



Speech by

Barbara Stone

MEMBER FOR SPRINGWOOD

Hansard Tuesday, 13 March 2007

CRIMINAL CODE AND CIVIL LIABILITY AMENDMENT BILL

Ms STONE (Springwood—ALP) (4.33 pm): I rise to speak briefly to the Criminal Code and Civil Liability Amendment Bill 2007. This bill addresses the growing community concern about dangerous driving offences, especially those offences that involve excessive speeding, dangerous driving and hit-and-run offences. The community is growing tired of people using our roads as race tracks. Last weekend we saw more tragedies on our roads.

We also saw media reports of an incident that was reported involving excessive speed. It left the two cars involved in the incident and three parked cars engulfed in flames and a house damaged. Thankfully, no-one was killed but from all reports it could not be called an accident. It was simply a case of suburban streets being used as a race track. This is just not acceptable.

The new regime proposes to retain the current maximum of 14 years imprisonment on the basis that the most serious examples of dangerous driving causing death are charged with manslaughter, which carries a maximum penalty of life imprisonment. The maximum penalty for dangerous driving causing death or grievous bodily harm will be increased from seven years to 10 years imprisonment. The same offender will be liable to 14 years imprisonment if at the time he or she was adversely affected by an intoxicating substance he or she was excessively speeding or was involved in an unlawful race or speed trial.

Currently section 328A of the Criminal Code provides a maximum penalty of three years imprisonment for dangerous driving or five years in the case of repeat or intoxicated offenders. Under the new regime proposed the five-year penalty will also apply to offenders who are excessively speeding, which is defined as more than 40 kilometres per hour over the prescribed limit, or are participating in street racing or speed trialling. When I go out and talk to neighbourhood watch groups, P&Cs and the community in general I find that they are looking for more penalties. The community expects rises in those penalties.

The second amendment to the Criminal Code inserts a new offence of identity fraud. Technological advances in the use of information technology have seen a corresponding growth in the crimes committed through the use of that technology, particularly the misuse of other people's personal and financial details. I was fortunate enough to be invited to a presentation by police on the practice of credit card skimming and other identity fraud and theft offences.

Credit card skimming or card skimming involves a small device capturing the card details for use on a reproduced card. This device is used in automatic teller machines. It is not just used to obtain information from credit cards; it can be used to obtain personal information from debit cards. Even Medicare cards have been used in the past. Credit card skimming alone has increased bank losses by up to 400 per cent. Its actual cost to the banking industry, businesses and consumers is more than \$300 million per year. This technology is certainly being used in this country. What was amazing to me was the ease of use of this new technology. As an average person going to an ATM it would be difficult to recognise. As technology advances I am sure that we will see this type of crime increase.

The other practice which was clearly identified to those attending that presentation was the production of fake credit cards. Many in the audience were businesspeople and, like me, they were unable

to distinguish between the fake and the real cards. It must be immensely difficult for businesses. It certainly must be having an effect on their businesses.

There are a number of existing offences in the Criminal Code that are relevant to the theft or misuse of personal identifying information. However, a potential gap exists where an offender possesses or supplies such information with the intention of those details being used for a criminal purpose but without them committing a substantive offence. An example could be the obtaining of identity information in Queensland with the intention of using it to commit a fraud outside this jurisdiction.

New section 408D addresses the wider problem of identity theft and fraud. It applies to a person who obtains or deals with another entity's identification information for the purpose of committing or facilitating an indictable offence. The proposed provision is broadly drafted to ensure that it does not quickly become obsolete with the rapid development in technology. The new section does not only focus on those committing the crime but also recognises the victim. I am very pleased that new section 408D also empowers a sentencing court to issue a certificate for the benefit of the victim of the identity fraud. This will assist the victim of such an offence to begin to repair the damage to their reputation, especially those who have been subject to credit card fraud.

This morning we heard the police minister speak about the fact that we have 71 deaths on our roads this year. That is a very disturbing figure. I only hope that this bill will have some impact on reducing that road toll in the future. With that, I commend the bill to the House.