



Minister for Transport and Main Roads

Our ref: 3133-19 and 3100-19

Your ref: A445254

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12 June 2019

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

Dear Mr Laurie

I refer to petitions 3133-19 and 3100-19, lodged with the Legislative Assembly by the Honourable Craig Crawford MP, Minister for Fire and Emergency Services and Member for Barron River on 14 May 2019 about Queensland's hit-and-run laws.

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. My thoughts and condolences are with the families and friends of those who have lost their lives and those who have been injured on our roads.

The Palaszczuk Government recognises the seriousness of these crashes and has taken action to increase the penalties for driving offences that involve the death or serious injury of a person.

On 18 June 2018, Queensland's laws for driving without due care and attention (careless driving) were amended to introduce new specific penalties for careless driving offences that involve death or grievous bodily harm. The maximum penalty was doubled to \$10,444 or 12 months imprisonment. Where the driver was also unlicensed, the penalties were doubled again to \$20,888 or two years imprisonment. A mandatory minimum licence disqualification of six months was also introduced.

The changes on 18 June 2018 also recognise the seriousness of a person not stopping and rendering assistance at the scene of a crash where a person is killed or seriously injured. Under Queensland law, a person who fails to stop and render assistance, or obtain medical assistance, can now incur a maximum penalty of \$15,666 or three years imprisonment. This is a significant increase from the previous maximum penalty of \$2611 or 12 months imprisonment. A mandatory minimum licence disqualification of six months was also introduced for this offence.

Queensland also has the offence of dangerous operation of a motor vehicle (dangerous driving) under the *Criminal Code Act 1899*. This offence carries a maximum penalty of three years imprisonment and applies to a person who operates a vehicle dangerously. Where this offence also causes death or grievous bodily harm, the potential term of imprisonment increases to 10 years. The term of imprisonment further increases to 14 years if the offender is also excessively speeding, adversely affected by an intoxicating substance or taking part in an unlawful race or speed trial.

The changes made on 18 June 2018 doubled the existing mandatory minimum licence disqualification for this offence from six to 12 months, where a person is killed or suffers grievous bodily harm.

It is not appropriate for the government to intervene in, or comment on, specific decisions by the courts. However, the changes to the maximum penalties made on 18 June 2018 provide the courts with greater flexibility to impose a penalty that reflects the specific circumstances of a crash and the nature of the offence or offences. The new penalties also close the gap between careless driving and dangerous driving. The government is monitoring the application of these new penalties to ensure that they achieve the intended outcome.

The government acknowledges the options for harsher penalties that have been put forward by petitioners, including the suggestion that drivers who leave the scene of an accident be considered to have committed a high range drink driving offence.

The penalty regime for drink driving is not, however, appropriate to deal with drivers who leave the scene of an incident where a person is killed or suffers serious injury, unless the offender is also convicted of a drink driving offence. The behaviour of an offender who leaves the scene of a crash where a person is killed or seriously injured is different to a person who drinks and drives. The penalty regime for drink driving is also aimed at initiatives to change the offender's behaviour, including mandatory participation in Queensland's Alcohol Ignition Interlock Program.

Improving road safety and minimising death and serious injury on Queensland's roads remains a priority for the Palaszczuk Government. That is why our budget, handed down on 11 June 2019, included an increase of \$205 million in road safety funding bringing our government's investment in road safety initiatives to \$900 million over four years.

I trust this information is of assistance to petitioners.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Bailey', with a long, sweeping tail that extends downwards and to the right.

MARK BAILEY MP
Minister for Transport and Main Roads