



Queensland

# **Criminal Code and Civil Liability Amendment Act 2007**

**Act No. 14 of 2007**





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# Criminal Code and Civil Liability Amendment Act 2007

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## **Act No. 14 of 2007**

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**An Act to amend the Criminal Code and the *Civil Liability Act 2003***

**[Assented to 20 March 2007]**

## The Parliament of Queensland enacts—

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Criminal Code and Civil Liability Amendment Act 2007*.

#### 2 Commencement

Part 3 is taken to have commenced on 6 November 2006.

### Part 2 Amendment of Criminal Code

#### 3 Code amended in pt 2

This part amends the Criminal Code.

#### 4 Amendment of s 328A (Dangerous operation of a vehicle)

(1) Section 328A(2)(b)—

*renumber* as section 328A(2)(c).

(2) Section 328A(2)—

*insert*—

‘(b) at the time of committing the offence is excessively speeding or taking part in an unlawful race or unlawful speed trial; or’.

(3) Section 328A(4), from ‘liable upon conviction’, first mention—

*omit, insert*—

‘liable on conviction on indictment—

- (a) to imprisonment for 10 years, if neither paragraph (b) nor (c) applies; or
- (b) to imprisonment for 14 years if, at the time of committing the offence, the offender is—
  - (i) adversely affected by an intoxicating substance; or
  - (ii) excessively speeding; or
  - (iii) taking part in an unlawful race or unlawful speed trial; or
- (c) to imprisonment for 14 years, if the offender knows, or ought reasonably know, the other person has been killed or injured, and the offender leaves the scene of the incident, other than to obtain medical or other help for the other person, before a police officer arrives.’.

(4) Section 328A(5), definitions *high alcohol limit* and *place*—  
*omit.*

(5) Section 328A(5)—  
*insert—*

‘***excessively speeding*** means driving or operating a vehicle at a speed more than 40km/h over the speed limit applying to the driver under the *Transport Operations (Road Use Management) Act 1995*.

***place*** does not include a place being lawfully used to race or test vehicles under a licence or another authority under an Act and from which other traffic is excluded at the time.

***unlawful race*** means a race involving a vehicle in contravention of the *Transport Operations (Road Use Management) Act 1995*, section 85.

***unlawful speed trial*** mean a trial of the speed of a vehicle in contravention of the *Transport Operations (Road Use Management) Act 1995*, section 85.’.

(6) Section 328A(5) and (6)—

*relocate* and *renumber* as section 328A(6) and (5) respectively.

## **5 Amendment of s 408D (Computer hacking and misuse)**

Section 408D—

*renumber* as section 408E.

## **6 Insertion of new s 408D**

After section 408C—

*insert*—

### **‘408D Obtaining or dealing with identification information**

‘(1) A person who obtains or deals with another entity’s identification information for the purpose of committing, or facilitating the commission of, an indictable offence commits a misdemeanour.

Maximum penalty—3 years imprisonment.

‘(2) For subsection (1), it is immaterial whether the other entity is alive or dead, or exists or does not exist, or consents or does not consent to the obtaining or dealing.

‘(3) When a court is sentencing a person for an offence against subsection (1), the court may order that the court’s certificate be issued to the other entity stating the offence, the entity’s name and anything else the court considers relevant for the entity’s benefit.

‘(4) The order may be made on the court’s own initiative or on application by the entity or the prosecutor.

‘(5) If the person is sentenced on a plea of guilty, the certificate may be given to the entity immediately.

‘(6) If subsection (5) does not apply, the certificate must not be given to the entity until the later of the following—

(a) the end of any period allowed for appeal against conviction;

(b) if an appeal is started—the end of any proceedings on the appeal.

‘(7) In this section—



***dealing***, with identification information, includes supplying or using the information.

***digital signature*** means encrypted electronic or computer data intended for the exclusive use of a particular person as a means of identifying himself or herself as the sender of an electronic communication.

***identification information***, of another entity, means information about, or identifying particulars of, the entity that is capable of being used, whether alone or in conjunction with other information, to identify or purportedly identify the entity.

*Examples for an entity that is an individual—*

- information about the individual or the individual's relatives including name, address, date of birth, marital status and similar information
- the individual's driver licence or driver licence number
- the individual's passport or passport number
- anything commonly used by an individual to identify himself or herself, including a digital signature
- the individual's financial account numbers, user names and passwords
- a series of numbers or letters (or a combination of both) intended for use as a means of personal identification
- any data stored or encrypted on the individual's credit or debit card
- biometric data relating to the individual
- the individual's voice print
- a false driver licence or other false form of identification for a fictitious individual

*Examples for an entity that is a body corporate—*

- the body corporate's name
- the body corporate's ABN
- the body corporate's financial account numbers
- any data stored or encrypted on a credit or debit card issued to the body corporate

***obtaining***, identification information, includes possessing or making the information.'.





‘(4) In this section—

***amending Act*** means the *Criminal Code and Civil Liability Amendment Act 2007*.

***final relief***, in relation to personal injury, means the judgment or decision for the civil claim in relation to the personal injury, including the judgment or decision about liability only, whether or not an appeal has been made against the judgment or decision.’.