



Speech by

John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

Hansard Tuesday, 13 March 2007

CRIMINAL CODE AND CIVIL LIABILITY AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (4.00 pm): I rise to speak to the Criminal Code and Civil Liability Amendment Bill currently before parliament. I am pleased to offer my support for this bill, introduced by the Attorney-General and Minister for Justice. I also note the speech by the shadow Attorney-General. This bill affects a number of relevant changes that will improve law enforcement in respect of dangerous driving and the rise of high-tech crime in Queensland. Queensland's road toll is among the worst per capita in the country. Nearly every day people are dying on our roads. While any road accident resulting in death is tragic, the real tragedy is that in many of these cases the accident may have been prevented. Just last weekend we saw a textbook example of why these amendments to the law concerning dangerous driving need to be supported and implemented.

An article in the *Sunday Mail* stated, 'A Brisbane street resembled a "war zone" after an illegal drag race ended in flames.' This was a story in the *Sunday Mail* about a group of youths involved in a serious five-car accident caused by illegal street racing at Upper Mount Gravatt on the weekend. Three teenagers—just 17-years-old and only recently licensed—were injured in the accident, one girl badly burned. While she recovered from the accident in hospital, residents who were witness to the carnage described the illegal street racing as a regular Friday and Saturday night activity in the otherwise quiet suburb. Indeed, emergency services and police who responded to the accident said it was lucky that no one was killed in the accident.

Unfortunately, not everyone manages to escape so luckily, if you can call substantial burns victims 'lucky'. This week a man is behind bars after he was sentenced to five years jail for killing two people in a road accident south of Brisbane in 2005. Aaron Douglas James Vale was high on butane when he ploughed into another car, killing mother of four Roxanne Jane Allam and her mother, Jeannette Maddalena. Whilst he was found guilty of dangerous driving causing death while affected by an intoxicating substance and is now serving time, one of the victim's distraught daughters, Emma-Jane Allam, highlighted the injustice of the current maximum penalties for dangerous driving. 'It sends no message to anybody,' the *Gold Coast Bulletin* reported Ms Allam as saying. 'It's as if the two lives lost made no difference to the sentence.'

The simple and harsh reality is that no punishment will ever be retribution for taking away an innocent life. A case that springs to mind is the family of little Teena-Lea Harris, a nine-year-old girl who tragically lost her life to a dangerous driver—again high on illegal substances—in Surfers Paradise in 2001. That family knows all too well that the punishment will never fit the crime. Not only did Teena-Lea's family have to fight for justice to see the teenage girl responsible for the accident jailed, they have since been fighting to keep their daughter's killer off the road as she continues to appeal to the court to quash her life driving ban. We have to ask what kind of message this sends to the hoons on our roads who are endangering lives with their hazardous and foolish behaviour.

The amendments before the parliament seek to amend the penal clauses, effectively increasing the maximum penalties twofold. Under the proposal, the maximum penalty for dangerous driving will be boosted from seven to 10 years imprisonment, which will be increased by a further four years if the driver

is adversely affected by an intoxicating substance, was excessively speeding or was engaging in illegal street racing at the time of the offence. This is a positive move and, whilst I do not expect the legislative changes will bring an end to dangerous driving, I would hope that increased penalties will have a deterrent effect so that avoidable road accidents are prevented where possible.

I am also pleased to note the expansion of 'aggravating circumstances' with the addition of conditions including travelling at excessive speed—that is, exceeding the limit by more than 40 kilometres an hour; racing or speed trialling; and leaving the scene of an offence. The increase of hit-and-run accidents in Queensland and particularly on the Gold Coast suggests that many people consider fleeing the scene of an accident a better and perhaps less severe alternative in terms of penalties to remaining at the scene and owning up to any possible wrongdoing. Introducing harsher penalties for road accident fugitives, I hope, will provide a disincentive to people who might otherwise take flight in dire circumstances.

This bill introduces another important change to the Queensland Criminal Code which reflects the changing nature of crime in contemporary society. Over the past year we have seen the number of fraud cases multiply, particularly as new 'skimming' technology is introduced to the Australian banking and retail sphere. Section 408D creates a new offence of identity fraud relating to obtaining and/or dealing with identification information. Whilst the Criminal Code already contains a number of similar offences that pertain to the theft and/or misuse of such information, as the Attorney-General noted, the current code provides a loophole for persons who obtain identification information for the purpose of utilising them to commit an indictable offence but without then committing a substantive offence. The proposed bill stitches up this anomaly and represents a step in the right direction of protecting the private information, rights and reputation of Queenslanders. I think it is important to note that the proposed section provides for a broad definition of 'identification information', reflecting the need for flexible and adaptable law to cater for the ever-changing nature of technology and its effects on computer crime in this country.

I also note for the record my support to the changes to the Civil Liability Act 2003. The amendment, as many members have already commented, bridges a disparity that resulted from a Queensland Court of Appeal decision last year in relation to civil liability and work related injuries. The bill restores employees' rights in the workplace and returns to the original purpose of the legislation. As such, the bill provides heightened certainty as to legal rights and obligations, and draws a distinct line between statutory and common law with respect to civil liability in Queensland.