

From: [REDACTED]
To: [REDACTED]
Subject: Penalties for assaults on police and other frontline emergency service workers, corrective services officers and other public officers
Date: Monday, 24 February 2020 5:42:21 PM

From: [REDACTED]
Sent: Tuesday, 28 January 2020 2:35 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Penalties for assaults on police and other frontline emergency service workers, corrective services officers and other public officers

Dear QSAC,

Attention: [REDACTED]

Thank you for inviting Legal Aid Queensland (LAQ) to provide preliminary feedback on the reference concerning penalties for assaults on police, frontline workers and other public officers.

We have teams of lawyers in our criminal practice that deal regularly with people charged with offences under s340 *Criminal Code*, and s790 *Police Powers and Responsibilities Act 2000*. They observe that the courts are already dealing with people that are guilty of them, seriously. They note that, whilst the courts have a discretion to impose a range of penalties, it is common to expect that actual imprisonment will be the outcome. As you know, the Queensland sentencing information service (QIS) provides statistics on the range of penalties imposed, and it is clear that sentences imposed by Magistrates for offences under s340 *Criminal Code* routinely include either wholly suspended or actual imprisonment.

We believe that current laws are apt to deal with the range of criminal conduct envisaged by the reference, and that no new provision(s) would be necessary, and that new provisions would only seek to further complicate the criminal law.

LAQ would like to see any suggestions for change be mindful of the *Human Rights Act 2019*. In particular we note that the following rights could be impacted by a change to sentencing laws:

- Section 26 – Protection of families and children,
- Section 27 & 28 – Cultural rights,
- Section 31 – Right to fair hearing,
- Section 15 - Right of equality before the law,
- Section 17 – Protection from torture, cruel, inhuman, or degrading treatment.

We support an evidence and/or research based approach to any suggested reforms.

Finally, we reaffirm our long held position of retaining judicial discretion in sentencing. We note that mandatory sentencing is also likely to have an impact on remand and custody rates.

We look forward to further consultation on any proposed reforms, and if we can be of further assistance please contact us.

Yours sincerely,

[REDACTED]

[REDACTED]

Principal lawyer | Serious Crime 2 | Criminal Law Services | Legal Aid Queensland [REDACTED]

[REDACTED]

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