



## Minister for Transport and Main Roads

Our ref: PET 25562

19 APR 2018

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Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Laurie

I refer to petition numbers 2896-18 and 2834-17 lodged with the Legislative Assembly of Queensland by Mr Stephen Bennett MP, Member for Burnett, on 20 March 2018 seeking harsher penalties for negligent driving causing death or serious injury.

I would firstly like to reiterate that my deepest sympathies go out to the families and friends of those who have lost their lives or who have been injured on our roads. Any crash that results in the death or serious injury of a person is a tragedy that has a significant impact on families, friends and the entire community.

Following the *Inquest into the death of Audrey Anne Dow*, the Palaszczuk Government acknowledged the Coroner's observations that Queensland legislation does not provide for a specific offence of negligent driving causing death.

On 15 February 2018, I introduced the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018 (the Bill) into the Queensland Parliament. This Bill proposes to introduce a tiered penalty regime to better reflect the devastating impact of crashes where death or grievous bodily harm results. The proposed new tiered regime will complement the *Criminal Code 1899* (the Criminal Code), which provides for criminal negligence when driving where death results.

Section 328A of the Criminal Code, 'Dangerous operation of a vehicle', carries a maximum penalty of three years imprisonment and applies to a person who operates a vehicle dangerously in any place. This offence carries a number of circumstances of aggravation, each attracting higher maximum penalties. For example, dangerous operation of a vehicle causing death or grievous bodily harm carries 10 years imprisonment, increasing to 14 years if the offender was intoxicated or excessively speeding.

While no penalty can compensate for the loss of a family member or friend, the proposed changes to the penalty regime seek to better reflect the community's expectation that penalties align with the seriousness of the offence.

Currently, the maximum penalty that a court may order for the offence of driving without due care and attention (careless driving) is \$5046 or six months imprisonment. There is also no mandatory requirement for a court to order a minimum period of licence disqualification for a careless driving offence, even if the offence results in the death or grievous bodily harm of another person.

The changes proposed in the Bill would introduce a mandatory minimum licence disqualification of six months for careless driving offences that result in death or grievous bodily harm. Further, the minimum licence disqualification for a dangerous driving offence under section 328A of the Criminal Code is proposed to be doubled from six to 12 months. I also note however that the court would still have the discretion to order a longer period of licence disqualification, taking into account the particular circumstances of each case.

In addition, the Bill proposes to increase the maximum penalties significantly where a careless driving offence results in the death or grievous bodily harm of a person. The maximum penalty would be doubled to 80 penalty units (\$10,092) or 12 months imprisonment. The maximum penalty would be again doubled to 160 penalty units (\$20,184) or two years imprisonment if at the time of the offence the offender was also unlicensed.

I am advised that the proposed changes would provide the courts with greater flexibility in sentencing to impose a penalty that reflects the specific circumstances of a crash. This reflects that a Magistrate or Judge will be best placed to undertake the complex considerations of the facts of a particular offence, in which the outcome of a crash is one element that must be considered.

The Bill has been referred to the Transport and Public Works Committee for detailed consideration, including a public hearing.

I look forward to receiving the Committee's report and will give careful consideration to the public submissions and any Committee recommendations.

Enactment of the Bill remains a priority for the Palaszczuk Government.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Mark Bailey', written in a cursive style.

**MARK BAILEY MP**  
**Minister for Transport and Main Roads**