

ARA20DB/1

10 January 2019

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

Dear Mr Robertson,

QUEENSLAND SENTENCING ADVISORY COUNCIL: PENALTIES FOR ASSAULTS ON POLICE AND OTHER FRONTLINE EMERGENCY SERVICES WORKERS, CORRECTIVE SERVICE OFFERS AND OTHER PUBLIC OFFICERS

We collectively thank Yvette D'Ath, Attorney-General and Minister for Justice for referring the Queensland Sentencing Advisory Council to review '*sentencing options and penalties for assault of police offers and other frontline emergency service workers, corrective service officers and other public officers in the execution of their duty*'. We also thank the Council for its work to undertake this review and welcome the opportunity to provide input.

As you may be aware, we wrote in partnership to the Honourable Cameron Dick MP, dated 22 July 2019, seeking the elevation of penalties for anyone that assaults a public transport staff member so that the penalties are equal to the assault of emergency personnel.

I enclose a copy of our joint letter which articulates the importance of providing public transport staff with the same level of legal protection against assault as is afforded to police and emergency services personnel.

In response to the review Terms of Reference, the definition of 'public officer' in section 340 of the Queensland Criminal Code should be expanded to recognise Queensland public transport workers. However, we would caution against limiting the definition to 'public transport drivers (e.g. bus drivers and train drivers)' and recommend the definition is broadened to include front-line public transport workers and all modes of public transport. It is vital that bus, train, light rail, ferry, taxi drivers as well as front-line public transport workers who interact with customers are adequately covered.

We note that the Terms of Reference mentions exploring other Australian and international jurisdictions. Therefore, we highlight that in addition to the Western Australian and South Australian actions noted in the attached letter, in 2013, the Northern Territory also increased penalties for assault on 'non-emergency workers engaged in the course of their duties'.

In addition to the bodies listed for consultation, we encourage you to engage directly with Queensland Rail, GoldLinQ, Transport and MainRoads Queensland and other public transport operators (buses, taxis, ferries etc) who will be able to assist with more specific detail, data and advice.

Public transport staff, whether they are drivers, customer service staff, guards or other frontline staff each play a vital role in ensuring our public transport networks operate as required to provide transport for our communities. These staff deserve to be able to do their job knowing they are adequately protected, just like Police and Emergency Service workers.

Should you wish to discuss this further, please contact Emma Woods, General Manager Passenger and Corporate Services via [REDACTED] for additional information.

Yours sincerely,

[REDACTED]

Danny Broad
CEO
Australasian Railway Association

[REDACTED]

Michael Apps
Executive Director
Bus Industry Confederation

[REDACTED]

Mark Diamond
National Secretary
Rail, Tram and Bus Union

[REDACTED]

Bob Herbert AM
Chairman and Executive Director
TrackSAFE Foundation

Attachment: Letter to the Honourable Cameron Dick MP, dated 22 July 2019, seeking the elevation of penalties for anyone that assaults a public transport staff member so that the penalties are equal to the assault of emergency personnel.

CC: Nick Easy, CEO, QR; Neil Scales, Director-General, Transport and Main Roads Queensland and Phil Mumford, CEO, GoldLinQ.

ARA19DB/21

22 July 2019

The Hon. Cameron Dick MP
Minister for State Development, Manufacturing Infrastructure and Planning
Queensland Government
1 William Street
BRISBANE QLD 4000

Dear The Hon. Dick MP,

NATIONALLY HEIGHTENED PENALTIES FOR ASSAULT ON PUBLIC TRANSPORT STAFF

We write on behalf of all public transport staff, seeking the elevation of penalties for anyone that assaults a public transport staff member so that the penalties are equal to the assault of emergency personnel.

Patronage on public transport continues to grow and so too do incidents of anti-social behaviour and violence towards transport staff. Like emergency personnel, public transport staff provide a vital service for our communities, assisting millions of Australians to travel around our cities and regions daily. These individuals deserve to go to work and do their job without threat or harm so they can return home safely.

The Western Australian Government first led the way, when in 2009 it introduced mandatory jail for assaults against public officers (police, ambulance officers, transit guards, court security officers, prison officers and youth custodial officers). The legislation was further strengthened in 2014, introducing a minimum jail term of 12 months for grievous bodily harm to public officers; nine months for bodily harm (in circumstances of aggravation); and six months for assault causing bodily harm. Calling the legislative changes "an effective deterrent against violence", in 2016, the Western Australian Government reported that a 26 per cent reduction in assaults against public officers and a 35 per cent reduction in incidents obstructing public officers had been achieved since amending the legislation in 2009.^{viii}

In March 2016, the South Australian Government demonstrated its value for and commitment to public transport staff by increasing penalties for assault on transport staff to equal that of assaulting emergency services personnel.

Rather than wait for another victim to act, we implore you to adopt a similar approach in Queensland by amending your legislation to include increased penalties for those who assault public transport staff and then ensuring these heightened penalties are applied. Anti-social and violent behaviour towards public transport staff is unacceptable. Elevating penalties to align with assaults on emergency services staff will reinforce to the traveling public that abusing and assaulting transport staff whilst they are simply doing their job will not be tolerated.

Safety of all persons is the number one priority for public transport operators, including staff. To address anti-social behaviour and assaults on staff, public transport operators educate customer-facing employees in protective personal violence elimination security approaches such as (but not limited to): maintaining situational awareness, effective communication techniques, de-escalation methods, while at the same time providing best practice security support to staff through empirically validated advances in security technologies (body-worm cameras, CCTV, security screens and duress alarms).

Every threat or assault to public transport staff can cause severe and lasting physical, emotional and psychological trauma. The rail industry through the TrackSAFE Foundation invests heavily in trauma support resources for staff to try to minimise this trauma. This includes the Rail Industry Trauma Management Framework, trauma and resilience staff training, and the provision of a phone app— RailRes, which links directly through to Employee Assistance Programs. That said, appropriate penalties for those that choose to threaten or assault staff is also a critical component in trying to reduce these incidents.

Thank you for your consideration. I trust you agree that all public transport personnel are valued, should not be concerned for their safety at work and would therefore benefit from heightened penalties directed at a member of the public responsible for anti-social and violent behaviour towards public transport staff. We would welcome the opportunity to discuss this matter with you further. Accordingly, should you wish to discuss our request, please contact Emma Woods, General Manager Passenger and Corporate Services via [REDACTED]

Yours sincerely,

[REDACTED]

Danny Broad
CEO
Australasian Railway Association

[REDACTED]

Michael Apps
Executive Director
Bus Industry Confederation

[REDACTED]

Rail, Tram and Bus Union

[REDACTED]

Naomi Frauenfelder
Executive Director
TrackSAFE Foundation

Cc: Mr Neil Scales OBE, Dept of Transport and Main Roads

¹ www.mediastatements.wa.gov.au/Pages/Barnett/2016/08/Tough-laws-see-drop-in-assaults-against-police.aspx