

Dangerous driving occasioning GBH

From 1 January 2014

Transitional Sentencing Provisions: This table is divided into thirds based on the three relevant periods of Sentencing Provisions:

- Post-transitional provisions period
- Transitional provisions period
- Pre-transitional provisions period

These periods are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.

Glossary:

agg	aggravated
att	attempted
BAC	blood alcohol content
circ	circumstances
conc	concurrent
cum	cumulative
ct	count
DDOD	dangerous driving occasioning death
DDOBH	dangerous driving occasioning bodily harm
DDOGBH	dangerous driving occasioning grievous bodily harm
disq	disqualification
DUI	driving under the influence
EFP	eligible for parole
imp	imprisonment
PG	plead guilty
RTA	<i>Road Traffic Act 1974 (WA)</i>
susp	suspended
TES	total effective sentence

No.	Case	Antecedents	Summary/ facts	Sentence	Appeal
7.	<p><i>The State of Western Australia v Murray</i></p> <p>[2020] WASCA 190</p> <p>Delivered 16/11/2020</p>	<p>46 yrs at time offending. 49 yrs at time sentencing.</p> <p>Convicted after trial.</p> <p>Minor criminal history; convicted disorderly conduct 1992.</p> <p>Divorced; two children; current relationship 4 yrs.</p> <p>Good work history; gainfully employed throughout adult life; hard working, skilled and reliable.</p> <p>Collison significant impact on his physical health; unable to work approx 12 mths.</p> <p>Serious and ongoing impact on him as a result of the very severe injuries and the very significant residual disabilities suffered by his son.</p>	<p>Ct 1: DDOD. Ct 2: DDOGBH.</p> <p>Murray was driving a high-powered vehicle. His 18 yr-old son, Thomas, was a passenger in the vehicle.</p> <p>Under heavy acceleration Murray executed an overtaking manoeuvre. The road was damp and he was driving well in excess of the 60 km p/h speed limit when he lost control of the vehicle and careered across the central reservation into the path of a vehicle, driven by Mrs R.</p> <p>Mrs R died from the injuries she received in the collision.</p> <p>Thomas sustained a severe brain injury, extensive fractures and internal injuries. He is unlikely to ever regain his full physical or mental health.</p> <p>Murray also sustained serious injuries from the collision.</p>	<p>Ct 1: 2 yrs 3 mths imp (cum). Ct 2: 6 mths imp (cum).</p> <p>MDL disq 2 yrs.</p> <p>TES 2 yrs 9 mths imp.</p> <p>EFP.</p> <p>The trial judge found the respondent's dangerous driving was in the mid to higher range; the collision and its tragic consequences were caused by his manner of driving, which included unnecessary speed and the mishandling of the vehicle.</p> <p>Death of Mrs R had incredible wide-ranging consequences, in particular serious impact upon her child with Down Syndrome.</p> <p>Respondent very respectful of Mrs R and her family; regretted what he had done and the trauma he caused; not fully accepting of</p>	<p>Allowed.</p> <p>Appeal concerned length of individual sentences and totality principle.</p> <p>Resentenced to:</p> <p>Ct 1: 3 yrs 3 mths imp. (cum). Ct 2: 9 mths imp (cum).</p> <p>TES 4 yrs imp.</p> <p>EFP.</p> <p>MDL disq not disturbed.</p> <p>At [65] when the sentence ... is viewed from the perspective of the max penalty (7 yrs imp and a fine of any amount); the facts and circumstances of the offence; the seriousness of the offending (including the vulnerability of the victim, Thomas Murray); the place which the offending occupies on the scale of seriousness of offences of this kind; the general pattern of sentencing for offences of this kind; the importance of general deterrence and the protection of vulnerable members of the public in motor vehicles on public roads as sentencing considerations; ...</p>

				responsibility; continued to maintain the collision was caused, or contributed to by mechanical defects in his vehicle. Most unlikely to reoffend.	ct 2 was not merely 'lenient' or 'at the lower end of the available range'. It was substantially less than the sentence that was properly open to her Honour ...
6.	<i>Gilbert v The State of Western Australia</i> [2020] WASCA 148 Delivered 09/09/2020	22 yrs at time offending. 23 yrs at time sentencing. Convicted after early PG (25% discount). Prior criminal history. Completed yr 12 high school. Reasonable employment history; volunteer work almost 13 yrs. Problematic alcohol use. Mental health issues; struggled with emotional distress and depression prior to offending.	Ct 1: DDOGBH. Ct 2: Fail to stop and render assistance to victim of incident occasioning GBH. Ct 3: Driver failing to report incident occasioning GBH. Gilbert was driving his vehicle in a southerly direction, wandering from side to side and on the wrong side of the road. At an intersection a motorist travelling east had to take evasive action to avoid Gilbert's vehicle. He then turned at the intersection and almost immediately drove up onto the footpath and verge. The victim, riding a motor cycle, approached Gilbert's vehicle from the rear. Without warning Gilbert began executing a u-turn into the path of the victim's motor cycle. The victim could not avoid a collision. His motor cycle struck Gilbert's vehicle and he was thrown onto the road. Gilbert continued to execute the u-turn, during which he drove over the victim's leg. Gilbert then drove off, making no attempt to stop after the collision or to report the	Ct 1: 3 yrs 6 mths imp (cum). Ct 2: 12 mths imp (cum). Ct 3: 6 mths imp (conc). TES 4 yrs 6 mths imp. EFP. Significant physical and psychological trauma suffered by the victim. Appellant remorseful; significant efforts made towards rehabilitation.	Dismissed. Appeal concerned totality principle. At [47] There is no doubt that the appellant's overall offending in the present case was serious. He drove his motor vehicle while he was highly intoxicated. ... After the incident ... the appellant continued driving from the scene ... [The victim] was vulnerable. A rider of a motor cycle is at risk of serious injury or death if struck by a motor vehicle. [The victim] suffered severe physical and emotional trauma. ... At [48] ... It was necessary, having regard to all relevant facts and circ of the offending and all relevant sentencing factors, to mark the seriousness of the appellant's overall offending by accumulating the individual sentence for ct 1 and the individual sentence for ct 2.

			<p>incident to the police before he was taken into custody.</p> <p>Gilbert travelled about 450 m before colliding with a power pole.</p> <p>Analysis revealed Gilbert had a BAC of 0.226% at the time of the incident.</p> <p>The victim suffered multiple fractures and soft tissue damage to his leg. Surgery was unsuccessful and his leg was eventually amputated below the knee.</p>		<p>At [49] ... A custodial term of that length was necessary in order properly to reflect the serious character of the appellant's offending, viewed as a whole, ...</p>
5.	<p><i>The State of Western Australia v Molloy</i></p> <p>[2020] WASCA 123</p> <p>Delivered 05/08/2020</p>	<p>34 yrs at time offending. 35 yrs at time sentencing.</p> <p>Convicted after PG (25% discount).</p> <p>Serious and extensive criminal history; multiple convictions for stealing a MV and reckless driving; most of adult life spent in custody; disq for life from holding or obtaining MDL.</p> <p>Dysfunctional early childhood; characterised by drug use and exposure to criminal and anti-social behaviour; death of father and step-father to suicide.</p> <p>Struggled at school.</p> <p>Proficient motor vehicle</p>	<p>Ct 1: Steal MV. Cts 2-5: Agg DDOGBH. Cts 6-7: DDOBH Ct 8: Agg DDOD. Ct 9: Failing to report an incident occasioning BH. Ct 10: Fail to stop and render assistance to victim of incident occasioning BH.</p> <p>Molloy stole a motor vehicle and drove it on a highway with a 70 km/h speed limit. He was travelling at about 100 km/h and not paying sufficient attention when he crashed into the rear of a van stopped at a red traffic light.</p> <p>The van was carrying eight family members, including two young children aged 6 and 5 yrs.</p> <p>The impact caused the front of the van to become wedged under the trailer of a truck, which was stationary in front of the van.</p>	<p>Ct 1: 12 mths imp (conc). Ct 2: 2 yrs 6 mths imp (cum). Ct 3: 2 yrs 6 mths imp (conc). Ct 4: 2 yrs 6 mths imp (conc). Ct 5: 2 yrs imp (conc). Ct 6: 12 mths imp (conc). Ct 7: 12 mths imp (conc). Ct 8: 4 yrs imp (cum). Ct 9: 18 mths imp (conc). Ct 10: 12 mths imp (cum).</p> <p>MDL disq 5 yrs.</p> <p>TES 7 yrs 6 mths imp.</p> <p>EFP.</p> <p>The sentencing judge found the respondent's offending was aggravated by the fact he was driving</p>	<p>Allowed.</p> <p>Appeal concerned length of individual sentences cts 2-5 and 8 and totality principle.</p> <p>Resentenced (25% discount):</p> <p>Ct 1: 2 yrs imp (cum). Cts 2-4: 4 yrs 6 mths imp (conc). Ct 5: 4 yrs imp. Ct 6: 18 mths imp (cum). Cts 7 & 9: 18 mths imp (conc). Ct 8: 6 yrs 6 mths imp (cum). Ct 10: 3 yrs imp (conc).</p> <p>MDL disq 5 yrs.</p> <p>TES 10 yrs imp.</p> <p>EFP.</p> <p>At [77] The respondent's offending in relation to ct 8 was</p>

		<p>mechanic.</p> <p>Number of serious relationships; marred by conflict, substance abuse and jealousy; single at time of sentencing.</p> <p>Heroin dependence; commenced intravenous heroin use from aged 13 yrs; other illicit drug use.</p> <p>Good physical health; no serious or medically treatable mental illness.</p>	<p>Molloy immediately fled the scene on foot. He then telephoned his mother, who collected him from a location near the crash scene.</p> <p>Molloy failed to report the accident to police or to assist any of the victims of the accident.</p> <p>The driver and all passengers suffered injury and were taken to hospital.</p> <p>Two of the passengers underwent surgical treatment</p> <p>The 5 yr old passenger sustained a severe head injury. He was declared brain dead and later died.</p>	<p>a stolen vehicle and he had been disq for life from holding or obtaining a driver's licence.</p> <p>The sentence judge found the respondent drove at an excessive speed; failed to take any evasive action and showed a complete disregard for other road users.</p> <p>Victims suffered very substantial trauma as a result of the offending.</p> <p>Genuinely remorseful; accepted responsibility for his offending; suffered significant distress; depression and att suicide since offending.</p>	<p>very serious. ... [He] was driving a stolen vehicle He was driving while disq for life from holding or obtaining a driver's licence He was driving at a speed of 96 km an hr about 3 km before the collision. An eye witness estimated that [he] was travelling at about 100 km an hr immediately before the collision. ... He did not brake, swerve or attempt to steer around the victims' van which was stationary at a red traffic light. ... [He] demonstrated a complete disregard for other users of the road.</p> <p>At [81] In our opinion, the sentence ... for ct 8 was not commensurate with the seriousness of the offence. ... The sentence was not merely 'lenient' or 'at the lower end of the available range'. It was substantially less than the sentence that was open to his Honour on a proper exercise of his discretion.</p> <p>At [88] We are satisfied that the individual sentences of ... imp for cts 2, 3 and 4 and the individual sentence of ... imp for ct 5 were not commensurate with the seriousness of the offences. ... the length of each sentence was</p>
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					<p>unreasonable or plainly unjust. ... Each sentence was not merely 'lenient' or 'at the lower end of the available range'. Each sentence was substantially less than the sentence that was open to his Honour on a proper exercise of his discretion.</p> <p>At [91] In our opinion, the TES ... did not bear a proper relationship to the overall criminality involved in all of the respondent's offences, viewed together, and having regard to all relevant facts and circumstance and all relevant sentencing factors. ... The objective facts and circumstances of the offending, viewed as a whole, were very serious. The TES was unreasonable or plainly unjust. It was not merely 'lenient' or 'at the lower end of the available range'. The TES was substantially less than the TES that was open to his Honour on a proper exercise of his discretion.</p>
4.	<p><i>Paulose v The State of Western Australia</i></p> <p>[2019] WASCA 182</p> <p>Delivered 15/11/2019</p>	<p>48 yrs at time offending. 49 yrs at time sentencing.</p> <p>Convicted after PG (20% discount).</p> <p>No prior criminal history.</p> <p>Born India; death of father</p>	<p>Ct 1: DDOGBH</p> <p>Cts 2 & 3: Failing to stop and render assistance</p> <p>Cts 4 & 5: Failing to report an incident.</p> <p>Ct 6: Unlawful killing.</p> <p>Paulose drove his motor vehicle after consuming alcohol. He drove erratically and veered to the right of the road and mounted</p>	<p>Ct 1: 1 yr imp (cum). MDL disq 5 yrs.</p> <p>Cts 2 & 3: 3 yrs 6 mths imp (conc).</p> <p>Cts 4 & 5: 2 yrs imp (conc).</p> <p>MDL disq cts 2-5: 2 yrs (cum).</p> <p>Ct 6: 8 yrs imp (cum).</p>	<p>Dismissed.</p> <p>Appeal concerned totality principle.</p> <p>At [57] ... the appellant's overall offending was very serious. ... The victims of the appellant's offending were highly vulnerable.</p>

		<p>when aged 17 yrs; financial hardship.</p> <p>Well educated; attained Bachelor degree.</p> <p>Strong marriage; two children; wife seriously ill at time offending; supportive family.</p> <p>Arrived Australia 2015; own business; financial difficulties; ceased trading to care for his wife.</p> <p>History of charitable work through Church.</p> <p>Good physical health; some history of mental health issues; including depression; using alcohol to excess as a means to cope at time offending.</p>	<p>the traffic island between lanes.</p> <p>Paulose made no attempt to brake and his vehicle collided with two males, ages 16 yrs and 15 yrs, waiting to cross the road. He narrowly avoided a third male aged 12 yrs.</p> <p>Paulose drove from the scene without rendering assistance to either victims or reporting the incident to police. He later claimed this was because he feared being assaulted.</p> <p>Paulose was arrested several hrs later. Analysis revealed a blood alcohol level of 0.212g/per 100mL of blood at the time of the collision. During interview he admitted to consuming alcohol prior to driving.</p> <p>The two victims sustained life threatening injuries. One victim was placed on life support but later died. The other suffered fractures in his back and bleeding on the brain.</p>	<p>TES 9 yrs imp.</p> <p>MDL disq 7 yrs.</p> <p>EFP after 7 yrs.</p> <p>The sentencing judge characterised the offending as serious; he engaged in a gross breach of traffic rules; he knew he was heavily intoxicated yet he made a decision to drive in circ where he was clearly incapacitated and he had no particular reason to drive beyond mere convenience.</p> <p>The sentencing judge found an agg factor was the appellant's driving was so erratic and unexpected that the victims had no opportunity to take evasive action.</p> <p>Remorseful; empathy for families of the victims; insight into impact of his offending; addressing his alcohol use; low risk of re-offending.</p>	<p>At [60] It was appropriate for the sentencing judge to order some accumulation of the sentence for the ct of unlawful killing and the sentence his Honour would otherwise have imposed for the ct of DDOGBH while under the influence of alcohol ...</p> <p>At [61] ... The sentence was commensurate with the overall seriousness of the offending ...</p>
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<p>3.</p>	<p><i>The State of Western Australia v Berry</i></p> <p>[2016] WASCA 113</p> <p>Delivered 07/07/2016</p>	<p>35 yrs at time sentencing.</p> <p>Convicted after early PG (25% discount).</p> <p>Prior criminal history, including convictions for DD and failing to stop after an accident; reckless driving and DUI.</p> <p>Exposed to domestic violence prior to his father's death at age 5.</p> <p>Difficult school years and played truant from year 11.</p> <p>Employed in labouring roles prior to caring for partner with mental illness; sole carer of their four children.</p> <p>Serious alcohol problem; occasional user of cannabis and amphetamines.</p>	<p><u>Indictment</u> Cts 1-3: DDOGBH.</p> <p><u>Section 32 notice</u> Ch 1: DUI. Ch 2: DDOBH.</p> <p>Berry had been drinking heavily and was in an agitated state after an argument when he left home with his four children (aged 9, 8, 7 and 4 yrs at time of sentencing) in the car. His mother pleaded with him not to take the children but Berry ignored her pleas.</p> <p>Berry drove well above the 70 km/h limit and unlawfully overtook cars ahead of him using painted traffic islands as de-facto overtaking lanes. During one of these manoeuvres Berry lost control of his car. It left the road, mounted the curb and collided with a tree, continued through a chain link fence and hit a parked car.</p> <p>All four children were injured.</p> <p>One was flung from the car on impact and landed on the road. He suffered a serious spinal cord injury and is likely to be permanently wheelchair bound.</p> <p>Another received fractures to both upper arms and his vertebrae and was likely to have permanent reduced movement in his shoulder and arm.</p> <p>Another child suffered a fractured leg that needed surgery.</p>	<p><u>Indictment</u> Ct 1: 20 mths imp (cum). Ct 2: 15 mths imp (conc). Ct 3: 15 mths imp (conc).</p> <p>2 yr MDL disq on each ct (conc).</p> <p><u>Section 32 notice</u> Ch 1: \$1,600 fine. 18 mth MDL disq (conc). Ch 2: 4 mths imp (cum). 2 yr MDL disq (conc).</p> <p>TES 2 yrs imp; 2 yrs MDL disq.</p> <p>The sentencing judge took into account the guilt and anguish Berry suffered in causing such serious harm to his children.</p> <p>High risk of re-offending if alcohol abuse not addressed.</p>	<p>Allowed.</p> <p>State challenged length of each DDOGBH sentence, totality and length of MDL disq.</p> <p>Sentences imposed on cts 1-3 set aside. Re-sentenced: Ct 1: 3 yrs 6 mths imp. Ct 2: 2 yrs imp. Ct 3: 2 yrs imp.</p> <p>4 yr MDL disq on each ct.</p> <p>Section 32 notice sentences unchanged.</p> <p>Cts 2 and 3 on the ind and the DDOBH on the section 32 notice to be served conc with each other, but partly conc with the sentence on ct 1. Ct 1 to commence 1 yr after the commencement of cts 2, 3 and the section 32 notice.</p> <p>All periods of disq conc.</p> <p>TES 4 yrs 6 mths imp; 4 yrs MDL disq.</p> <p>EFP.</p> <p>At [40] The respondent's conduct cannot be regarded as an out of character aberration.</p> <p>At [42] ... the respondent knew</p>
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			<p>The other child escaped with bruising and abrasions.</p> <p>After the accident Berry was aggressive towards people trying to assist and attending police.</p> <p>Berry initially refused a breath test. His BAC was 0.168.</p>		<p>he had a problem with alcohol but took no steps to overcome it and instead drove with the children in the car when he must have known he was not in a fit state to drive and was exposing them to serious and unnecessary danger.</p> <p>At [44] ... the respondent's offending conduct fell a long way short of his parental obligations, particularly given the children's vulnerability by reason of their young age.</p> <p>At [45] ... the respondent's relevant prior convictions, his admission that he had previously driven in an intoxicated state with his children, and his inability to address his alcohol issues even after the commission of the offences, emphasise the need to deter the respondent himself.</p>
2.	<p>Rubin v The State of Western Australia</p> <p>[2016] WASCA 2</p> <p>Published 08/01/2016</p>	<p>61 yrs at time offending.</p> <p>Convicted after early PG (25% discount)</p> <p>No prior criminal history.</p> <p>Impeccable antecedents with no risk of reoffending.</p> <p>Well educated with a university degree and good working history.</p>	<p><u>Indictment</u></p> <p>2 x DDOD.</p> <p>3 x DDOGBH.</p> <p><u>Section 32 Notice</u></p> <p>1 x DDOBH.</p> <p>The appellant lived in the USA and had limited experience of driving on the left-hand side of the road. He drove along a dual carriageway, which converted to a single carriageway in each direction, separated by a double white line.</p>	<p>2 x DDOD: 18 mths imp each cnt (conc).</p> <p>3 x DDOGBH: 12 mths imp each cnt (conc).</p> <p><u>Section 32 Notice</u></p> <p>6 mths imp (conc).</p> <p>TES 18 mths imp.</p> <p>EFP</p> <p>Sentencing judge observed the appellant</p>	<p>Dismissed.</p> <p>Appeal concerned findings of fact, general deterrence and type, not length, of sentence.</p> <p>At [53] Mr Rubin ... erroneously believed that he was still driving on a dual carriageway. When account is taken of the four signs which were clearly and readily visible to drivers travelling south, the line markings on the surface</p>

		<p>Close supportive family and highly regarded within the community.</p> <p>Co-operated with the police.</p> <p>Deeply and genuinely remorseful.</p>	<p>The appellant failed to see various signs and visual markers that indicated he was travelling on a single carriageway. Shortly after the road merged into single lanes the appellant drove onto the incorrect side of the road and collided head on with a vehicle being driven in the opposite direction.</p> <p>As a result of the collision the appellant's wife was killed and his daughter seriously injured.</p> <p>The driver of the other vehicle was seriously injured, along with his father; his 2 yr old daughter died and his partner suffered bodily harm.</p>	<p>suffered serious physical injuries as a result of the collision and that it had a profound effect upon his psychological state; the tragic consequences of the accident resulted in adverse consequences to him of a greater scale and dimension than any possible consequences of the range of sentences reasonably open to the sentencing court.</p> <p>Considered a suspended sentence would fail to adequately reflect the serious nature of the offence.</p>	<p>of the road, and the period of time and distance over which Mr Rubin had the opportunity to observe those matters and draw an appropriate conclusion from them, it cannot be said that it is difficult to envisage a case in which the culpability of the conduct could be lower.</p> <p>At [75] The appellant's culpability was not aggravated by such matters as excessive speed, deliberate dangerous driving or the ingestion of illicit drugs or alcohol, his driving nevertheless represented a significant departure from the standards expected of a reasonable driver. The appellant failed to see no less than four signs. Further, he failed to note the change in the road markings which conveyed that he was no longer driving on a dual carriageway. The appellant's failure to see these things speaks of a high degree of inattentiveness which was more than merely momentary.</p> <p>At [78] An additional factor which his Honour took into account, and which cannot be ignored, is the need for general deterrence.</p>
1.	<i>Drage v The State of Western</i>	50 yrs at time offending.	<u>Indictment</u> 1 x DDOGBH.	<u>Indictment</u> 1 yr 9 mths imp.	Dismissed.

<p><i>Australia</i></p> <p>[2015] WASCA 145</p> <p>Delivered 28/07/2015</p>	<p>Convicted after PG.</p> <p>Lengthy criminal history of mostly drug and traffic offences. Some convictions for offences involving violence.</p> <p>Self-employed truck driver.</p> <p>Dependent child aged 12; three adult children.</p> <p>Good physical health.</p> <p>Good reputation in local community; regularly assisted police in towing vehicles.</p>	<p><u>Section 32 Notice</u> 2 x DDOBH.</p> <p>At around 11.00pm, the appellant was at a beach access ramp to tow a car. When leaving the beach, the appellant spun the wheels of his car when passing a group of people, causing sand and debris to shower onto them. In response, a member of the group threw a can of beer at the appellant's car. The appellant continued up the access road to the junction of the sealed road and stopped his car to unlock the four-wheel drive hubs on the front wheels. He walked down to remonstrate the group for throwing the can and they in turn remonstrated him for his driving and causing sand to go into the eyes of a member of the group.</p> <p>The appellant returned to his car and parked it, rather than leaving. The victim, Lange, arrived at the top of the access road and stood in the middle of the road waving his arms at the appellant. The appellant then drove his car towards Lange from stationary position, approx. 60 metres away, accelerating to approx. 40 km/h. Two other members of the group, Seitz and Streit, moved towards Lange and attempted to remove him from the road. Another member of the group threw a beer can at the appellant's car, striking the windscreen and causing the appellant to duck.</p> <p>As a result of the speed and direction the car was travelling, the appellant drove into the</p>	<p>Disqualified from holding obtaining a MDL for 3 yrs.</p> <p><u>Section 32 Notice</u> Ch 1: 3 mths imp (cum). Disqualified from holding obtaining a MDL for 1 yr (conc).</p> <p>Ch 2: 3 mths imp (conc). Disqualified from holding obtaining a MDL for 1 yr (conc).</p> <p>TES 2 yrs imp. Disqualified from holding obtaining a MDL for a total of 3 yrs.</p> <p>EFP.</p> <p>Sentencing judge found that appellant's driving did not involve momentary inattention or mere carelessness.</p> <p>Sentencing judge found that the speed was, in the circumstances, excessive.</p> <p>Sentencing judge acknowledged that the appellant did not intend to cause any injury, but the manner of driving</p>	<p>At [56]-[59] Discussion of comparable cases.</p> <p>At [67] ...some cumulacy was required in this case to reflect the fact that the appellant not only injured Mr Lange, but that he also inflicted injuries upon two other victims.</p> <p>At [73] While the appellant's offending over the 10-yr period prior to the commission of the offences had been reduced, his driving record was not without blemish. Having regard to all the circumstances of the case, a period of 3 yrs [disqualification] cannot be said to be unjust or unreasonable.</p>
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			<p>victims, Lange, Seitz and Streit, causing them to make contact with the bullbar of the car and to be thrown backwards. The appellant drove off and called the police. He made admissions to police, but minimised his conduct.</p> <p>Lange suffered an open compound fracture to his left leg, requiring specialist medical treatment. Seitz suffered multiple skin lacerations and Streit suffered grazes and soft tissue injury to his right leg.</p>	<p>exhibited a callous or reckless disregard for the safety and wellbeing of other persons within the vicinity of the road.</p> <p>Sentencing judge acknowledged that the appellant had expressed remorse.</p> <p>Sentencing judge found that the appellant initiated the incident.</p>	
<i>Transitional Provisions Repealed (14/01/2009)</i>					
<i>Amendments to RTA s 59 – reversal of onus of proof (01/01/2005)</i>					
<i>Transitional Provisions Enacted (31/08/2003)</i>					