



Speech by

**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **CRIMINAL CODE AND CIVIL LIABILITY AMENDMENT BILL**

**Mrs STUCKEY** (Currumbin—Lib) (4.06 pm): I rise to make a contribution to the debate on the Criminal Code and Civil Liability Amendment Bill 2007. As my colleague the shadow Attorney-General, the honourable member for Caloundra, has already stated, the coalition will be supporting this bill. I would like to take this opportunity to comment on two areas of this bill: the amendment of section 328A of the Criminal Code to increase the maximum penalties for the offence of dangerous operation of a vehicle causing death or grievous bodily harm and to expand the existing 'aggravating circumstances', and the amendment of the Criminal Code by the insertion of a new offence of identity fraud.

Firstly, I will address amendments to section 328A of the Criminal Code. I am certain all members in this House will be aware of growing concern about dangerous driving offences, particularly where death or serious injury results and alcohol, drugs or speed are contributing factors. We heard from the minister this morning in this House that there have been 71 road deaths in Queensland since the beginning of 2007—11 more than last year. Appalling statistics such as these drive home the urgency of implementing measures that will curb these avoidable deaths. As common sense fails with an increasing number of drivers, tough measures and harsh penalties are warranted in conjunction with comprehensive compulsory driver training. Public confidence in the soft sentences handed down by our courts is at an all-time low and the amendment of section 328A has the potential to lift that confidence.

In recent years the Gold Coast has experienced a high number of road fatalities, as members have also heard from the honourable member for Surfers Paradise—each of these being more spectacular and terrifying than the last. The gruesome sight of cars wrapped around power poles or driven on to the wrong side of the road and down steep embankments is all too familiar. Add to this innocent victims who pay the ultimate price for dangerous choices made by those who drink or take drugs and then get behind the wheel of a vehicle.

In 2000 a nine-year-old girl was killed and a man left with extensive brain damage in Surfers Paradise after being run down by a young woman who was reported as being high from sniffing butane. Serving 2½ years of a 6½-year sentence, Christie Morgan brought added trauma to these families by applying for a drivers licence upon her release. Victims are not only those who are killed or maimed but also the families who have the unenviable task of picking up the pieces amidst lost dreams in the wake of high-speed, drug or alcohol induced recklessness.

Of increasing community concern is the growing incidence of hit-and-run traffic offences resulting in death or serious injury. In December 2004 in the Currumbin electorate we encountered the untimely passing of Shaine Johnson who, at the age of 21, was the victim of a hit-and-run driver as he crossed a road in Tugun at about 10 pm. Only months after the crash the same driver was caught on two occasions, one for drink driving and another for driving without a licence. Despite a number of driving infringements, he received a two-year jail term suspended after six months.

I have met and spoken to Shaine's family a number of times and witnessed firsthand their grief at the loss of their son and brother. Especially upsetting in cases of hit-and-runs is the fact that people are callously left by the side of the road often in cases where if first aid was offered it could have meant the difference between life and death. This family was extremely courageous and spoke out publicly about the

grief and the circumstances surrounding Shaine's death as they believed the leniency of the sentence offended the value of Shaine's life.

In May 2005 two young year 11 students from Palm Beach Currumbin High School, Matt and Aki, lost their lives through high speed, an inexperienced driver and the car in which they were travelling careering out of control. Last year cyclist Ken Gibbons of Palm Beach was struck and killed by a hit-and-run driver early one morning while riding across Tallebudgera Bridge. Uncaring displays such as this reveal that a percentage of our society fail to exhibit any compassion or remorse.

I endorse the introduction of new section 408D, obtaining or dealing with identification information, which specifies the offence of identity fraud that prohibits a person from misusing another entity's identification information.

One of the greatest concerns with technological advances is the use of information technology to commit crimes, including fraud and theft perpetrated through the use of false personal identification information. Prior to and during schoolies on the Gold Coast police and organisers are on the alert for under-age youth carrying false identities and attempting to purchase alcohol or enter licensed premises. If teenagers get away with this illegal exercise, what is to stop them from becoming adults with no respect for the identity of others.

Our multibillion-dollar tourism industry is another sector where the practice of credit card skimming poses major concerns. Tourists can become easy prey away from the everyday minutia and in new surroundings as many tend to drop their guard and adopt a carefree holiday mentality. As members have heard from the member for Caloundra, credit card fraud cost the Australian economy between \$100 million and \$120 million in 2002 and it is estimated that this escalates to \$3 billion per year world wide.

Card skimming often results in personal financial details being obtained through a variety of methods including the use of electronic devices fitted to banks' ATMs or EFTPOS machines. This information is then used to effect financial transactions, often overseas, that result in individuals, financial institutions, insurers and ultimately the community losing significant sums of money. There is certainty that new forms of card skimming will emerge that will pose great challenges for law enforcement agencies to stay one step ahead.

On a wider scale, the problem of identity theft and fraud can leave victims with a lost financial, social or legal reputation that is difficult to recover. Honourable members have no doubt read or seen on television the unfortunate tales of innocent people who, through no fault of their own, have been targeted by unscrupulous individuals for financial gain.

Admittedly, there are existing offences in the Criminal Code relevant to the theft or misuse of personal identifying information including stealing, fraud, and forgery. It has been identified that a potential gap exists where a person possesses, obtains or supplies another person's personal identifying information with criminal intent and it is then used to commit a fraud outside the jurisdiction. The web site of the Australian Institute of Criminology—[www.aic.gov.au](http://www.aic.gov.au)—outlines a raft of simple precautions that can be taken in relation to the disclosure, disposal, maintenance and storage of personal information to prevent identity theft. Many of these precautions are common sense, as mentioned earlier, and can often be overlooked when people, predominantly when travelling, leave their caution at home. Some of these include the careful destruction of expired documents such as licences, passports and credit cards; ensuring accuracy of transactions on financial statements; storing official documents such as birth certificates in a secure place; not providing personal information and data to anyone unless you have reason to trust them; using a locked mailbox; and not carrying your tax file number, PIN or passwords in your purse or wallet.

Identity fraud and theft is becoming more sophisticated and everyone needs to maintain a greater degree of vigilance to protect themselves. I am very pleased to see this legislation before the House and I commend the bill.