

30 January 2020



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

By email: [REDACTED]

Dear Mr Robertson,

Re: Penalties for assaults on police and other frontline emergency service workers, corrective services officers and other public officers

The Bar Association of Queensland (the Association) would like to thank the Queensland Sentencing Advisory Council for the opportunity to provide initial comments in response to the Penalties for assaults on police and other frontline emergency service workers, corrective services officers and other public officers

It is the Association's position that section 340 of the *Criminal Code* in its present form adequately caters for the sentencing of those who assault public officers. In particular the Association notes that the available maximum penalty for an offence of serious assault simpliciter is seven years imprisonment, rising to 14 years where the offender, spits, bites or applies or throws a bodily fluid or faeces, or where the offender is armed or causes bodily harm to the public officer.

Further the Association notes that the definition of "public officer" is very wide, and includes police officers, health practitioners, ambulance officers, and hospital security staff. Corrective services officers are the subject of a separate, specific provision.

The Association asks whether it should seriously be thought that an offence of serious assault of a public officer that does not involve the doing of grievous bodily harm ought to attract sentences in excess of the currently prescribed maximum, that is in circumstances where sentences for grievous bodily harm simpliciter rarely exceed six years.

Furthermore, even assuming that sentences of imprisonment are actually effective in terms of general and specific deterrence, the Association makes the point that most people who assault public officers are either suffering from mental illness or affected by drugs or alcohol, and are frequently mentally ill *and* affected by drugs *and* alcohol. The concept of deterrence assumes a degree of rational, logical thought, something that is usually conspicuously absent in cases where public officers are assaulted. Having said that, the Association acknowledges the prevalence of assaults on public officers, and the distressing impact that these offences can have on victims and their families and co-workers.

BAR ASSOCIATION
OF QUEENSLAND
ABN 78 009 717 739
Ground Floor
Inns of Court
107 North Quay
Brisbane Qld 4000

Tel: 07 3238 5100
Fax: 07 3236 1180

DX: 905
www.qldbar.asn.au

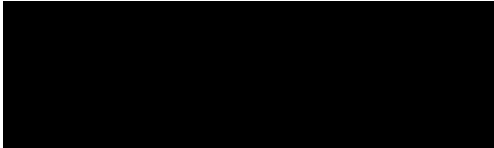
This is an area of sentencing where calls for harsher penalties have been made (and, on occasions, answered) over the years, however the Association cautions against any approach that is not based on evidence that demonstrates that an increase in penalties or some other change in the statutory regime will actually serve to reduce the incidence of these offences.

Consideration should be given to whether public money that might be expended on imprisoning offenders might be better spent on programs that address the root causes of the offending, including mental health and substance abuse.

Conclusion

Thank you for the opportunity for the Association to provide input to the Queensland Sentencing Advisory Council. The Association would be pleased to provide further feedback, or answer any queries you may have on this matter.

Yours faithfully



Rebecca Treston QC
President