



Speech by

Peter Lawlor

MEMBER FOR SOUTHPORT

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CRIMINAL CODE AND CIVIL LIABILITY AMENDMENT BILL

Mr LAWLOR (Southport—ALP) (3.35 pm): I support the Criminal Code and Civil Liability Amendment Bill. The bill amends the Civil Liability Act 2003 to exclude the application of the Civil Liability Act to all work injuries for which compensation is payable under Queensland workers compensation legislation apart from recess and journey claims, regardless of whether the injury is caused by an employer or a third party. It was always the intention of the government to allow work related injuries to be assessed under common law principles apart from journey and recess claims. However, on 3 March 2006 the Court of Appeal in the *Newberry v Suncorp Metway* case interpreted the Civil Liability Act in a way that restricted the intended scope of this exclusion. The bill proposes amendments to the Civil Liability Act to redress the *Newberry* decision and reinstate the government's initial intention regarding the protection of workers' rights under the Civil Liability Act.

The amendment also accords with the government's commitment to workers' rights both in its WorkCover Queensland—Leading Australia 2001 election commitment and in its stated opposition to the Commonwealth government's WorkChoices legislation. The amendment will commence retrospectively to apply to all injuries occurring after 6 November 2006, apart from settled claims. This will ensure that the amendment is in place at the earliest appropriate time without impacting on existing settlement negotiations and claims on foot.

Based on workers compensation trends over the last four years, the Department of Industrial Relations estimates that the amendment could impact on a maximum of about 120 workers per year. The government would not expect to see a rise in premiums. Indications are that the tort reforms introduced by the Queensland government have been successful in reducing the cost of insurance in Queensland and have increased the availability of insurance cover. At the same time, insurers have generally been announcing good profits and, in some cases, very good profits.

It is interesting and timely that there is an amendment to the Criminal Code in relation to identity fraud. In keeping with the modern world in which we live, the second amendment to the Criminal Code introduces a new offence relating to identity fraud. Advances in the use of information technology have seen a similar growth in crimes relating to the use of new technology. This particularly refers to the misuse of other people's personal and financial details. There are several existing offences in the Criminal Code that relate to the theft or misuse of personal identifying information but a gap exists where a person possesses or supplies information with the intention of those details being used for a criminal purpose.

Recent well-reported cases have been of suspects being apprehended with dozens of documents, such as credit cards, drivers licences et cetera, with the intention of using them to commit fraud. New section 408D addresses the problem of identity theft and fraud. It applies to those who obtain or deal with another person's identification information for the purpose of committing or facilitating an indictable offence. The provision is drafted broadly to ensure that it does not become quickly irrelevant as technology advances.

Importantly, new section 408D empowers a sentencing court to issue a certificate for the benefit of the victim of identity fraud. That will be critical in assisting the victim to rehabilitate their reputation and also address issues such as their credit rating. I commend the bill to the House.