

From: [REDACTED]
To: [TPWC](#)
Subject: SUBMISSION FOR TOUGHER DRIVING PENALTIES
Date: Thursday, 22 March 2018 11:21:47 AM

To Whom It May Concern,

I have enclosed my submission for the Law changes for driving.

Trisha Mabley
[REDACTED]

To Whom It May Concern,

As an interested party I would like to make a submission to the Committee. My interested stems from the accident my son was injured in last year, whose friends Sarah and Daniel Walker were killed by Donald Gayler on the 17th April 2017.

I have been badly let down by 1. The Queensland Government, 2. The Police Prosecutors and 3. The laws of Queensland.

At approximately 3:05pm on the 17th April 2017 my son and his friends were in the back seat of the car heading home from Bundaberg. As they approached just outside of Tiaro. Mr Gaylers car veered onto the wrong side of the road and clipped one car and collided head on to the car that my son was a passenger in the back seat. Killing instantly my sons two friends Sarah and Daniel, and injuring my son and Sarah's son. My son was airlifted to Princess Alexander hospital with two fracture ribs and two fractured vertebrates and two broken legs also third degree burns down his right leg.

Peter was a fighter, he spent few days in ICU and and extensive amount of time in hospital to be released on the 1st June 2017.

I will outline my reasons for feeling let down.

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 Gayler was charged with) and Dangerous Operation of a Vehicle Causing Death (which we hoped the prosecutors could charge him with, but due to the laws it would be to hard to prove. As this man is a lawyer, he knew what to word and how to word things). It is in my opinion that the Police were unable 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 simplest person would realise that being on a 30hr flight, getting off the plane and driving back 3 ½ hours has great potential for danger. Magistrate, while only able to sentence Gayler 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 Gayler 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, Gayler has only been sentenced for driving without care and attention and will never be held responsible for the death of a two loving, vibrant human beings. He killed two people. Sarah and Daniel do not come back after 3 months like his license. It is forever and he will not 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?

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:

- Jail 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 license for a period of up to 5 years with a minimum of 2 years.**

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 jail, the license disqualification should be of a sufficient length to punish, as well as keep other citizens safe for the period of disqualification.

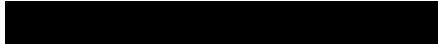
If Jail is not applicable to their sentencing, I submit these punishments to have immediate effect once granted their license again:

- They go back on learners for 2 years not 1**
- Accumulate 200 hours of driving experience instead of 100**
- Defensive driving course.**
- Restrict their driving times between 6am and 11pm (just like anyone undergoing license suspension).**
- Have a blood alcohol level of zero for as long as they are behind the wheel.**

Restrict their lives like our lives have been restricted by the accident or incident.

Yours Sincerley

**Trisha Maree Mabley
Walkers Law**



**Kind Regards
Trisha Mabley**