

Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026

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Office of the Victims' Commissioner

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Submission to the State Development,
Infrastructure and Works Committee

15 July 2026

Commissioner's introduction

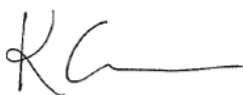
The Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026 (the Bill) proposes to amend the Criminal Code to reform the offence framework for dangerously driving or operating vehicles.

Dangerous driving offences have a devastating impact on victims and their families, particularly the families of those victims who sadly do not survive. Victims of dangerous driving experience physical injuries, psychological trauma, grief and loss, financial hardship, and disruption to family, work and social relationships.

Victims of dangerous driving face continuing challenges as they navigate medical treatment and rehabilitation, insurance and compensation processes, and engagement with investigative and criminal justice processes. Too often, these victims are left unsupported or not supported at all. In New South Wales, specialist support is provided to families of dangerous driving victims who do not survive the offence committed against them, and in this submission, I urge that consideration be given to funding similar support for victims in Queensland.

I also wish to bring to the attention of the Committee the difficulties that victims of dangerous driving encounter in the criminal justice system when plea negotiations result in the downgrading of charges and deficits in the current statutory framework provided for victim impact statements.

Finally, with the family's gracious and courageous consent this submission details the experience of the family of twenty-one-year-old, Daimler "Kyle" Bermudo who tragically lost his life when he was hit by a car that had been engaged in an unlawful street race with another driver. The current offences in the Criminal Code and the offences as proposed to be amended by this Bill provides for only one of the drivers in that street race to be held accountable for Kyle's death. This submission urges consideration of a new offence to be added to this Bill that would fill the accountability gap so that in the future both drivers could appropriately be held accountable.



Kate Connors
Victims' Commissioner

Role of the Victims' Commissioner

The role of the Victims' Commissioner is established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld)* (VCSVRB Act). My role is to protect and promote the rights and needs of victims of crime. My statutory functions include:

- providing information to victims of crime to help them navigate the criminal justice system
- dealing with complaints under the Charter of Victims' Rights
- conducting systemic reviews
- listening to victims to hear about their own, lived experiences
- advocating for victims' rights by making recommendations and providing advice to government and non-government entities about improvements to policy, practices, procedures and systems to uphold the rights of victims and better meet their needs.
- monitoring the implementation of recommendations.

Under section 6 of the VCSVRB Act, a victim includes a person who suffers harm because a criminal offence (including domestic violence) is committed against the person. This includes:

- people who have a criminal offence committed against them directly
- family members or dependants of a person who has a criminal offence committed against them
- people who are harmed because they helped another person who had a criminal offence committed against them
- witnesses of crimes.¹

The VCSVRB Act defines harm as including physical, psychological or emotional harm, damage to or loss of property, and financial or economic loss.² This definition recognises the range of impacts that a crime can have on an individual.

Review of the Charter of Victims' Rights

In February 2025, the Office of the Victims' Commissioner (OVC) commenced a systemic review of the Charter of Victims' Rights, pursuant to my functions under section 9(a) of the VCSVRB Act. The review aims to ensure the Charter of Victims' Rights effectively promotes and protects the rights of diverse victims of crime, in line with recommendations by the Women's Safety and Justice Taskforce³ and the Queensland Parliament's Legal Affairs and Safety Committee's Inquiry into support provided to victims of crime.⁴

The review is being informed by engagement with victims of crime, their advocates, family members and professionals who work with victims of crime. I will provide a report to the Minister for Youth Justice and Victim Support and Minister for Corrective Services by December 2026. More information about the review can be found on the OVC's [website](#).

This submission is informed, in part, by the views and experiences shared with the OVC thus far, as well as the victims who have provided feedback or made complaints to the OVC.

Victims' Commissioner's submission on the Bill

The Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026 (the Bill) proposes to establish a new framework for dangerous driving or operation of vehicles. This will include amendments to the Criminal Code.

The Bill omits two offences relating to dangerously operating or interfering with the operation of a vehicle in the *Criminal Code* (sections 328A and 328B). It inserts a new Chapter 29B – Dangerous driving or operation of vehicles. The new chapter provides the meaning of 'dangerously' in the contexts of driving or operating or interfering with the driving or operation of a vehicle. It includes four categories of offending:

1. dangerously driving a motor vehicle,
2. dangerously interfering with driving a motor vehicle,
3. dangerously operating a non-motor vehicle, and
4. dangerously interfering with operating a non-motor vehicle.

The new chapter introduces eight new offences:

- four offences involving motor vehicles such as cars, buses and trucks (new sections 334I and 334J)
- four offences involving other vehicles such as bicycles, skateboards, trains, and vessels (new sections 334K and 334L).

According to the Explanatory Notes, 'the Bill does not alter the operation of the offences under the Criminal Code in relation to the dangerous use of e-mobility devices such as e-scooters and e-bikes.'

The Bill outlines aggravating circumstances for each of the new offences, with strengthened penalties. According to the Explanatory Notes, the amendments in the Bill 'ensure offences committed while an offender is also committing a serious transport offence, such as drug driving or driving while disqualified, are treated more seriously and the offender is subject to higher penalties.'

New Chapter 29B also relocates the disqualification provisions regarding dangerous driving from the *Transport Operations (Road Use Management) Act 1995* (TORUM Act) to the Criminal Code, and amends sections 552A and 552B of the Criminal Code to specify the offences that can be heard and decided summarily.

The Bill also makes a series of consequential amendments to other Acts including the *Penalties and Sentences Act 1992* (Qld).

Hearing from victims of dangerous driving

Family members who have lost loved ones in road fatalities involving dangerous driving offences have shared with the OVC the profound and lasting impact of their loss. Like the families of victims in circumstances where the offender has been charged with murder or manslaughter, they experience deep and ongoing emotional trauma. They often face challenges such as managing media attention, dealing with medical examiners, accessing support services and navigating criminal justice processes or the Coroners Court.

Victims of dangerous driving offences have shared with my office the frustration and challenges associated with a lack of available support to this group of victims including:

- an absence of financial assistance available to victims in the immediate aftermath with Compulsory Third Party (CTP) insurances processes and claims taking at least 18 months to be processed. Families of those who have died are left to manage immediate costs such as loss of income, funeral expenses, and counselling assistance without financial support.
- being offered support referrals immediately following the incident, before a victim is ready or able to engage (for example, because of shock, trauma or injury), and with no subsequent follow up. In some circumstances victims have reported not being offered referrals to support services at all.
- not being referred to Victim Assist Queensland (VAQ) and not being given information about making a CTP claim, despite the strict timeframes for lodgement of CTP claims being between one and nine months from the date of the incident.

Addressing the support needs of victims of dangerous driving

The Queensland Homicide Victims Support Group (QHVSOG) is the primary not-for-profit organisation that supports victims in the aftermath of homicide in Queensland.

QHVSOG is funded by the Government to do vital work providing intensive wrap-around and ongoing support for victims in circumstances where an offender is charged with murder or manslaughter.

However, this funding does not extend to the provision of support for victims and families affected by a death resulting from other criminal offences, including the current offence at section 328A of the Criminal Code.

I understand that QHVSOG will not be funded to support victims of the new offences proposed in the Bill where a fatality has occurred. This means victims who have lost a family member as a result of a dangerous driving offence will continue to be left without the specialist support they require – not just in the immediate aftermath of the incident, but throughout the criminal justice process.

I urge the Committee to consider recommending that the government should adopt, as part of the implementation plan for the proposed new Chapter 29B of the Criminal Code, the model used in New South Wales that is operationalised through the Road Trauma Support Group ([Road Trauma Support Group NSW](#)). This model could be replicated in Queensland, with appropriate funding to QHVSOG, to address the significant gap in support and ensure victims affected by fatal road offences receive specialised end-to-end support. This could include intensive case management and financial assistance to help victims navigate the traumatic aftermath and ongoing impacts of the offence.

Circumstances of aggravation

I note that, for all the new offences proposed in the Bill, it is a circumstance of aggravation if the offender publishes material on a social media platform or an online social network to advertise the offence.

Offenders seeking notoriety by boasting on social media about committing vehicle offences has been identified as an issue of concern for several years, so I welcome this feature of the Bill. I have heard from victims how these disrespectful actions can compound the emotional trauma experienced by victims and family members, particularly those who have lost loved ones.

During a recent regional visit, I heard from a family member who described the distress they experienced after learning that the person charged with criminal offences arising from a serious road collision had been posting online about their activities while on bail. while the victim was still recovering from their injuries and pursuing compensation.

I also note that the Bill provides for a circumstance of aggravation where an offender is under the influence of alcohol or a drug, is over the high alcohol limit, or has a relevant drug present in their saliva or blood. This amendment removes the need for police or the prosecution to prove that an offender is under the influence of, or adversely affected by, a relevant drug when it is detected in their blood or saliva. This simplifies the prosecution process and exposes drug drivers to increased penalties that appropriately reflect the inherently dangerous nature of their conduct.

Victims have consistently expressed that the harm caused to them is not sufficiently recognised in sentencing outcomes, so I welcome the proposed inclusion of these aggravating circumstances.

Potential new offence – participating in an unlawful race or speed trial resulting in GBH or death of another person

I welcome provisions in the Bill proposing that, for the offences relating to driving a motor vehicle dangerously and operating a non-motor vehicle dangerously, it is a circumstance of aggravation if, at the time of committing the offence, the offender is ‘excessively speeding or taking part in an unlawful race or unlawful speed trial’.⁵

I encourage the Committee to consider an additional amendment to the Bill arising from a personal experience shared with me by the family of twenty-one-year-old, Daimler “Kyle” Bermudo. I am grateful to the Bermudo family for granting me permission to share their experience as part of my systemic review function.

Kyle was tragically struck and killed by a vehicle while he was walking home from work. The driver of that vehicle was engaged in an unlawful street race with another driver at excessively high speeds. The prosecuting agency informed the Bermudo family that the driver of the second vehicle involved in the race could not be held criminally responsible for Kyle’s death. Both vehicles reduced speed in the last seconds before the collision which also suggested that the ‘race’ had ended just prior to the collision. On this basis, the Bermudos were advised that the prosecution could not prove that the second driver was a party to the first driver’s actions applying the ‘party provisions’ of the Criminal Code (which are designed to provide accountability for joint unlawful actions), as any

encouragement the second driver had offered to the first driver had ceased at the exact moment of the collision. This resulted in the second driver pleading guilty to dangerous operation of a motor vehicle while taking part in an unlawful race, with the circumstance of aggravation of causing Kyle's death withdrawn.

The compounding impact of this tragedy has been devastating for the Bermudo family. In addition to the loss of their son, they were left disillusioned with the justice system after one of the drivers involved in the unlawful race was not held legally accountable for Kyle's death. Without the initial choice by both drivers to engage in the unlawful race, Kyle would still be alive. If the explanation of the current legal framework provided to the Bermudo family is correct, it appears there is a significant accountability gap. There are strong public policy reasons to ensure that all participants in unlawful street races that contribute to the grievous bodily harm of death of another person are held accountable.

I strongly encourage consideration of the inclusion of a new offence to the Bill to address these circumstances. The proposed offence could be framed as:

"knowingly participating, directly or indirectly, in an unlawful race or unlawful speed trial, which results in, or contributes to, the cause of the death or grievous bodily harm of another person".

Consistent with the position of the other offences in the Bill, the offence should carry a maximum penalty of 16 years imprisonment. The introduction of such an offence would help ensure no other family experiences the profound sense of injustice that has so deeply affected the Bermudo family. It would also hopefully act as a strong deterrent to those who participate in what is an inherently dangerous and illegal activity.

Importance of consultation with victims when downgrading charges

My office has heard from victims who have been dissatisfied with charges laid (and decisions to downgrade charges) and sentences imposed following a dangerous driving incident. When charges are downgraded, victims can feel that their experience, and the severity of their injury or loss, is being minimised by the criminal justice system. They can also feel that offenders are not being held accountable for their actions.

Under the Charter of Victims' Rights, victims should be treated with respect, courtesy, compassion and dignity. They also have a right to be informed about each major decision made about the prosecution (including the reasons for the decision) and the sentence imposed.⁶ The right to be informed about, and provided with reasons for,

major decisions places an obligation on police officers and prosecutors to ensure that those reasons are clearly explained to victims and understood by them.

While there is no specific Charter right to be consulted about a decision to downgrade charges, the Director of Public Prosecutions Guidelines (the Director's Guidelines) emphasise the importance of consultation with victims in charge negotiations.⁷ I also note that the Director's Guidelines apply to the prosecution of all indictable offences in Queensland including when those offences are prosecuted by the QPS Police Prosecution Corps. However, the experience of victims who have contacted my office indicate that the Director's Guidelines are not always adhered to in practice with respect to the offence type covered by proposed amendments in the Bill.

It is critical that victims of dangerous driving offences are consulted when charges arising from an incident are downgraded and that they are provided with a clear explanation of the reasons for that decision. Meaningful engagement with victims in these circumstances ensures victims' experiences are acknowledged and their voices heard, while also supporting their understanding of, and expectations for, the criminal justice process. These discussions may also provide an appropriate opportunity to refer victims to additional support services to address their needs.

I note that the scope of the Office of the Director of Public Prosecutions right to review policy does not currently cover the downgrading of charges and the QPS' right to review policy only applies to sexual violence offences.

I encourage the Committee to consider the inclusion of a recommendation in its report to Parliament that the implementation plan for this Bill make resources available for training to be provided for prosecutors (both police and ODPP) – not only on the content of the new Chapter of the Criminal Code, but also on the application of the both the Charter of Victims' Rights and the Director of Public Prosecutions Guidelines when prosecuting the proposed new offences.

Reform of victim impact statements

The Bill makes consequential amendments to the *Penalties and Sentences Act 1992* (Qld) (PSA) so that the new offences of causing the death of, or grievous bodily harm to, another person, are considered serious violent offences.⁸ Under the Charter of Victims' Rights, victims of violent crime, or domestic and family violence, including family members or dependants of those harmed or killed, have the right to make a victim impact statement (VIS) under the PSA.⁹

A VIS, provided at the sentencing of an offender, enables victims to articulate how the crime has affected their lives, including emotional trauma, physical injuries and financial

loss. Providing a VIS is one way that victims can find dignity and exercise choice and control in a complex and often confronting environment. The capacity for victims to participate in this way in the justice process, and to voice their experience in their own words, is critical for their empowerment and healing. VIS are also important tools for informing judicial officers of the full extent of harm caused.

It is essential that all victims are respected, seen and heard in our criminal justice system. Victims of road trauma have shared with my office that being able to participate in the justice process and share their experiences in their own words is vital for their healing and sense of empowerment. However, my office has heard of instances where the VIS system does not always operate appropriately for these victims. Two relevant examples are:

- Where an offender pleads guilty to a lesser charge which does not allege 'causing death' as an element of the offence, the offence is no longer a 'relevant offence' and therefore the family members of the deceased are no longer 'affected victims' with a right to provide a VIS.
- Intervenors who suffer harm while rendering first aid at road fatalities that result in criminal charges may not be recognised by QPS or the ODPP as 'affected victims', meaning that they are not informed of the progress of the investigation and prosecution (as required under the Charter of Victims' Rights) and are not given an opportunity to provide a VIS during sentencing.

More generally, my office regularly hears from victims about the difficulties they experience in making a VIS and having it considered during sentencing. Some of the issues raised include being provided with insufficient time to prepare a VIS and victims being misinformed about the nature of a court process (e.g. being told that a court date was for a plea only, not sentencing).

I am pleased to note that the Department of Justice is currently reviewing the VIS scheme in the PSA and I look forward to working with the Department of Justice on that important review. However, as the review is unlikely to be finalised before the commencement of the offences in the Bill, I would strongly urge further training being provided to government agencies to recognise intervenors as affected victims in vehicle incidents as part of the implementation plan for this legislation.

Endnotes

¹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) ('VCSVRB Act') s 6.

² VCSVRB Act s 6.

³ Women's Safety and Justice Taskforce. *Hear her voice: Women and girls' experiences across the criminal justice system* (Report 2, 2021) 14.

⁴ Legal Affairs and Safety Committee, *Inquiry into support provided to victims of crime* (Report No. 48 to 57th Parliament, 2023) vi.

⁵ Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026 (Qld) cl 6.

⁶ VCSVRB Act sch 1.

⁷ Director of Public Prosecutions Guidelines as at 30 June 2024, para 17(vi).

⁸ Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026 (Qld) pt 4.

⁹ VCSVRB Act sch 1.