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NATIONAL QUEENSLAND ROAD SAFETY

## Families seeking reform to careless driving laws say government has ignored them

By Tony Moore

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7 The families of people involved in a shocking road accident that claimed two lives say Queensland's main roads authorities have not spoken to them about toughening the state's careless-driving laws.

### Talking points

- Changes are proposed to Queensland's restrictive careless driving legislation.
- The deaths earlier in 2017 of Tiaro brother sister Daniel and Sarah Walker have prompted the change.
- The changes suggest a wider variation of charges for people who kill or injure someone while driving a car.

Queensland is still badly out of step with other states over careless-driving legislation and the new Parliament must make urgent changes to stop ineffective sentencing, the families say.

These changes are colloquially known as “Walker's Law”, after the Maryborough community began fighting for law changes after the death of Tiaro brother and sister Daniel and Sarah Walker in a road accident on Easter Monday.



Crash victims Sarah Walker (right), brother Daniel Walker (rear), with Sarah's son Sam, who was badly injured in the crash.  
*Photo: Supplied.*

Two other people, Sarah Walker's 14-year old son Sam and their friend Peter Knowles were badly injured in the crash on the Bruce Highway.

Solicitor Donald George Gayler, 66, was in September 2017 fined \$3000 and had his licence suspended for three months [after he pleaded guilty with driving without due care and attention.](#)

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Mr Gayler received his licence back this week.

Mr Knowles' mother Trisha Mabley began a campaign including an e-petition to Queensland's Parliament to toughen Queensland's careless-driving legislation.

"Mr Gayler has got his licence back. But do we get Daniel and Sarah back?" she said.



Member for Burnett, Stephen Bennett, with Kerri Walker (centre) and Trisha Mabley (right).

*Photo: Supplied*

Ms Mabley said no one from the Queensland government had spoken to them, despite the government in October issuing media statements saying they had already consulted on law changes.

"They haven't actually spoken to us about what we want and what we want amended," Ms Mabley said.

"They have just gone ahead and done what they want to do."

Ms Mabley has read the government's proposals, but wants tougher penalties.

A person convicted of careless driving where someone dies or is badly injured should lose their licence, she said.

"If they've killed someone, they should never get their licence back," Ms Mabley said.

"I think it needs to be tougher. People who have had previous convictions – where someone is badly injured, or a life is lost – should not be able to get their licence back again."

"And they should actually speak to family members who have lost someone and have a sit-down conference with both families."



Queensland Main Roads Minister Mark Bailey (centre).

*Photo: Supplied*

Main Roads Minister Mark Bailey in October pledged to make changes to Queensland's careless driving legislation after the sentence was handed down in September.

"After consulting with the Walker family and other families whose loved ones have been killed in road crashes, the Palaszczuk government has reviewed the penalties for certain driving offences resulting in death or grievous bodily harm," he said.

Ms Mabley said no one has spoken to them and they would like to talk to the Queensland government before the first sitting week in February 2018, when the bill could be presented.

The Queensland government said acting Main Roads Minister Steven Miles met Ms Mabley on September 11 to discuss the issue.

Burnett LNP MP Stephen Bennett said the government promises should be met.

"Clearly this was on everyone's agenda prior to an election and the promises that were made to these grieving families need to be kept," Mr Bennett said.

"Enough is enough. This should be high on the agenda for the re-elected Labor government. The work has already been done. We just need to get on with it now and make sure good, fair and effective laws are implemented to enhance road safety for all."

Law firm Armstrong Legal estimates there are 34 cases each week with widely varying sentences, based on whether the careless driving or negligent driving offence happens in Queensland or in New South Wales.

Drivers are either receiving harsher penalties than they should, or families and friends of people injured in road accidents are disappointed to find a careless driver receiving too gentle a penalty, according to law firm Armstrong Legal.

The firm, which works in both New South Wales and in Queensland, questions the pace of Queensland legislation to make changes.

Armstrong Legal associate Colin Townes said they wanted to “respectfully” make sure the changes to Queensland’s careless driving legislation are not lost in the new Parliament.

“We do not want to suggest that nothing has been done, or that it is being ignored,” Mr Townes said.

“But, certainly things are moving slower than they should.”

“We are particularly concerned that in the new Parliament, that this maintains a position at the forefront of debate in the new Parliament.”

In Queensland, the basic careless driving offence is known as “driving without due care and attention”, while in New South Wales it is known as negligent driving.

The Palaszczuk government in October began preparing a Road Safety Bill to change to its careless driving legislation.

### What are the changes?

The main change is to double the maximum penalty for offences causing death or grievous bodily harm.

The maximum fine for careless driving causing serious injury, or death would increase from \$5046 or six months imprisonment to a fine of \$10,092 or 12 months imprisonment.

The driver’s licence could be lost for 12 months.

The maximum penalty for a person convicted of dangerous driving causing serious injury, or death would also double from 10 years to 14 years and a person could lose their driver’s licence for a minimum of 12 months.

The Queensland government was set to introduce the bill before the Queensland election was called, a Main Roads spokesperson said.

“It’s definitely ready to go. The initial consultation announced in the press release has been done,” she said.

“Once the legislation is introduced and goes back to committee obviously more consultation will happen in that process.”



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COMMENTS



**Tony Moore**



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