



Penalties for Assaults on Public Officers

May 2020

The Queensland Catholic Education Commission (QCEC) welcomes the opportunity to provide a submission on the Queensland Sentencing Advisory Council's consideration of *Penalties for Assaults on Public Officers*.

QCEC is the peak strategic body with State-wide responsibilities for Catholic schooling in Queensland. This submission is provided on behalf of the five Diocesan Catholic school authorities and 17 Religious Institutes and other incorporated bodies which, between them, operate a total of 307 Catholic schools that educate more than 149,000 students in Queensland.

Catholic schools and kindergartens deliver education to a significant portion of Queensland children across all regions of the State, thereby performing a vital public function. Given this, although the schools and kindergartens are operated by non-government entities, it would be appropriate for their staff to be classified under an expanded definition of 'public officer' for the purpose of establishing an applicable penalty and sentencing framework that covers all staff working in education facilities. This would be in recognition that the staff are in essence performing the role of delivering an essential public service to the broader community, and therefore should attract similar protections to staff undertaking comparable functions within government entities.

The question of whether assault of a 'public officer' should be treated in any way differently than assault of other individuals raises complex issues. All assaults are a serious violation of individuals' rights to safety and respect, and therefore should be subject to appropriate criminal sanctions.

There are, however, strong public policy reasons for treating assaults on public officers as an assault involving aggravating features. The work that is being done by public officers enables the delivery of essential community services. Education, along with other services such as health, maintenance of order and enforcement of laws, are all critical social functions. Their performance by public officers is on behalf of the community at large and therefore should attract measures that enhance the safety of the officers in the execution of their roles.

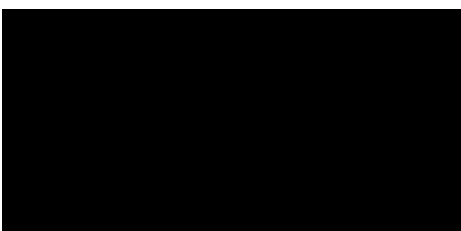
Additionally, such individuals, by the very nature of their work, are subject to wider public exposure and contact across the general community. They put themselves in this position for the purpose of delivering services to the public to a greater extent than would otherwise be the case, thereby increasing their exposure to risk.

This is the situation for staff working in the education sector. Teachers and other school and kindergarten staff warrant appropriate support and protection in fulfilling their essential roles. These roles require dealing extensively with not only students but parents, carers and the general public, and unfortunately in a small number of cases these interactions may expose them to risk of threats or actual physical violence.

Given these risks, and in the context of provisions concerning assault of public officers, QCEC would support extending the definition of 'public officer' to include non-government school or kindergarten staff. Further, an assault against a public officer should be considered an aggravating factor in terms of the sentencing provisions that apply to such assaults. In making allowance for this aggravating factor, appropriate flexibility should still be provided for the sentence to be judged on the circumstances of each particular case. This would be the preferred approach, rather than having an assault of this nature defined by a specific mandatory offence provision.

Within the education sector, unfortunately some assaults on staff are carried out by students. As noted in the questions section of the issues paper, there are currently a range of sentencing options that can be applied in both the case of minors and students that are no longer minors. These include, as alternatives to imprisonment, suspended sentences, intensive correction orders, community service orders, probation, fines and good behaviour bonds. QCEC supports the use of a range of flexible sentencing options to appropriately address relevant cases where a student may commit an assault against a public officer.

Thank you for your consideration of this submission. Please contact [REDACTED] should you require any further information.



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