



ABN: 80 519 643 130

# TRANSPORT WORKERS' UNION

## QUEENSLAND BRANCH

11 Alexandra Pl Murarrie QLD 4172  
(07) 3890 3066 | 1800 804 533  
Fax: (07) 3890 1105  
info@twuqld.asn.au  
www.twuqld.asn.au

28 January 2020

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

Via email: [REDACTED]

**RE: Feedback for Penalties for assaults on police and other frontline emergency service workers, corrective service officers and other public officers**

Dear Mr Robertson,

I refer to the communication received 6 December 2019 inviting preliminary feedback to assist in identifying key issues to be explored in responding to the terms of reference for the above inquiry. Thank you for the opportunity to contribute and I trust that the feedback contained herein will inform the Council's approach to the reference and questions identified for further consultation.

As an employee organisation representing workers within the transport industries our members include bus drivers employed by privately owned operators. Consistent with the South Australian Government's introduction of tougher penalties for people found guilty of assaulting public transport workers<sup>12</sup>, and in line with the 2017 Queensland Bus Driver Safety Review recommendations, we would ask that the inquiry consider, where appropriate, extending similar and tougher penalties to bus drivers working within both the public and private spheres.

According to the 2017 review, in 2015/16 Department of Transport and Main Roads contracted bus operators reported 392 assault related incidents which "*comprised of verbal and physical assaults as well as reports on incidences where objects were thrown at buses.*"<sup>3</sup> Notwithstanding their direct interaction with the public and working alone, evidence suggests that bus drivers have a higher predisposition, and increased vulnerability, to violence.

<sup>1</sup> ABC news. "*Tougher penalties introduced in bid to reduce violence against SA transport workers.*" (News Article, 5 March 2016) <https://www.abc.net.au/news/2016-03-05/sa-govt-announces-tougher-penalties-violence-transport-workers/7223596?section=sa>

<sup>2</sup> Criminal Law Consolidation Act (SA) 1935 s20AA

<sup>3</sup> Department of Transport and Main Roads. 2017. *Queensland Bus Driver Safety Review*, 6. <https://translink.com.au/about-translink/projects-and-initiatives/bus-driver-safety-review>

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As our privately engaged bus drivers essentially perform the same public transport services, we believe they face the same risk of assault as bus drivers employed directly by the public service sector.

We would be seeking, where legislatively appropriate, to either widen the definition of "Public Officer" pursuant to section 340 of the *Criminal Code* 1899 to include private bus drivers, or recognise such offences in separate provisions with higher penalties or circumstances of aggravation.

Further, we would be advocating to extend similar protections and definitions to operators within the Personalised Transport industry including Taxi and rideshare drivers (i.e. Uber, DiDi etc.) Preliminary reviews and survey data commissioned in relation to the Personalised Transport Industry Reference Group, a focus group convened by The Department of Transport and Main Roads, has indicated that passenger and driver safety is of significant concern to relevant stakeholders.

We believe the introduction of tougher penalties combined with strategies to enhance community knowledge and understanding of such penalties would assist in the reduction of instances of violence for both bus drivers within the private sector and personalised transport operators.

Thank you and should you require any further information please don't hesitate to contact Industrial Officer, [REDACTED] on [REDACTED].

Yours faithfully,

[REDACTED]

Peter Biagini  
Queensland Branch Secretary