



QUEENSLAND POLICE SERVICE



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24 June 2020

Our Ref:

Your Ref:

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

Dear Chair

I refer to your letter of 7 May 2020 inviting a QPS submission in response to the release of the Issues Paper concerning penalties for assaults on police officers and other frontline emergency service workers. The Queensland Police Service (QPS) appreciates the opportunity to comment.

Everyday my officers place themselves at risk of assault in order to keep the community safe and assaults on police are an unfortunate consequence of the policing environment in which they work. I am immensely proud of the work my officers do and the professionalism they exhibit, often at challenging times.

I understand officers from the QPS have been working closely with senior staff from QSAC providing data and prosecution information to support the review. I now provide the enclosed additional information for consideration by the Council.

Should you require any further assistance with this matter, please contact [REDACTED]

I look forward to reading your final report.

Yours sincerely

[REDACTED]
KATARINA CARROLL APM
COMMISSIONER

Queensland Police Service – submission to the *Penalties for assaults on public officers: Issue paper.*

The Paper provides an expert explanation of the legal framework currently in place to sentence those convicted of assaulting a public officer and valuable summary of the literature and statistics for this offence. The Queensland Police Service (QPS) appreciates the commentary which recognises the nature of frontline policing and how the public-facing role is considered to be at greater exposure to the possibility of harm. As noted by the New Zealand Minister for Justice, police are in a unique position to have a legal obligation to deal with dangerous people in dangerous situations and do not have the ability to leave a situation when it gets too dangerous. Police must move forward and continue to protect the lives of the community.

The QPS does not propose to provide commentary on opinions on policy matters such as the sufficiency of the current penalty regime and sentencing outcomes.

The QPS will limit its submission to questions associated with operational policing activities, including applying the law. On this basis, the QPS offers the below comments on questions contained in the Issues Paper.

Question 6. Who should be captured within the definition of a ‘public officer’ and how should this be defined? Are the current definitions under sections 1 and 340 of the Criminal Code sufficiently clear, or are they in need of reform? For example:

b. Should people employed or engaged in another state or territory or by the Commonwealth to perform functions of a similar kind to Queensland public officers who are on duty in Queensland, also be expressly protected under section 340?

If a person is charged with ‘Assault Police’ under section 790 of the *Police Powers and Responsibilities Act 2000* (PPRA), an interstate police officer falls within the definition of a Queensland police officer. Schedule 6 ‘Dictionary’ of the PPRA defines a police officer to include (apart for Chapters 11 and 13) a police officer from another State or Commonwealth who is performing duties for the Queensland Police Service.

If a person is charged under the Criminal Code (i.e section 340 ‘Serious Assault), reliance may be made on Schedule 1 of the *Acts Interpretation Act 1954* which provides that a police officer means a police officer under the *Police Service Administration Act 1990* (PSAA).

Generally, where an interstate officer is to perform the functions of a police officer in Queensland, they will be appointed as a special constable by the QPS - see s 5.16 ‘Special constables’ of the PSAA. This section deems a special constable to be a police officer as far as may be reasonably applied.

10. *What benefits are there in retaining multiple offences that can be charged targeting the same or similar behaviour (e.g. sections 199 and 340 of the Criminal Code as well as sections 655A and 790 of the Police Powers and Responsibilities Act 2000 (Qld), sections 124(b) and 127 of the Corrective Services Act 2006 (Qld), and other summary offences)?*

The QPS considers the current legislative framework that allows prosecutions for assaults against police officers either as a simple offence (under s. 790 of the *Police Powers and Responsibilities Act 2000* (PPRA)) or as indictable offences (under s. 340 or other relevant offence under the Code) appropriate.

Unfortunately, police officers may be unlawfully assaulted in a myriad of ways with differing degrees of severity. Having different offence provisions allow an offence to be preferred that carries an appropriate maximum penalty that addresses the alleged offending behaviour. For example, it may be considered appropriate to prefer the simple offence under s. 790 of the PPRA in circumstances where a police officer was lightly slapped causing no injury. In contrast, if a police officer was seriously injured as a consequence of an assault, an indictable offence with a greater maximum penalty may be considered to be more appropriate.
