two years of the offender’s expected release from custody.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: The offence categories are comprised as follows:

- ‘Serious assault of a public officer’ includes s 340(1)(b) police officers, s 340(1)(c)–(d) performing/performed a duty at law, s 340(1)(2) corrective services officers, and s 340(2AA) public officers of the *Criminal Code*.
- ‘Summary offence’ includes the assault or obstruction of a police officer under s 790 of the PPRA, the assault or obstruction of a corrective services staff member under s 124(b) of the CSA and resisting public officers under s 199 of the *Criminal Code*.
- ‘Other assaults’ includes all offences classified as an ‘act intended to cause injury’ under the ANZSOC.

Chapter 4 What are the circumstances in which public officers are assaulted?

There are limited data sources available to explore the circumstances surrounding assaults on public officers. This chapter draws on a variety of sources to identify some of the factors that may contribute to assaults on public officers, helping to explain the context in which this offending occurs.

The information presented includes the findings of the literature review undertaken for the purposes of the reference by the Griffith Criminology Institute,¹ an analysis of key features of these offences drawn from a sample of sentencing remarks, and the WorkCover data that assisted the Council in identifying the type and extent of harm caused to victims. Court data were also analysed to obtain insights based on whether an offender was sentenced for other offences committed on the same day as the assault offence and, if so, the nature of these associated offences.

The chapter also presents high-level data on the offence of assault or obstruct a police officer under section 790 of the *Police Powers and Responsibilities Act 2000* (Qld) (PPRA) and aggravated forms of serious assault under section 340 of the *Criminal Code*. These data are presented to illustrate the types of conduct involved in these offences and, in the case of aggravated serious assault, trends in the number of people being sentenced for this offence over time.

4.1 Findings from the literature

The literature review conducted by the Griffith Criminology Institute for the purposes of this review examined current evidence about the causes, frequency and seriousness of assaults on public officers. It found that assaults on public officers are *more* likely in particular circumstances or conditions, such as:

- perpetrators involved in substance abuse, at least in the healthcare sector;
- perpetrators with poor mental health, across a number of sectors;
- perpetrators with a current or past history of violent behaviour;
- officers with less experience on the job;
- operational workplace characteristics, which may vary by sector (such as understaffing in the healthcare sector, and ticketing and timetabling issues in the public transit sector).

Detailed findings of this desktop review are set out in this report, which is available on the Council's website.

4.2 Analysis of sentencing remarks

Section summary

- The transcripts of a sample of 276 sentencing remarks involving serious assault cases sentenced in the higher courts (Supreme and District Courts, and Childrens Court of Queensland) were analysed.
- Many differences were found based on the gender and Aboriginal and Torres Strait Islander status of the offender.
- Spitting was more common for women, whereas physical assaults such as kicking, punching or pushing were more common for men.
- The majority of offenders were described as being 'uncooperative' or 'aggressive' while committing the offence.
- Assaults most commonly occurred while the offender was being arrested, restrained, or resisting the direction of a public officer.
- Half of the women and one-third of Aboriginal and Torres Strait Islander men were under the influence of drugs or alcohol.
- One-third of offenders had mental disorders – particularly non-Indigenous women.

Sentencing remarks provide an important record of what happened during the offence, the reasons for the judge's sentencing outcome, and anything relevant for future assessments of the offender. This analysis of sentencing remarks supplements the analysis of administrative data elsewhere in this report and provides additional insight into the circumstances of offending, relevant factors about the offender, including his or her background (e.g. poor

¹ Christine Bond et al, *Assaults on Public Officers: A Review of Research Evidence* (Griffith Criminology Institute for Queensland Sentencing Advisory Council, March 2020). It should be noted that the views contained in the literature review are those of the authors and not necessarily those of the Council.

health, substance abuse) and impact of the offence on the victim. This analysis explores the circumstances of offending for serious assaults against public officers, and whether differences exist based on the offender's gender or Aboriginal and Torres Strait Islander status.

4.2.1 Methodology

Sample selection

There were 1,421 relevant cases involving the serious assault of a public officer in the higher courts between 2009–10 and 2018–19.² A small number of cases that involved more than one type of serious assault offence were excluded from this analysis (n=46), bringing the total number of cases to 1,375. Table 4-1 shows the population sizes for each demographic category (i.e. female Aboriginal and Torres Strait Islander, male Aboriginal and Torres Strait Islander, female non-Indigenous and male non-Indigenous) by victim occupation (i.e. corrective services officer; public officer or officer performing a duty at law; and police officer).

Table 4-1: Population of relevant serious assault cases in the higher courts

Type of victim	Aboriginal and Torres Strait Islander		Non-Indigenous		TOTAL
	Female	Male	Female	Male	
Corrective services officer	4	20	3	53	80
Public officer*	16	59	32	68	175
Police officer	126	304	153	537	1,120
					1,375

Data include higher courts, adult and juvenile cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: (*) Includes offences under s 340(2AA) public officer, s 340(1)(c)/(d) performing/performed a duty at law.

Where the population (offence by demographics) was less than 30, all cases were included in the sampling frame. For all other populations a random sample was selected using a sample size that would result in a confidence level of 95 per cent and a confidence interval of 15 per cent.³ The table below shows the resulting sample sizes for each population. The sample was randomly selected, and the coding was performed by a team of five researchers. If the transcript of a sentencing remark was unavailable, or contained insufficient detail to be coded, it was replaced with another randomly selected case.

Table 4-2: Sampling for the sentencing remarks analysis

Type of victim	Aboriginal and Torres Strait Islander		Non-Indigenous		TOTAL
	Female	Male	Female	Male	
Corrective services officer	4	20	3	24	51
Public officer*	16	25	18	27	86
Police officer	32	38	34	40	144
					281

Notes: (1) Shaded cells are population sizes that were less than 30 and all cases were included in the sampling frame.

(*) Includes offences under s 340(2AA) public officer, s 340(1)(c)/(d) performing/performed a duty at law.

Five cases involving the serious assault of a corrective services officer were unable to be analysed due to insufficient details in the sentencing remarks, and additional cases were unable to be sampled as the entire population for these categories had already been included. Of these assaults, four were committed by Aboriginal and Torres Strait Islander men, and one was committed by an Aboriginal or Torres Strait Islander woman. In total, 276 cases were analysed.

Limitations

As with its previous work, the Council acknowledges the limitations associated with analysing sentencing remarks; most notably, that sentencing remarks do not contain a comprehensive list of factors taken into account by a sentencing judge. Factors were only coded when the judge specifically commented on the circumstances of the offending. Hence, for example, if the sentencing remarks do not mention that an offence was committed in a private residence, this does not necessarily mean that no offences were committed in private residences but simply that

² Sentencing transcripts are only available in cases within the higher courts.

³ A confidence level of 95 per cent refers to the probability that the findings were the result of random chance. A confidence interval of 15 per cent refers to the range of values within which the population parameter falls. In other words, based on the sampling methodology selected for this analysis, we are 95 per cent certain that the findings fall within 15 per cent of the values reported.

these circumstances of offending were not expressly mentioned during sentencing. Nevertheless, as part of a mixed-methods research design, sentencing remarks supplement purely data-driven analyses, providing a rich source of additional information on serious assaults of public officers.

Because most assaults on public officers are sentenced in the lower courts, the cases analysed may also not be representative of the nature of assaults, and the broader contexts in which these assaults occur.⁴

4.2.2 Findings

Victim occupation

More than half of the victims in the cases analysed were police officers (52.7%, n=148) – most of these were cases that involved the serious assault of a police officer under section 340(1)(b); however, a few cases were sentenced under the serious assault of a public officer under section 340(2AA) (n=4). Corrective services officers comprised 17.1% of victims (n=48), two of these cases were sentenced under the public officer offence.

Health workers made up 16.0 per cent of victims (n=45) and included doctors, nurses, paramedics, psychiatrists, psychologists and other hospital staff. A smaller proportion of the cases included: child safety officers, parking officers, security guards or officers, transit officers, watch-house officers, and youth detention workers.

These occupational patterns are similar to the analysis of victim occupation conducted at section 3.2 of Chapter 3.

Table 4-3: Victim occupation from analysis of sentencing remarks

Occupation	Frequency (n)	Percentage (%)
Serious assault – Corrective services officer	46	16.4
Serious assault – Police officer	144	51.2
Serious assault – Public officer	91	32.4
Paramedics	28	10.0
Youth detention workers	16	5.7
Security guards or officers	13	4.6
Nurses	11	3.9
Unknown	5	1.8
Police officers	4	1.4
Psychiatrists or psychologists	2	0.7
Hospital staff	2	0.7
Transit officers	2	0.7
Watch-house officers	2	0.7
Doctors	2	0.7
Corrective services officers	2	0.7
Child safety officers	1	0.4
Parking officers	1	0.4

Note. Total number of victim occupation is N = 281 as some cases involved multiple victims.

⁴ The Office of the Director of Public Prosecutions *Director's Guidelines* (as at 30 June 2019) identify specific factors that must be taken into account in the exercise of the discretion to proceed summarily, and factors relevant to whether a serious assault on police should proceed on indictment. These guidelines are discussed in sections 8.8.7, 9.2.3 and 10.6.1 of this report.

Offence location

The analysed offences occurred in various locations – see Figure 4-1.

At a high level, over a quarter of the serious assaults occurred in either a prison, detention centre or watch-house (28.2%, n=79). A relatively high proportion of offences occurred in private residences (14.3%, n=40), an unspecified public location (11.4%, n=32), or a hospital (10.0%, n=28). In almost one in five cases, the sentencing remarks did not provide enough detail to classify the location of the offence (19.6%, n=55).

Figure 4-1: Location of assault from analysis of sentencing remarks

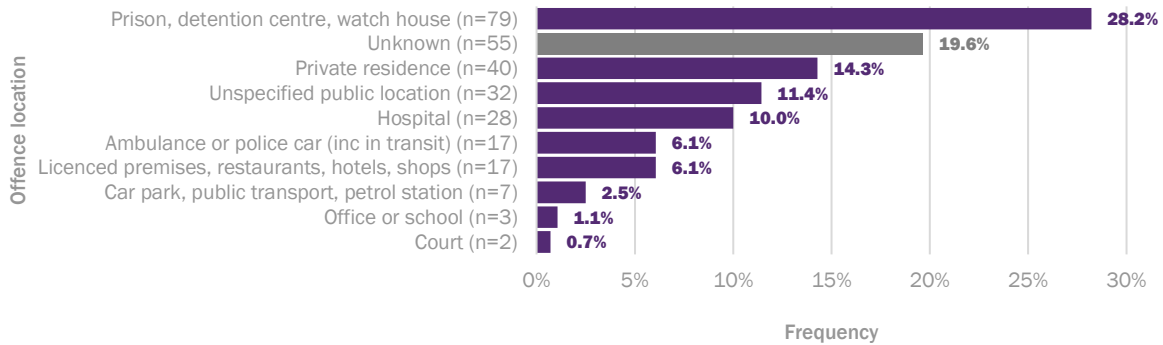


Table 4-4 (below) provides a further breakdown of the offence location by the type of offence and demographic classification of the perpetrator. The number of cases analysed is provided in the labels in the table; however, it is important to exercise caution in interpreting results associated with a small number of cases. Cases with an unknown location were excluded from calculations.

Unsurprisingly, almost all serious assaults of corrective services officers occurred in a prison or similar facility. Serious assaults on police officers most commonly occurred in private residences (n=35), followed by unspecified public locations (n=28). Female offenders were the most likely demographic group to assault a police officer in a prison, detention centre or watch-house (25.0% of cases), irrespective of Aboriginal and Torres Strait Islander status.

Serious assaults of public officers showed some variation in the type of location. Non-Indigenous people were the most likely to assault a public officer in a hospital (63.6% for females; 47.8% for males). Aboriginal and Torres Strait Islander males were the most likely to commit the serious assault of a public officer in a prison, detention centre, or watch-house (70.8%) – the majority of these were young offenders in detention centres (76.5% – data not displayed in table).

Table 4-4: Location of assault from analysis of sentencing remarks, by demographic groups

Offence Location	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
Serious assault – police officer				
Private residence (n=35)	33.3%	28.1%	29.2%	30.6%
Unspecified public location (n=28)	29.2%	21.9%	16.7%	27.8%
Prison, detention centre, watch-house (n=18)	25.0%	9.4%	25.0%	8.3%
Licensed premises, restaurants, hotels, shops (n=13)	8.3%	12.5%	12.5%	11.1%
Police vehicle (n=9)	4.2%	15.6%	4.2%	5.6%
Other (n=13)	0.0%	12.5%	12.5%	16.7%
Unknown (n=32)	27.3%	15.8%	33.3%	12.2%
Serious assault – public officer				
Hospital (n=24)	22.2%	16.7%	63.6%	47.8%
Prison, detention centre, watch-house (n=21)	33.3%	70.8%	0.0%	4.3%
Ambulance (n=5)	11.1%	4.2%	18.2%	4.3%
Private residence (n=5)	11.1%	4.2%	0.0%	13.0%
Other (n=12)	22.2%	4.2%	18.2%	30.4%
Unknown (n=19)	43.8%	4.0%	38.9%	14.8%
Serious assault – corrective services officer				
Prison, detention centre, watch-house (n=40)	100.0%	100.0%	66.7%	95.0%
In transit (n=2)	0.0%	0.0%	33.3%	5.0%
Unknown (n=4)	0.0%	0.0%	0.0%	16.7%

Notes: (1) Total number of offence locations is N = 280 as some cases involved offences in different locations.

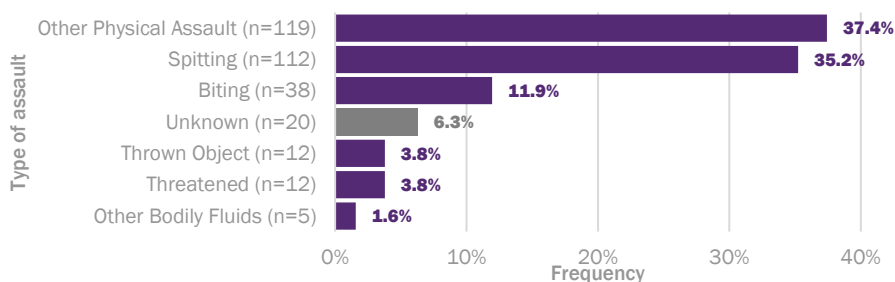
(2) Categories with a count of less than 5 were rolled into 'Other'.

(3) Cases with an unknown location were excluded from calculations for each demographic group.

Type of assault

Figure 4-2 shows the different types of assault of public officers coded from the sentencing remarks. Over a third of cases involved a physical assault, which includes kicking, pushing, punching (37.4%, n=119). Spitting was the second most common type of assault, also occurring in over a third of cases (35.2%, n=112). A smaller proportion of cases involved biting (11.9%, n=38), throwing an object (3.8%, n=12), threatening the victim (3.8%, n=12), and throwing or applying other bodily fluids (e.g. urine; 1.6%, n=5).

Figure 4-2: Type of assault from analysis of sentencing remarks



Note: Total number analysed is N = 381 as some cases involved multiple types of assault of the victim (e.g. spitting and biting, kicking and spitting).

Table 4-5 below provides a further breakdown of the type of assault by demographic classification. Cases where the type of assault was unknown were excluded from calculations.

Males were the most likely to commit a serious assault involving physical violence, such as kicking, pushing and punching (46.8% for Aboriginal and Torres Strait Islander males; 47.9% for non-Indigenous males), whereas females were most likely to offend by spitting on or at a public officer (45.5% for Aboriginal and Torres Strait Islander females; 46.2% for non-Indigenous females).

Approximately one in five offenders bit a public officer – however, this was not the case for Aboriginal and Torres Strait Islander men, who did not bite a public officer in any of the cases analysed.

Table 4-5: Type of assault from analysis of sentencing remarks, by demographic groups

Assault type	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
Other physical assault (n=199)	30.9%	46.8%	30.8%	47.9%
Spitting (n=112)	45.5%	38.0%	46.2%	28.7%
Biting (n=38)	18.2%	0.0%	20.0%	16.0%
Threatened (n=12)	3.6%	7.6%	1.5%	3.2%
Thrown object (n=12)	1.8%	7.6%	1.5%	4.3%
Other bodily fluids (n=5)	0.0%	2.5%	0.0%	3.2%
Unknown (n=20)	9.1%	3.7%	3.1%	10.3%

Note: Total number analysed is N = 381 as some cases involved multiple types of assault (e.g. spitting and biting, kicking and spitting).

Attitude of the perpetrator

The attitude of the perpetrator leading up to the offence was coded as part of this analysis. In the majority of cases analysed, the sentencing judge provided a description of the way in which offenders were behaving leading up to the assault. Across all demographic groups, they were most frequently coded as being aggressive or uncooperative – see Figure 4-3.

There were some differences between the demographic groups. Although all categories of offenders were described as aggressive, aggression was more prominent for men (regardless of Aboriginal and Torres Strait Islander status). Female offenders were more likely than male offenders to be described as uncooperative, agitated, drunk or angry leading up to the assault (regardless of Aboriginal and Torres Strait Islander status).

Non-Indigenous males were more likely to be resisting arrest leading up to the assault, compared with Aboriginal and Torres Strait Islander males, who were more often described as behaving violently or threatening the victim.

Figure 4-3: Most common coded attitude of offenders leading up to the offence from the sentencing remarks analysis, Queensland, 2009–10 to 2018–19

Aboriginal and Torres Strait Islander Female



Non-Indigenous Female



Aboriginal and Torres Strait Islander Male



Non-Indigenous Male



Apparent reason for the assault

The sentencing remarks were coded for themes that provided insight into the reason and circumstances in which the assault occurred – see Table 4-6. In one-quarter of the cases analysed the reason for the assault was unclear or not specified by the sentencing judge (25.4%, n=70).

The most common circumstance in which a serious assault occurred was while the offender was being arrested or restrained (33.5%, n=68). This included cases where, for example, an offender refused to submit to a search, spat while being restrained, or was struggling to break free while being apprehended by police. Assaults of public officers

in these types of situations were least common among Aboriginal and Torres Strait Islander females (27.8% of cases), compared with other demographic groups (33.3% to 35.7% of cases).

The second most common type of situation in which a serious assault occurred was where the perpetrator was resisting an instruction given by a public officer. Some examples included cases where a security guard was instructing a person to leave a premises, and where police officers were attempting to confiscate items (especially alcohol) or perform an alcohol breath test. These types of assaults were more common for Aboriginal and Torres Strait Islander females (22.2% of cases), compared with the other demographic groups (12.3% to 16.2% of cases).

Men and Aboriginal and Torres Strait Islander peoples were more likely to commit an unprovoked serious assault on a public officer. These types of cases were often described as being the result of anger management issues on the part of the perpetrator, or where the perpetrator was in an alcohol- or drug-induced state. Non-Indigenous women were the least likely to commit an unprovoked assault (4.8% of cases) – see Table 4-6.

In some cases, a public officer was assaulted after they had intervened in an ongoing fight or dispute. This included circumstances in which a public officer was attempting to break up a fight, where a public officer was incidentally or accidentally assaulted as part of a larger affray, or where an argument between the victim and perpetrator escalated into violence. Non-Indigenous men were most commonly involved in this type of assault (13.5% of cases).

In 9.9 per cent of cases, particularly those involving non-Indigenous women, a public officer was assaulted while attempting to render aid or assistance to the perpetrator. This commonly involved assaults on paramedics who were attempting to render assistance, but also included police officers, nurses and prison guards who were attempting to help. Self-harm and suicide was a common theme in these cases, in circumstances where the perpetrator of the assault did not wish to be prevented from self-harming. The perpetrator in these situations was most likely to be female (19.0% of cases for non-Indigenous women; 13.9% of cases for Aboriginal and Torres Strait Islander women).

In 6.9 per cent of cases, the perpetrator assaulted a public officer due to perceived unfairness or in retaliation to a perceived slight or insult. This type of offending was more common among Aboriginal and Torres Strait Islander men (14.0% of cases). Some examples of this type of offending included assaults by young people in youth detention when a rugby match was cancelled due to poor behaviour or situations in which a perpetrator 'lashed out' after comments made by a victim.

A small number of cases involved situations where a perpetrator had 'lashed out' following an emotional event (4.9%, n=10). This included cases where an adverse decision had been made regarding child custody, or where a paramedic was assaulted while rendering aid to a family member of the perpetrator. This theme was observed among all demographic groups, except for Aboriginal and Torres Strait Islander women.

Another category with a small number of cases was where the perpetrator was attempting to prevent the arrest or detention of someone else (4.4% of cases, n=9). This most commonly involved Aboriginal and Torres Strait Islander women (16.7% of cases) in cases where police were attempting to arrest or restrain a family member.

A few cases (n=4) involved non-Indigenous offenders assaulting a public officer after being pulled over (e.g. due to speeding). A couple of cases (n=2) involved Aboriginal and Torres Strait Islander men assaulting public officers while protesting.

Table 4-6: Reason for the offence from the analysis of sentencing remarks

Reason	Aboriginal and Torres Strait Islander		Non-Indigenous		Total
	Female	Male	Female	Male	
Unclear (n=70)	31.4%	27.8%	25.5%	19.8%	25.4%
Being arrested/restrained (n=68)	27.8%	33.3%	35.7%	35.1%	33.5%
Resisting instructions (n=33)	22.2%	12.3%	14.3%	16.2%	16.3%
Unprovoked (n=23)	11.1%	17.5%	4.8%	9.5%	11.3%
Ongoing fight/dispute (n=20)	5.6%	10.5%	9.5%	13.5%	9.9%
Victim helping the perpetrator (n=20)	13.9%	3.5%	19.0%	9.5%	9.9%
Perceived unfairness/retaliation (n=14)	2.8%	14.0%	2.4%	5.4%	6.9%
Lashed out due to an emotional event (n=10)	0.0%	5.3%	9.5%	4.1%	4.9%
Intervening someone else's arrest or detention (n=9)	16.7%	0.0%	2.4%	2.7%	4.4%
Pulled over (while driving) (n=4)	0.0%	0.0%	2.4%	4.1%	2.0%
Protesting (n=2)	0.0%	3.5%	0.0%	0.0%	1.0%
Number of cases	51	79	55	91	276

Notes: Cases with an unclear reason were excluded from calculations for each demographic group.

Other characteristics

Table 4-7 contains some additional characteristics of the analysed cases by Aboriginal and Torres Strait Islander status and gender.

Over one-third of cases involved aggression on the part of the perpetrator (41.3% of cases). Aggression was most likely to be mentioned in the sentencing remarks for Aboriginal and Torres Strait Islander men (48.1% of cases), and least likely to be mentioned for non-Indigenous men (15.2% of cases). In just under one-third of cases, the sentencing remarks described the perpetrator as being restrained during the incident. This factor was more likely in cases involving non-Indigenous females (34.5% of cases).

In 18.1 per cent of cases, the victim was said to be intervening in an ongoing incident. This covered a wide range of situations; examples include public officers attempting to break up a fight, police officers intervening in an ongoing crime, paramedics providing assistance in difficult situations, and prison guards responding to incidents such as fights or wilful damage.

A high proportion of cases involved the influence of alcohol or drugs (42.8%). This was a factor that was most likely to affect women, regardless of Aboriginal and Torres Strait Islander status (51.0% of cases for Aboriginal and Torres Strait Islander women; 47.3% for non-Indigenous women). Non-Indigenous men were the least likely to be affected by alcohol or drugs (13.0% of cases).

Weapons were used in 17.0 per cent of cases (n=47) and were most likely to be used by Aboriginal and Torres Strait Islander men (24.1% of cases). The type of weapon used varied and usually reflected whatever was readily available at the time of the offence. In nine cases a knife was used, seven cases involved another sharp object such as a tomahawk, spear or broken glass, and in six cases the perpetrator had prepared a container of bodily fluids – usually urine. The remaining cases involved other miscellaneous items, such as brooms, buckets, rocks, clubs and chairs.

In over a third of cases (36.2%), the perpetrator was identified as having mental health problems. This was most common for non-Indigenous females (58.2%), and included a range of conditions, such as schizophrenia, bipolar affective disorder, depression, attention deficit hyperactivity disorder, anxiety, autistic spectrum disorder. Cognitive impairment was only identified in the sentencing remarks in 4.0 per cent of cases (n=11).

Table 4-7: Case characteristics by Indigenous status and gender from the sentencing remarks analysis, Queensland, 2009–10 to 2018–19

Case characteristics	Aboriginal and Torres Strait Islander		Non-Indigenous		Total
	Female	Male	Female	Male	
Offence characteristics					
Offender being aggressive leading up to incident (n=114)*	33.3%	48.1%	30.9%	15.2%	41.3%
Offender being restrained at the time of incident (n=89)*	29.4%	24.1%	34.5%	13.0%	32.2%
Victim intervening in an ongoing incident (n=50)	19.6%	21.5%	12.7%	5.8%	18.1%
Under the influence during the offence (n=118)	51.0%	38.0%	47.3%	13.0%	42.8%
Culpability factors					
Weapon use (n=47)*	7.8%	24.1%	10.9%	6.5%	17.0%
Poor mental health identified (n=100)*	27.5%	21.5%	58.2%	13.4%	36.2%
Cognitive impairment identified (n=11)†	0.0%	1.3%	1.8%	3.3%	4.0%
Number of cases	52	79	55	91	276

Notes:

* significant difference found between the groups.

† no significant testing conducted due to small sample sizes as results may not be reliable.

4.3 Analysis of accepted WorkCover claims

Section summary

- Most injuries resulting from an assault involved trauma to muscles, joints, neck and back pain, dislocation, contusions, bruising or lacerations.
- Carers, medical practitioners and teachers suffered the highest proportion of mental disorders such as anxiety, stress or post-traumatic stress disorder. These injuries were lowest for police officers.
- The median compensation payment was \$638; this was considerably higher for carers, health professionals, prison officers, security guards and youth workers.
- Half of workers received paid work absence as part of the WorkCover claim, which was highest for nursing assistants and youth workers.

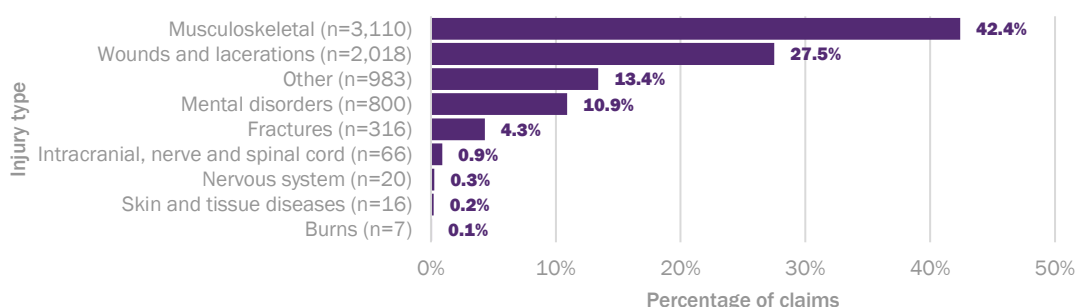
While assessing the seriousness of offending requires a complex and multifaceted approach, for the purpose of this review, only limited analysis was feasible due to data availability. This section provides insight into the seriousness of offending by reporting on the harm caused by assaults on public officers. The data in this section were obtained from WorkCover Queensland and include information on the type of injury, the monetary amount claimed by victims of assault, and the number of days off work resulting from the assault of a public officer.⁵

Type of injury

The type of injury reported below refers to the primary injury as recorded against the WorkCover claim.

The most common reported injury from an accepted WorkCover claim for the assault of a public officer was musculoskeletal injuries and diseases, representing 42.4 per cent of accepted claims. These injuries include trauma to muscles, joints, neck and back pain and dislocation. The second most commonly reported injury type was wounds and lacerations, representing 27.5 per cent of the accepted claims. These injuries include contusions, bruising and lacerations.

Figure 4-4: Proportion of assault-related claims by injury type



Source: WorkCover Queensland – unpublished data, 2014–15 to 2018–19.

Notes: type of injury refers to the primary injury recorded on the WorkCover claim.

⁵ See Appendix 3 for the methodology used by WorkCover to extract the data on claims.

Type of injury by occupational group

All occupational groups are more likely to have accepted assault-related injury claims for musculoskeletal injuries than any other injury type. Wounds and lacerations are also high across all groups, particularly for police officers (33.2%) and teacher aides (35.2%). Claims for mental disorders are highest for aged/disabled/residential care officers (24.4%) and teachers (20.1%) and lowest for police officers (1.6%).

The Queensland Council of Unions in its submission noted that victims of assault may be concerned for their own ongoing employment, which could result in under-reporting by some categories of victims.⁶ Take, for example, an employee who suffers a psychological injury, such as post-traumatic stress disorder, as the result of a workplace incident. The fact that the employee sustained this psychological injury may mean they have a propensity to be adversely affected in this line of work, which may mean that an employer is unable to provide this employee with a safe working environment. In situations such as these, an employee may choose not to put in a claim related to their psychological injury out of concern that it could result in them being found to be no longer suited to performing their job. This may offer some insight into why some occupational groups are much less likely to report a mental disorder – see Table 4-8.

Table 4-8: Proportion of assault-related claims by injury type and victim occupation

Injury type	Musculoskeletal	Wounds and lacerations	Mental disorders	Fractures	Intracranial, nerve and spinal cord	Nervous system	Skin and tissue diseases	Burns	Other
Victim occupation	%	%	%	%	%	%	%	%	%
Police Officer (n=2,440)	37.5	33.2	1.6	6.0	0.9	0.4	0.2	0.1	20.1
Teacher (n=1,189)	40.4	27.9	20.1	2.4	0.8	0.3	0.4	0.1	7.7
Other/Unknown (n=786)	40.1	23.3	21.9	3.2	0.6	0.1	0.0	0.0	10.8
Nursing Professional (n=711)	49.4	18.6	17.3	4.5	1.1	0.3	0.1	0.3	8.4
Teacher Aide (n=651)	41.5	35.2	10.0	2.0	0.8	0.3	0.5	0.2	9.7
Prison Officer (n=421)	47.3	22.6	6.2	6.7	2.1	0.0	0.0	0.0	15.2
Youth Worker (n=284)	51.4	20.4	12.3	4.2	0.0	0.4	0.4	0.4	10.6
Nursing Assistant (n=234)	60.7	17.9	9.8	4.7	1.3	0.0	0.0	0.0	5.6
Guards and Security Officers (n=198)	53.0	23.7	6.1	4.0	1.0	0.0	0.0	0.0	12.1
Ambulance Operative (n=141)	46.1	17.7	8.5	5.0	0.0	0.0	0.0	0.0	22.7
Health Professional (n=133)	49.6	17.3	14.3	3.0	0.0	0.0	0.0	0.0	15.8
Aged/Disabled/Residential Care Officer (n=127)	37.8	29.1	24.4	0.8	3.1	0.0	0.0	0.0	4.7
Medical Practitioner (n=19)	47.4	15.8	26.3	0.0	0.0	0.0	0.0	0.0	10.5
Firefighter (n=2*)	-	-	-	-	-	-	-	-	-
Total	42.4	27.5	10.9	4.3	0.9	0.3	0.2	0.1	13.4

Source: WorkCover Queensland – unpublished data, 2014–15 to 2018–19.

Notes: Type of injury refers to the primary injury recorded on the WorkCover claim.

(*) Small sample size

⁶ Submission 16 (Queensland Council of Unions) 4.

Length of work absence by year and occupational group

The length of work absence due to assault-related claims is calculated by the number of paid days away from work received by the claimant (including any required excess periods). These data only include the work absence from the WorkCover claim, and may not reflect the actual work absence. For example, some agencies may continue to pay wages throughout the course of the claim. Police officers have access to a Sick Leave Bank, which allows sworn police officers who have exhausted their sick leave entitlements to draw upon additional leave in certain situations. So, although police officers receive, on average, less paid days from WorkCover compared with other occupations, they may be accessing additional leave through other arrangements, which is not reflected in the data below.

Overall, just over half of all accepted claims included paid absence from work (54.9%). This was highest for nursing assistants (81.6%) and youth workers (81.3%).

The average number of days off work (28.4 days) was considerably higher than the median number of days off work (1 day). The median value is pulled lower because of the high number of claims that did not receive any paid days off work (45.1%), whereas the average is pulled higher by a small number of cases that received hundreds of days off work.

A few occupations shared the highest median number of days off work due to an assault-related claim. These included nursing professionals, nursing assistants, medical practitioners, and aged/disabled/residential care officers – all of which had a median of 6 days off work. Nursing assistants and nursing professionals also had the highest average number of days off work (56.7 days and 52.9 days, respectively) – followed by youth workers (46.9 days), prison officers (44.9 days), aged/disabled/residential care officers (44.6 days) and guards and security officers (43.6 days).

Table 4-9: Work absence due to assault-related claims, by occupation group

Victim occupation	Average (days)	Median (days)	Proportion that received paid leave (%)
Nursing Assistant (n=234)	56.7	6	81.6
Nursing Professional (n=711)	52.9	6	78.3
Youth Worker (n=284)	46.9	5	81.3
Prison Officer (n=421)	44.9	5	67.9
Aged/Disabled/Residential Care Officer (n=127)	44.6	6	74.8
Guard and Security Officer (n=198)	43.6	4	66.7
Health Professional (n=133)	37.2	4	72.9
Other/Unknown (n=786)	33.4	3	66.7
Teacher (n=1,189)	28.1	1	55.8
Medical Practitioner (n=19)	20.9	6	63.2
Teacher Aide (n=651)	19.2	1	58.2
Police Officer (n=2,440)	13.0	0	32.7
Ambulance Operative (n=141)	9.9	0	45.4
Firefighter (n=2*)	-	-	-
Total	28.4	1	54.9

Source: WorkCover Queensland – unpublished data, 2014-15 to 2018-19.

Notes: Work absence refers to the total number of paid days the claimant received, including the excess period.

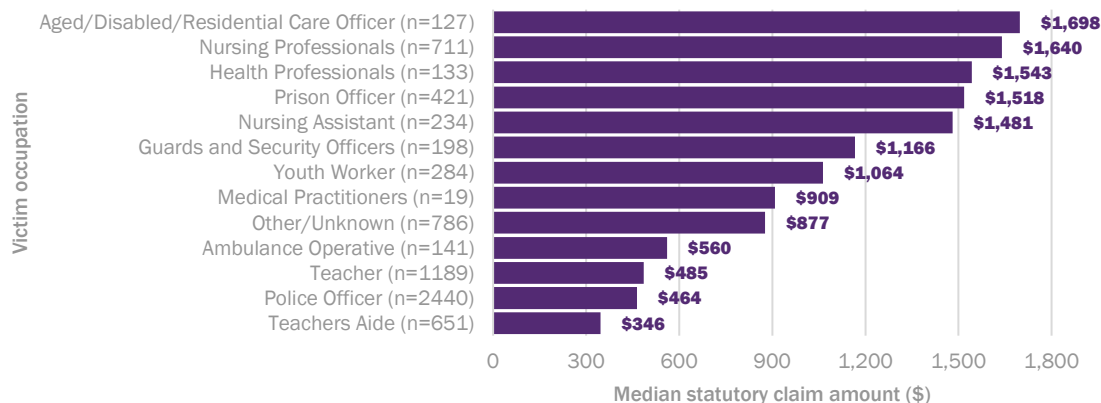
(*) Small sample size

Amount claimed by occupational group

The majority of accepted WorkCover claims resulted in a financial payment (94.5% of accepted claims) – see Table A4-4 in Appendix 4 for breakdowns.

The median payment across all claims due to an assault-related incident from 2014–15 to 2018–19 was \$638. The highest median by occupational group was \$1,698, paid to aged/disabled/residential care officers. This was closely followed by nursing professionals at a median of \$1,640. Over the time period analysed, teacher aides received the lowest median amount at \$346 – see Figure 4-5.

Figure 4-5: Median WorkCover amount due to assault-related claims, by occupation group



Source: WorkCover Queensland – unpublished data, 2014–15 to 2018–19.

Notes: (1) Firefighter has not been presented due to a small sample size (n=2).

(2) Monetary amounts include statutory payments and do not include common law payments.

Amount claimed by occupational group and year

The median amount paid by WorkCover due to assault-related claims has increased slightly each year, from \$465 in 2014–15 to \$729 in 2018–19. As shown in Table 4-10, there was no discernible pattern to the median payments by occupational group over time, with large fluctuations as well as small sample sizes for some groups.

Table 4-10: WorkCover amount due to assault-related claims, by occupation group over time

Victim occupation	2014–15		2015–16		2016–17		2017–18		2018–19	
	N	Median (\$)	N	Median (\$)	N	Median (\$)	N	Median (\$)	N	Median (\$)
Police Officer	427	335	493	421	506	537	444	514	570	538
Teacher	203	387	188	456	221	461	263	448	314	788
Other/Unknown	120	1,421	145	773	137	836	170	826	214	855
Nursing Professional	129	1,481	126	1,467	144	1,189	157	1,906	155	2,440
Teacher Aide	94	300	106	396	107	388	151	395	193	317
Prison Officer	46	2,079	76	665	100	1,736	87	1,436	112	1,908
Youth Worker	39	982	35	848	73	1,627	57	727	80	1,282
Nursing Assistant	35	601	54	2,649	45	826	51	2,678	49	3,055
Guard and Security Officer	17	490	35	1,271	50	1,391	51	1,631	45	1,326
Health Professional	24	450	38	573	24	655	21	753	34	419
Ambulance Operative	15	3,549	44	897	29	1,596	19	2,144	26	3,092
Aged/Disabled/Residential Care Officer	22	2,611	27	611	28	2,257	27	1,788	23	2,121
Medical Practitioner	3	250	7	2,443	2	402	5	4,910	2	22,657
Total	1,174	465	1,374	557	1,467	696	1,504	686	1,817	729

Source: WorkCover Queensland – unpublished data, 2014–15 to 2018–19.

Notes:

(1) Firefighter has not been presented due to a small sample size (n=2).

(2) Monetary amounts include statutory payments and do not include common law payments.

(*) Small sample size.

Number of injuries recorded

The average number of distinct injuries recorded on an accepted WorkCover claim due to the assault of a public officer was 1.4, with a maximum of 9 injuries in the one incident. On average, aged/disabled/ residential care officers and youth workers recorded the highest number of injuries per claim at 1.6, closely followed by prison officers, nursing assistants, and guards/security officers with an average of 1.5 injuries per claim.

With the highest average number of injuries, as well as also receiving the highest median payment amount and the highest median number of days lost, suggests that the claims raised by aged/disabled/residential care workers may involve more severe assaults resulting in more serious injuries – see Figure 4-6.

Figure 4-6: Number of injuries resulting from incidents, by occupation

Victim occupation	Average number of injuries	Maximum number of injuries
Police Officer (n=2,440)	1.4	9
Teacher (n=1,189)	1.4	8
Other/Unknown (n=786)	1.3	8
Nursing Professional (n=711)	1.4	9
Teacher Aide (n=651)	1.3	7
Prison Officer (n=421)	1.5	8
Youth Worker (n=284)	1.6	9
Nursing Assistant (n=234)	1.5	7
Guard and Security Officer (n=198)	1.5	9
Ambulance Operative (n=141)	1.3	5
Health Professional (n=133)	1.4	6
Aged/Disabled/Residential Care Officer (n=127)	1.6	6
Medical Practitioner (n=19)	1.1	2
Firefighter (n=2*)	-	-
Total	1.4	9

Source: WorkCover Queensland – unpublished data, 2014–15 to 2018–19.

Notes: Guards and security officers are displayed separately as they appeared across many different agencies.

(*) Small sample size

4.4 Associated offences

Section summary

- An 'associated offence' is an additional offence that was committed during the same incident as an assault of a public officer.
- Assaults of corrective services officers were the least likely to have associated offences – that is, the only offence committed during these incidents was the assault itself.
- The serious assault of a police officer was the most likely offence to have multiple counts of the same offence arising out of the same incident – particularly those involving male offenders.
- Public nuisance was the most commonly associated non-violent offence. It was more commonly associated with Aboriginal and Torres Strait Islander women.

This section of the report explores types of offences that are commonly committed alongside the assault of a public officer. The phrase 'associated offence' is used in this section to describe an offence that was committed on the same day and by the same perpetrator who assaulted a public officer. The purpose of this analysis is to provide some insight into the types of situations in which assaults of public officers occur. For example, an incident that does not have any associated offences may imply that the assault was not associated with other criminal activities, whereas an incident that involved a multitude of associated offences may allude to a higher level of criminal activity on the part of the offender on the day of the offence.

Number and proportion of associated offences

Table 4-11 provides an overview of different types of assault-related offences and shows the proportion of cases that contained at least one associated offence. Assaults of corrective services officers were the least likely to have associated offences. For the serious assault of a corrective services officer, only 25.7 per cent of incidents involved an associated offence – which means that in three-quarters of cases, the serious assault was the only offence committed. Similarly, the summary offence of assaulting or obstructing a corrective services staff member also contained a low proportion of associated offences (29.3%).

A serious assault under section 340(1)(a), which includes assaults with intent to commit a crime, or with intent to prevent a lawful arrest, had the highest proportion of incidents that contained associated offences (87.2%). This can presumably be explained because, in order to be resisting arrest or intending to commit a crime, the offender must have committed, or be intending to commit another offence. Assaults of police officers also had a high proportion of associated offences (82.0% for serious assault; 74.8% for the summary offence). This indicates that incidents that result in the assault of a police officer also involve other offences.

These findings are at a very high level. The following pages delve deeper into the number of associated offences, any differences between demographic groups, and explores the most common associated offences.

Table 4-11: Proportion of incidents that had at least one associated offence, by different types of assault

Offence	At least one associated offence
Assault occasioning bodily harm (n=26,270)	41.4%
Assault occasioning bodily harm (aggravated) (n=10,668)	52.3%
Assault or obstruct corrective services staff (n=150)	29.3%
Assault or obstruct police officer (n=90,907)	74.8%
Common assault (n=33,466)	50.5%
Grievous bodily harm (n=2,151)	34.6%
Serious assault – 60 years and over (n=1,730)	48.2%
Serious assault – Corrective services officer (n=339)	25.7%
Serious assault – Intent to commit/resist arrest (n=297)	87.2%
Serious assault – Performed duty at law (n=88)	46.6%
Serious assault – Performing duty at law (n=242)	66.5%
Serious assault – Person with a disability (n=43)	48.8%
Serious assault – Police officer (n=6,738)	82.0%
Serious assault – Public officer (n=1,439)	49.3%
Torture (n=161)	75.2%
Wounding (n=1,411)	45.4%

Data include adult and juvenile offenders, higher and lower courts, cases sentenced 2009–10 to 2018–19.

Source: Court data: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Counts are of 'incidents' – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

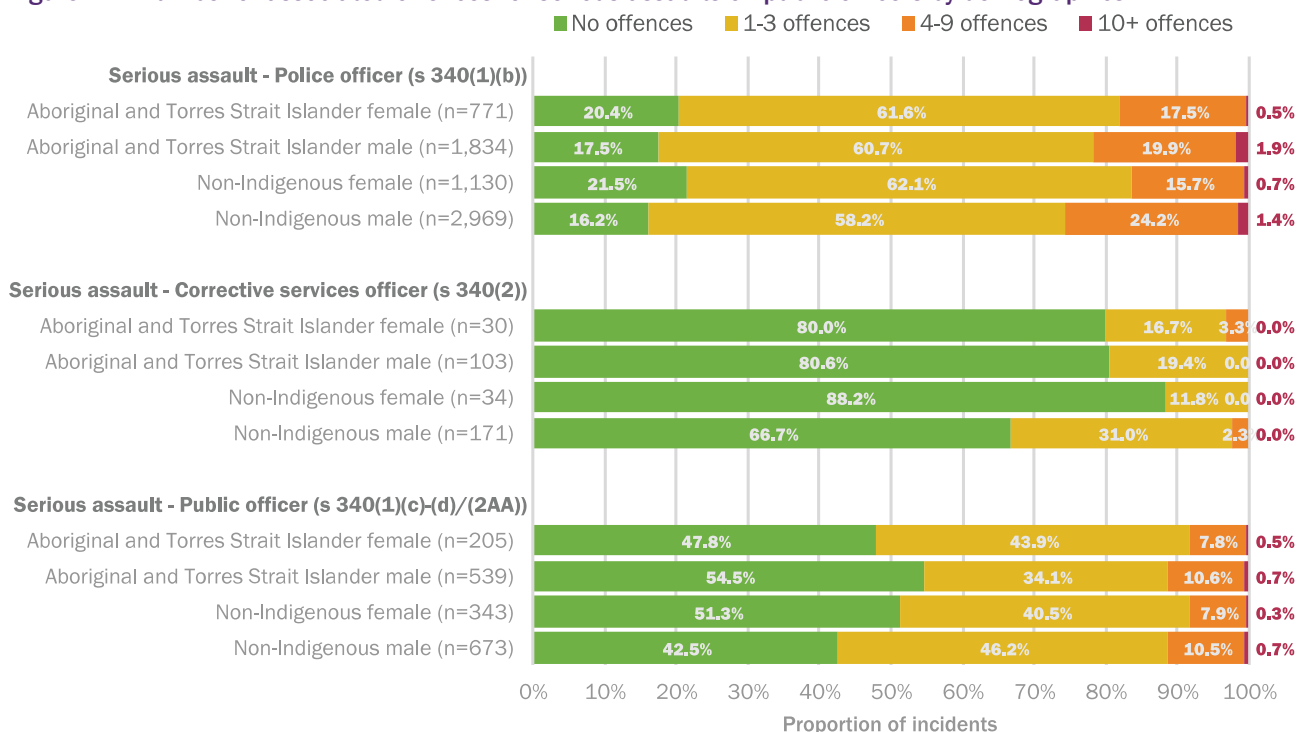
Figure 4-7 shows the number of associated offences for serious assaults of a public officer, broken down by demographic groups. The leftmost portion of the bars, which is shaded green, represents the proportion of cases that did not have any associated offences. It is clear the serious assaults of corrective services officers are the least likely to have any associated offences, across all demographic groups.

There are some interesting patterns observed based on the type of offence. In incidents involving the serious assault of a police officer, men are generally more likely to have associated offences compared with women (regardless of Aboriginal and Torres Strait Islander status). In fact, in a small proportion of cases, some men commit upwards of 10 offences in the one incident that involved the assault of a police officer.

However, in cases involving the serious assault of a public officer, the demographic breakdowns are remarkably different. In these incidents, Aboriginal and Torres Strait Islander men are the least likely to have associated offences – in over half of incidents where the assault of a public officer was the only offence committed (54.5% of incidents); whereas non-Indigenous men were the most likely to have committed multiple offences during the incident.

Assaults on corrective services officers follow different patterns altogether. Overall, few incidents involving the serious assault of a corrective services officer had associated offences. Non-Indigenous men were the most likely to commit multiple offences during the incident; whereas non-Indigenous women were the least likely to commit multiple offences.

Figure 4-7: Number of associated offences for serious assaults on public officers by demographics



Data include adult and juvenile offenders, higher and lower courts, cases sentenced 2009–10 to 2018–19.

Source: Court data: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

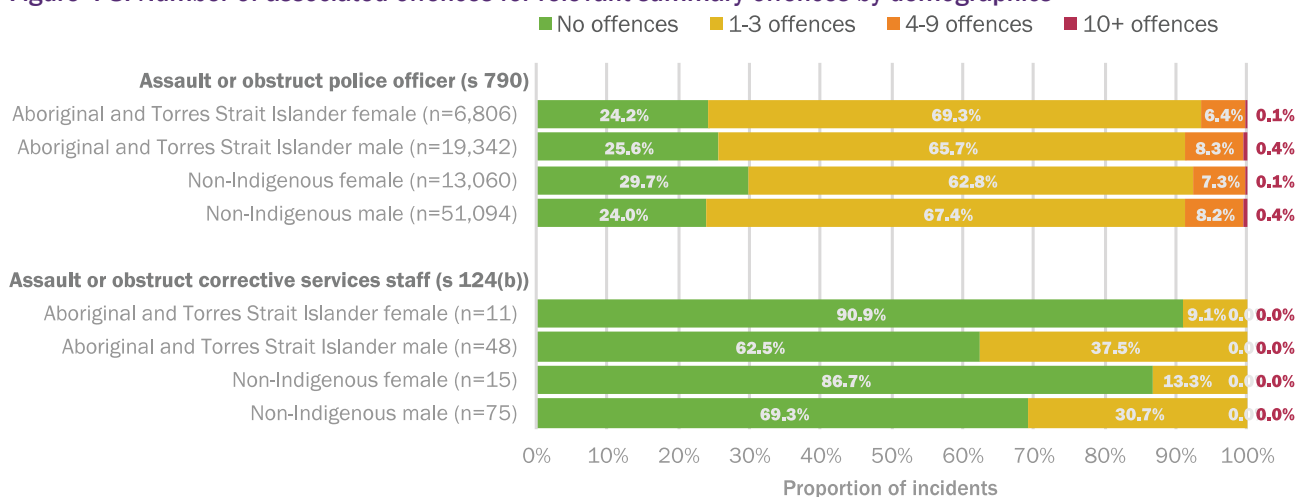
Note: Counts are of 'incidents' – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

Figure 4-8 is similar to the previous figure but shows data for the alternative summary offences of assaulting or obstructing a police officer or a corrective services officer.

The patterns for the summary offence of assaulting or obstructing a police officer are slightly different from the more serious offence of serious assault. While Aboriginal and Torres Strait Islander women were one of the least likely groups to have associated offences along with serious assault (see Figure 4-7), they were one of the most likely to have associated offences for the summary offence. However, overall, the difference between each demographic group was not considerable.

For the summary offence of assaulting or obstructing a corrective services officer, women were considerably less likely to have associated offences compared with men – although the sample sizes for women were small and limited weight can be placed on these findings.

Figure 4-8: Number of associated offences for relevant summary offences by demographics



Data include adult and juvenile offenders, higher and lower courts, cases sentenced 2009–10 to 2018–19.

Source: Court data: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Counts are of 'incidents' – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

Type of associated offence

Many incidents involve multiple counts of the same offence. This leads to a situation where an offence is often associated with itself – that is, for example, if a person assaults two police officers, they may be charged with two counts of serious assault of a police officer, and in this way the offence of serious assault is associated with a second count of serious assault. Table 4-12 contains a breakdown of incidents that contain multiple counts of the same offence – or, in other words, are associated with themselves.

The serious assault of a police officer is the most likely to have multiple counts arising out of the same incident. The proportion of incidents with multiple counts is highest for Aboriginal and Torres Strait Islander men (25.5% of incidents) and lowest for non-Indigenous women (17.3% of incidents).

Table 4-12: Proportion of incidents with multiple counts of the same offence

Offence	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
Assault or obstruct corrective services staff (n=149)	9.1%	12.5%	13.3%	6.7%
Assault or obstruct police officer (n=90,302)	16.9%	12.8%	18.4%	12.7%
Serious assault – Police officer (n=6,704)	20.8%	25.5%	17.3%	22.7%
Serious assault – Corrective services officer (n=338)	16.7%	13.6%	8.8%	22.8%
Serious assault – Public officer/duty at law (n=1,760)	17.6%	18.4%	13.4%	14.6%

Data include adult and juvenile offenders, higher and lower courts, cases sentenced 2009–10 to 2018–19.





















Source: Court data: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Counts are of 'incidents' – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

The remainder of this section explores the offences that are most commonly associated with the assault of a public officer. In conducting this analysis, it became apparent that many of the offences that were most commonly associated with the assault of a public officer corresponded to the most common offences that were sentenced in Queensland generally.

Table 4-13 provides a list of the top 20 most common offences sentenced in Queensland courts (excluding traffic offences). Due to the sheer volume of these cases, many of these offences tended to appear as associated offences across all types of assaults of public officers. Hence, it is important to note that many of the associated offences tended to represent the most common offences committed generally over the reporting period.

Table 4-13: Top 20 most common offences sentenced in Queensland courts (excluding traffic offences)

Rank	Offence category	Offence	Cases
1	 Drugs	Possessing dangerous drugs	173,422
2	 Drugs	Possession of drug utensils	144,416
3	 Public order	Public nuisance	122,540
4	 Justice and government	Offence to contravene direction or requirement of police officer	107,443
5	 Justice and government	Breach of bail – failure to appear	89,044
6	 Justice and government	Assault or obstruct police officer	83,942
7	 Theft	Stealing	82,204
8	 Justice and government	Contravention of domestic violence order	77,825
9	 Property damage	Wilful damage	62,037
10	 Theft	Unauthorised dealing with shop goods	55,322
11	 Acts endangering persons	Vehicle offences involving liquor or other drugs	49,293
12	 Justice and government	Breach bail condition	48,680
13	 Unlawful entry	Entering or being in premises and committing indictable offences	34,817
14	 Acts intended to cause injury	Assaults occasioning bodily harm	34,222
15	 Drugs	Possessing property suspected of being used, acquired or furnished in connection with a drug offence	33,967
16	 Public order	Trespass	32,168
17	 Acts intended to cause injury	Common assault	31,291
18	 Fraud	Fraud	29,780
19	 Theft	Unlawful use or possession of motor vehicles, aircraft or vessels	29,516
20	 Acts endangering persons	Careless driving of motor vehicles	26,308

Data include adult and juvenile offenders, higher and lower courts, cases sentenced 2009–10 to 2018–19.

Source: Court data: QGS0, Queensland Treasury – Courts Database, extracted November 2019.

Table 4-14 (below) shows the top five offences that were most commonly associated with serious assaults of public officers. To ensure that the top five most commonly associated offences were displayed for each demographic group, more than five associated offences have been displayed for some offences.




















Serious assaults of corrective services officers and serious assaults of public officers were most commonly associated with themselves (see Table 4-12 above). However, the serious assault of a police officer was most commonly associated with a charge of the summary offence of obstructing or assaulting a police officer under section 790 of the PRRA. This was most common for women, where almost half of incidents involving the serious assault of a police officer also involved a charge of the corresponding summary offence (48.8% for non-Indigenous women; 44.9% for Aboriginal and Torres Strait Islander women). This also affected a high proportion of incidents involving men (43.3% for non-Indigenous men; 38.2% for Aboriginal and Torres Strait Islander men).

Public nuisance was frequently associated with the serious assault of both police officers and public officers, particularly for Aboriginal and Torres Strait Islander women. One-third of serious assaults of a police officer involving Aboriginal and Torres Strait Islander women also involved a charge of public nuisance (34.8% of incidents); whereas this was lower at approximately one-fifth of cases for other demographic groups.

Wilful damage was a common associated offence across all types of serious assaults analysed. For incidents involving the serious assault of a corrective services officer, it was the second most common associated offence, although the proportion of cases involving wilful damage was small. For serious assaults of police officers and public officers, wilful damage was most commonly associated with Aboriginal and Torres Strait Islander men.

The serious assault of a public officer was often associated with assaults of police officers (both the offence of serious assault, and the summary offence). The implication in this finding is that there were a number of incidents that involved the assault of a public officer (such as a paramedic) as well as a police officer.

Table 4-14: Top five associated offences for serious assaults on public officers by demographics

Associated offences	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
Serious assault – Police officer (s 340(1)(b))	n=771	n=1,834	n=1,130	n=2,969
 Assault or obstruct police officer	44.9%	38.2%	48.8%	43.3%
 Public nuisance	34.8%	21.9%	22.4%	21.1%
 Serious assault – Police officer	20.8%	25.5%	17.3%	22.7%
 Wilful damage	11.4%	16.2%	10.5%	13.7%
 Possessing dangerous drugs	2.6%	4.0%	5.6%	7.6%
 Contravention of domestic violence order	2.5%	7.1%	2.2%	5.6%
 Common assault	4.5%	5.2%	4.3%	4.5%
Serious assault – Corrective services officer (s 340(2))	n=30	n=103	n=34	n=171
 Serious assault – Corrective services officer	16.7%	13.6%	8.8%	22.8%
 Wilful damage	3.3%	1.9%	2.9%	2.9%
 Assault occasioning bodily harm (non-aggravated)	3.3%	1.9%	0.0%	1.2%
 Assault occasioning bodily harm (aggravated)	3.3%	1.0%	0.0%	1.2%
 Common assault	0.0%	0.0%	0.0%	1.8%
 Assault or obstruct corrective services staff	0.0%	1.0%	0.0%	1.2%
Serious assault – Public officer (s 340(1)(c)-(d)/(2AA))	n=205	n=539	n=343	n=673
 Serious assault – Public officer	13.2%	8.5%	19.2%	16.9%
 Assault or obstruct police officer	14.6%	14.1%	11.1%	11.9%
 Public nuisance	17.6%	6.7%	12.8%	10.1%
 Wilful damage	4.4%	14.1%	6.4%	11.0%
 Serious assault – Police officer	7.3%	4.1%	10.5%	7.1%
 Common assault	6.8%	4.1%	4.7%	4.2%

Data include adult and juvenile offenders, higher and lower courts, cases sentenced 2009–10 to 2018–19.

Source: Court data: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Notes: (1) Counts are of ‘incidents’ – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

(2) The top five associated offences were selected for each demographic group. More than five associated offences were displayed if different demographic groups had a different top five associated offences.
















Table 4-15 is similar to the previous figure but shows data for the alternative summary offences of assaulting or obstructing a police officer or a corrective services officer.

For the summary offence of assaulting or obstructing a police officer, the most common associated offence for all demographic groups was public nuisance. This was most common for Aboriginal and Torres Strait Islander women, occurring in 41.3 per cent of incidents. There was little difference between the other demographic groups, which were all associated with public nuisance in approximately 28 per cent of incidents.

The offence of wilful damage was associated with a relatively high proportion of incidents involving the assault or obstruction of a corrective services officer. Note that the offence of wilful damage appears twice in the table below, the first reference is to the offence of wilful damage under section 469 of the *Criminal Code* (Qld), and the second reference is to wilfully damaging any part of a corrective services facility under section 124(i) of the CSA.

Unregulated high-risk activities is another summary offence that is occasionally associated with the assault or obstruction of a corrective services officer, which was only ever associated with men. The offence of unregulated high-risk activities is defined under section 14 of the *Summary Offences Act 2005* (Qld), and includes activities such as parachuting, BASE jumping, climbing or abseiling from a building or structure. Presumably, the incidents analysed here involved the climbing of prison buildings or structures.

Table 4-15: Top five associated offences for relevant summary offences by demographics

Associated offences	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
Assault or obstruct police officer (s 790)	n=6,806	n=19,342	n=13,060	n=51,094
 Public nuisance	41.4%	28.4%	28.5%	28.9%
 Assault or obstruct police officer	16.9%	12.8%	18.4%	12.7%
 Offence to contravene direction or requirement of police officer	6.6%	5.5%	6.5%	6.7%
 Possessing dangerous drugs	2.9%	4.4%	6.1%	7.6%
 Wilful damage	5.8%	6.7%	4.2%	5.6%
 Possession of drug utensils	2.6%	3.2%	4.8%	4.7%
 Trespass	3.5%	5.9%	2.2%	3.8%
 Contravention of domestic violence order	2.7%	6.1%	2.4%	3.6%
 Serious assault – Police officer	5.1%	3.6%	4.2%	2.5%
Assault or obstruct corrective services staff (s 124(b))	n=11*	n=48	n=15	n=75
 Assault or obstruct corrective services staff	9.1%	12.5%	13.3%	6.7%
 Unregulated high-risk activities	0.0%	6.3%	0.0%	8.0%
 Wilful damage	0.0%	10.4%	0.0%	5.3%
 Wilful damage of corrective services facility	0.0%	8.3%	6.7%	4.0%
 Common assault	0.0%	2.1%	0.0%	2.7%
 Serious assault – Corrective services officer	0.0%	2.1%	0.0%	2.7%

Data include adult and juvenile offenders, higher and lower courts, cases sentenced 2009–10 to 2018–19.

Source: Court data: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Notes: (1) Counts are of ‘incidents’ – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

(2) The top five associated offences were selected for each demographic group. More than five associated offences were displayed if different demographic groups had a different top five associated offences.

(*) Small sample sizes for the associated offences (less than 10 incidents).

To provide a point of comparison, Table 4-16 provides a breakdown of the top five offences most commonly associated with the offence of common assault.








Interestingly, the offences most commonly associated with common assault were somewhat different from the offences sentenced for assaults of public officers.

The contravention of a domestic violence order was associated with common assault in 19.6 per cent of cases where the perpetrator was an Aboriginal and Torres Strait Islander man, and in 7.4 per cent of cases where the perpetrator was a non-Indigenous man.

The offence of stealing was also one of the more common associated offences for serious assault – an offence that did not appear for any of the assaults of public officers explored above. Although the proportion of cases was relatively low, it was at its highest of 5.5 per cent for Aboriginal and Torres Strait Islander women.

Other than these differences, however, common assault had many of the same associated offences as assaults of public officers, including charges of wilful damage, public nuisance and other types of assaults, such as AOBH, and assaults or obstructions of police officers.

Table 4-16: Top five associated offences for common assault

Associated offences	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
Common assault	n=3,372	n=7,437	n=4,907	n=17,467
 Wilful damage	8.2%	13.7%	9.2%	13.4%
 Common assault	9.3%	10.1%	9.6%	9.2%
 Contravention of domestic violence order	3.6%	19.6%	2.3%	7.4%
 Public nuisance	8.8%	6.7%	6.4%	6.1%
 Assault occasioning bodily harm	3.8%	6.4%	3.6%	6.0%
 Assault or obstruct police officer	4.5%	5.8%	5.5%	5.2%
 Stealing	5.5%	3.3%	4.1%	3.9%

Data include adult and juvenile offenders, higher and lower courts, cases sentenced 2009–10 to 2018–19.

Source: Court data: QGS0, Queensland Treasury – Courts Database, extracted November 2019.

Notes: (1) Counts are of ‘incidents’ – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

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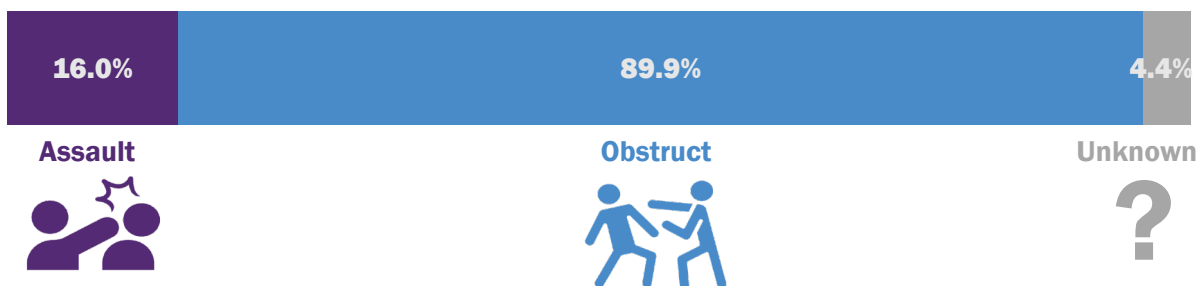
4.5 Assault or obstruction of a police officer

The majority of cases involving the assault of a police officer are sentenced as the summary offence of assault or obstruct a police officer under section 790 of the PPRA (n=85,434), as opposed to serious assault of a police officer under section 340(1)(b) of the *Criminal Code* (Qld) (n=6,538) – see section 2.5 of Chapter 2.

On 20 September 2018, section 790 of the PPRA was amended to separate the offence into two subsections: one dealing with the assault of police officers, and the other dealing with obstruction of police officers. For offences committed prior to 20 September 2018, it can be difficult to determine whether a charge under section 790(1) involved an ‘assault’ or an ‘obstruction’. To address this question, the Council obtained additional data from Queensland Court Services on the full text of the charge. This text was analysed to determine if the charge involved an assault or an obstruction; if there was ambiguity, the offence was labelled as ‘unknown’. Using this method made it possible to determine the number of assaults, as opposed to obstructions, that were sentenced under section 790(1) from 2009–10 to 2018–19.

Over this 10-year data period, the majority of cases sentenced under section 790(1) involved the obstruction of a police officer (89.9%, n=76,785). There were 13,652 cases (16.0%) that involved the assault of a police officer. In 4.4 per cent of cases (n=3,771), it was not possible to determine whether the case involved an assault or an obstruction. Some cases involved multiple charges under section 790(1) in circumstances in which there were some charges that involved an assault and other charges that involved an obstruction – when this occurred, the case was counted twice (once as an assault, and once as an obstruction), resulting in percentages that add up to more than 100 per cent. Approximately 10.1 per cent of cases involved both a charge of assault and a charge of obstruction (n=8,634).

Figure 4-9: Proportion of assaults and obstructions sentenced under section 790(1) PPRA



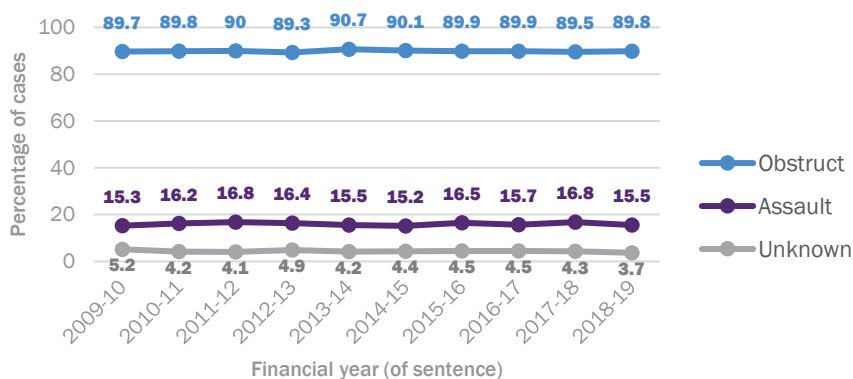
Data include adult and juvenile offenders, lower and higher courts, cases sentenced 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Summed percentages will exceed 100% as cases involving a combination of assault, obstruct and unknown offences have been counted in each applicable category (n=8,634, 10.1%).

Analysis of changes over time have shown there has been no variation in the proportion of assault and obstruct offences sentenced under section 790(1) – see Table 4-17.

Table 4-17: Proportion of assaults and obstructions under section 790(1) PPRA



Data include adult and juvenile offenders, lower and higher courts, cases sentenced 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Summed percentages will exceed 100% as cases involving a combination of assault, obstruct and unknown offences have been counted in each applicable category (n=8,634, 10.1%).

4.6 Serious assault cases with circumstances of aggravation

Section summary

- Since their introduction, aggravating circumstances were present in approximately 59 per cent of serious assault cases involving a police officer and 45 per cent of cases involving a public officer.
- Bodily fluids were the most common aggravating circumstance, followed by bodily harm.

From 29 August 2012, it became a statutory circumstance of aggravation to the offence of serious assault of a police officer under section 340(1)(b) of the *Criminal Code* (Qld) to assault a police officer by biting, spitting on, throwing at or applying bodily fluid or faeces to, or causing bodily harm to a police officer or, at the time of the assault, being or pretending to be armed. From 5 September the same circumstances of aggravation were extended to cover assaults of public officers under section 340(2AA) of the *Criminal Code*.

For a discussion on the sentencing outcomes for these circumstances of aggravation, please refer to section 7.5 of Chapter 7, which discusses the impact of the introduction of these statutory circumstances of aggravation.

Police officers

Table 4-18 shows the number of charges, offenders, cases and MSOs that have been sentenced for the serious assault of a police officer with, and without, circumstances of aggravation.

In the higher courts, out of the 660 cases that involved the serious assault of a police officer since 29 August 2012, 446 cases involved the presence of one or more aggravating circumstances (67.6% of cases). In the lower courts over the same period, out of the 3,890 cases involving the serious assault of a police officer, 2,149 cases involved circumstances of aggravation (55.2% of cases).

The most common aggravating circumstance involved bodily fluid being thrown at or applied to a police officer, occurring in 251 cases in the higher courts (38.0% of cases), and 1,190 cases in the lower courts (30.3% of cases). Bodily harm was caused to a police officer in 146 cases in the higher courts (22.1% of cases), and 597 cases in the lower courts (15.3% of cases). The least common type of aggravating circumstance was an offender being or pretending to be armed, with 82 cases involving this circumstance of aggravation in the higher courts (12.4% of cases) and 429 cases in the lower courts (11.0% of cases).

Table 4-18: Number of sentenced serious assaults of a police officer by offence type

Section number	Offence description	Charges	Offenders	Cases	MSO
Higher courts	Police officer	998	653	660	387
340(1)(b)	Police officer (non-aggravated)	380	288	290	74
340(1)(b)(i)	Police officer – bodily fluid	313	249	251	175
340(1)(b)(ii)	Police officer – bodily harm	180	146	146	98
340(1)(b)(iii)	Police officer – armed	125	82	82	40
Lower courts	Police officer	5,110	3,655	3,890	3,225
340(1)(b)	Police officer (non-aggravated)	2,437	1,907	1,974	1,385
340(1)(b)(i)	Police officer – bodily fluid	1,390	1,144	1,190	987
340(1)(b)(ii)	Police officer – bodily harm	647	583	597	509
340(1)(b)(iii)	Police officer – armed	636	412	429	344

Data include adult and juvenile offenders, offences occurring on or 29 August 2012, sentenced from 2012–13 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: (*) Includes police officers who were obstructed but may not have been assaulted.

Public officers

Table 4-19 shows the number of cases involving the assault of a public officer. In the higher courts, serious assault involving bodily fluid or faeces being thrown at or applied to a public officer was the most common offence as the MSO; whereas in the lower courts, non-aggravated serious assault was the most common MSO.

The less serious offence of resisting a public officer under section 199 of the *Criminal Code* was only sentenced as the MSO in 6 cases. Serious assault of a person who performed, or is performing, a duty at law had 84 sentenced cases. Serious assault of a public officer under section 340(2AA) had 49 cases sentenced in the higher courts, and 465 cases in the lower courts.

Table 4-19: Number of sentenced serious assaults of public officers by offence type

Section Number	Offence Description	Charges	Offenders	Cases	MSO
Higher courts	Public officer	184	107	110	49
340(2AA)	Public officer (non-aggravated)	83	52	52	10
340(2AA)(i)	Public officer – bodily fluid	69	48	48	29
340(2AA)(ii)	Public officer – bodily harm	21	19	19	9
340(2AA)(iii)	Public officer – armed	11	4	4	1
Lower courts	Public officer	1028	740	775	465
340(2AA)	Public officer (non-aggravated)	618	473	489	238
340(2AA)(i)	Public officer – bodily fluid	248	188	198	135
340(2AA)(ii)	Public officer – bodily harm	106	96	96	69
340(2AA)(iii)	Public officer – armed	56	34	35	23

Data include adult and juvenile offenders, offences occurring on or after 5 September 2014, cases sentenced from 2014–15 to 2018–19.

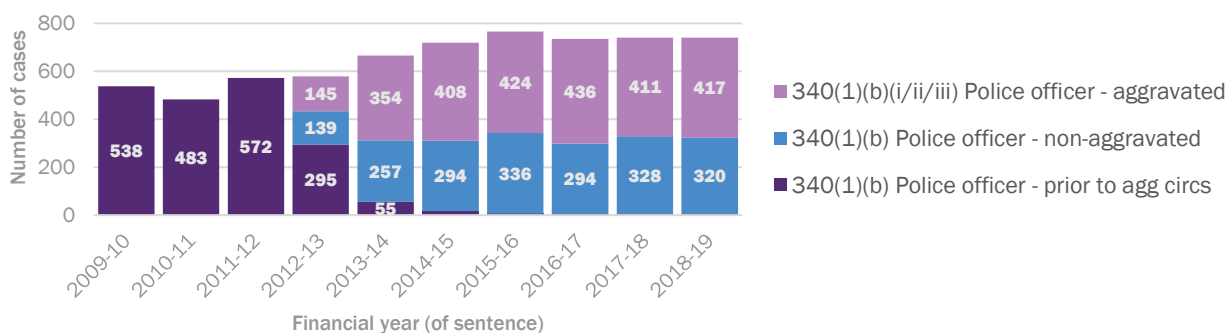
Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

4.6.1 Serious assault cases with circumstances of aggravation, over time

Police officers

From 2013–14 to 2018–19, over half of all cases involving the serious assault of a police officer involved at least one circumstance of aggravation (56.1%, n=2,450) – see Figure 4-10.

Figure 4-10: Number of serious assaults of police officers, by aggravating circumstances, over time



Data include lower and higher courts, adult and juvenile offenders, cases sentenced from 2009–10 to 2018–19.

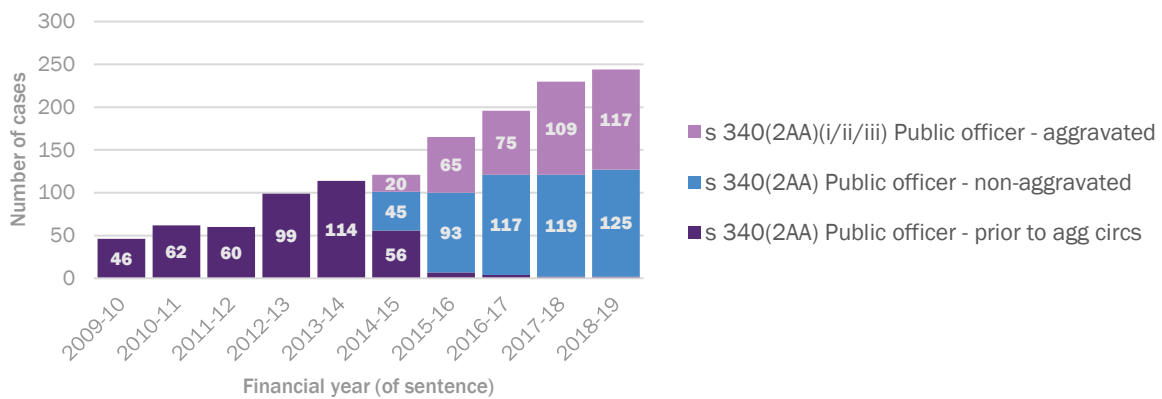
Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Each case is counted once only; if a case contains multiple serious assaults of a police officer, where some assaults include aggravating circumstances and others do not, the entire case will be counted as one that contains aggravating circumstances.

Public officers

Figure 4-11 shows the effect of the introduction of aggravating circumstances, with an increase in the number of serious assaults of public officer offences being sentenced in the years following the introduction.

Figure 4-11: Number of serious assaults of public officers by aggravating circumstances, over time



Data include lower and higher courts, adult and juvenile offenders, cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Each case is counted once only; if a case contains multiple serious assaults of a public officer, where some assaults include aggravating circumstances and others do not, the entire case will be counted as one that contains aggravating circumstances. If a case involves offences in occurring both prior to and after the introduction of aggravating circumstances, the entire case will be counted in the applicable post-introduction category.