

9 January 2019

Mr David Janetzki  
Shadow Attorney-General and Minister for Justice  
by email: [REDACTED]

Our ref BP:MD

Dear Mr Janetzki

### **Increasing penalties in hit and run incidents**

I write following a recent news report of certain road traffic accidents.

The death of any individual in our society is extremely tragic matter and is made all the more regrettable when it occurs in as the result of a road traffic incident. These are understandably emotive circumstances for our community and the public is right to be concerned about road safety.

I note your recent comments that some sentences for these offences appeared manifestly inadequate.

Our judiciary is given the unenviable task of assessing human frailty and seeing only the worst cases. In my career as a criminal lawyer I have witnessed many lives irrevocably destroyed by motor accident related deaths – both of families and inattentive drivers whose moment of distraction has sentenced them to a worse punishment than any the justice system can deliver.

In terms of sentencing, it is worth noting that no post event punishment can bring back those who have been killed and no penalty on the statute book, however severe, can deter recklessness or momentary carelessness. Changing attitudes saves more lives than changing penalties.

The Sentencing Advisory Council recently published a Sentencing Spotlight on dangerous operation of a vehicle causing death<sup>1</sup>, which reminds us that it is an aggravating factor to leave the scene of the incident where a person has been killed or injured. This increases the maximum penalty to 14 years imprisonment for the offending motorist. Additionally, in June last year and with the support of your party, the penalty for any driver involved in a road

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<sup>1</sup> [https://www.sentencingcouncil.qld.gov.au/data/assets/pdf\\_file/0010/590662/sentencing-spotlight-on-dangerous-operation-of-a-vehicle-causing-death.pdf](https://www.sentencingcouncil.qld.gov.au/data/assets/pdf_file/0010/590662/sentencing-spotlight-on-dangerous-operation-of-a-vehicle-causing-death.pdf)

## Increasing penalties in hit and run incidents

accident (where a person dies or was grievously harmed) who leaves or does not try to get medical aid was increased from one year's imprisonment to three years<sup>2</sup>.

The law is robust and clear on the obligation to remain at the scene of an incident and seek aid.

Mandatory sentencing and higher penalties will not prevent road incidents or tragic deaths.

I agree with you that these are terrible tragedies, but in my experience the justice system can only deal with the aftermath of these tragedies. Road safety education and obvious policing are the keys to preventing lives being wasted.

Yours faithfully



Bill Potts  
**President**

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<sup>2</sup> Section 92, *Transport Operations (Road Use Management) Act 1995*