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19th of March, 2018
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The Committee Secretary
Transport and Public Works Committee
Parliament House
George Street
BRISBANE QLD 4000

As an interested party I would like to make a submission to the Committee. My interest stems from the loss of my daughter last year, who was killed by a foreign driver who went through a Give Way sign causing a collision and running her over as she was waiting on a traffic island for it to be safe to cross.

I have been badly let down by 1. The Queensland Government, 2. The Police Prosecutors and 3. The [REDACTED] judiciary of Queensland, in the person of magistrate Barry Cosgrove.

At approximately 7:40am on the 14th of June, 2017 my daughter Yasmin was crossing Thomas Street, Camp Hill while walking on the northern side of Samuel Street. Aashish Tiwari came to the intersection from the southern side of Thomas Street intending to cross Samuel into the northern part of Thomas. He waited 8 seconds at the Give Way sign before planting his foot and shooting across the intersection without checking if his left side was clear. It was NOT and he was struck by another vehicle causing his car to hit my daughter on the traffic island (refuge island, sic) causing massive injuries including 7 skull fractures.

Yasmin was a fighter, surviving for around 18 hours in the ICU at P.A. Hospital before she died, and changing the lives of all who loved her.

I will outline my reasons for feeling let down.

1. The Queensland Government has had coroner's reports recommending the introduction of a new law of Negligent Driving Causing Injury or Death, which would come between Driving Without Due Care and Attention (which Tiwari was charged with) and Dangerous Operation of a Vehicle Causing Death (which I pled with prosecutors to charge him with). I have been unable to get a meeting with any members of the government to outline my concerns, with all I have tried to arrange a meeting either being uninterested or simply just ignoring me. The Queensland government carries on with useless frivolities and is not interesting in helping innocent Queenslanders. The amendments proposed by the government do not go far enough. Please

introduce a new intermediate offence of NEGLIGENT DRIVING CAUSING INJURY OR DEATH, with the penalties listed below.

2. It is my opinion that the Police were either too inept or too lazy to go for the higher charge. The Queensland Law Handbook states that in a charge of dangerous operation ACTUAL dangerous operation does NOT have to be proved, only POTENTIAL dangerous operation. Even the dopest person would realise that going through an intersection with a Give Way sign without ensuring it was clear has great potential for danger. Four times I pled with the Police to charge Tiwari with Dangerous Operation, to no avail.
3. Magistrate Barry Cosgrove, while only able to sentence Tiwari on the charge before him, stated that "the offending was at the high end of the charge" and "he was going to send a message not just to Tiwari but to the general motoring community". Why then did he not give a sentence at the high end of the sentencing? I used to have a modicum of respect for the judiciary, but after this sentence and others I have since become aware of, I have zero respect. They do not impose sentences in line with community expectations.

He also said that he could only sentence on the charge before him. So in effect, Tiwari has only been sentenced for going through a Give Way sign and will never be held responsible for the death of a loving, vibrant human being. He killed someone, she doesn't come back after 6 months like his licence. It is forever and he will never be held accountable for that in this world. That is wrong. A person who accidentally kills another is usually held accountable for manslaughter. Why is it not manslaughter if a motor vehicle is used?

The minimum penalties listed below would circumvent weak as water magistrates and ensure miscreants would get what they deserve.

After having said that, I wish to submit that the new law of Negligent Driving Causing Injury or Death be introduced as soon as possible with penalties in line with community expectations, such as:

Gaol sentences of up to 10 years depending on the circumstances but with a minimum of 2 years without parole.

A monetary penalty of up to \$10,000 with a minimum fine of \$3,000

A loss of driving licence for a period of up to 10 years with a minimum of 2 years if someone is injured, and 5 years if someone is killed.

I have heard that magistrates don't sentence people to gaol because of overcrowding in our prisons. That is a nonsense excuse. Why has the government not built sufficient infrastructure to incarcerate miscreants who kill on our roads?

There are many expenses involved when someone dies, so maybe a portion of the monetary penalty could be diverted to cover part of the funeral expenses. A compassionate government would legislate for this.

Besides gaol, the licence disqualification should be of a sufficient length to punish, as well as keep other citizens safe for the period of disqualification, and the monetary penalty enough to sufficiently punish them.

I am also disappointed that a foreigner who was in the country less than 1 ½ years was in possession of a full licence. Especially as it turned out the Police could not access his driving record in india. Why do our children have to go through a learners permit, green and red P's before getting a full licence and foreigners can just present a foreign licence which might or might not be a forgery. His driving record in this country included going through a red light as well as his fatal failing to give way at a Give Way sign.

Thank you,

Thomas Glynnwyn (Glynn) Harnell

Heartbroken father of Yasmin McAllister, [REDACTED]