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# SUPREME COURT OF QUEENSLAND

CITATION: *R v Murphy* [2009] QCA 93

PARTIES: **R**  
**v**  
**MURPHY, Helaman Wayne**  
(applicant)

FILE NO/S: CA No 332 of 2008  
DC No 372 of 2008

DIVISION: Court of Appeal

PROCEEDING: Sentence Application

ORIGINATING COURT: District Court at Beenleigh

DELIVERED ON: 21 April 2009

DELIVERED AT: Brisbane

HEARING DATE: 9 April 2009

JUDGES: Keane and Fraser JJA and Wilson J  
Separate reasons for judgment of each member of the Court,  
each concurring as to the order made

ORDER: **Application for leave to appeal against sentence refused**

CATCHWORDS: CRIMINAL LAW – APPEAL AND NEW TRIAL –  
APPEAL AGAINST SENTENCE – GROUNDS FOR  
INTERFERENCE – SENTENCE MANIFESTLY  
EXCESSIVE OR INADEQUATE – where applicant  
convicted on plea of guilty of dangerous operation of a motor  
vehicle causing death and grievous bodily harm under s 328A  
of the *Criminal Code* 1899 (Qld) – where applicant sentenced  
to three and a half years imprisonment, suspended after 12  
months for an operational period of four years, and  
disqualified absolutely from holding a driver's licence –  
where applicant was driving on a learner's permit without a  
licensed driver present – where collision caused death of two  
people and grievous bodily harm to a third person – where  
applicant had no prior criminal record or traffic history –  
whether the sentencing judge placed too much weight on the  
outcome of, rather than the act of, the dangerous operation of  
a motor vehicle – whether the sentence was “out of line with  
the general sentencing trend in comparable cases considered  
by the Court” – whether sentence manifestly excessive

*Criminal Code* 1899 (Qld), s 328A

*R v Balfe* [1998] QCA 14, cited  
*R v Gallaher* [2004] QCA 240, considered  
*R v Gruenert; ex parte A-G (Qld)* [2005] QCA 154, cited  
*R v Hart* (2008) 50 MVR 424; [2008] QCA 199, considered  
*R v Price* (2005) 43 MVR 573; [2005] QCA 52, cited  
*R v Wilde, ex parte A-G (Qld)* (2002) 135 A Crim R 538;  
 [2002] QCA 501, cited  
*R v Wilson* (2008) 51 MVR 344; [2008] QCA 349,  
 considered

COUNSEL: H C Fong for the applicant  
 M J Copley SC for the respondent

SOLICITORS: Legal Aid Queensland for the applicant  
 Director of Public Prosecutions (Qld) for the respondent

- [1] **KEANE JA:** I have had the advantage of reading the reasons for judgment prepared by Fraser JA. I agree with his Honour's reasons and with the order proposed by his Honour.
- [2] **FRASER JA:** On 3 December 2008 the applicant was convicted on his plea of guilty to an offence against s 328A of the *Criminal Code* 1899 (Qld) of dangerous operation of a motor vehicle causing death and causing grievous bodily harm. He was sentenced to three and a half years imprisonment, with the imprisonment suspended after 12 months for an operational period of four years. The sentencing judge ordered that the applicant be disqualified absolutely from holding a driver's licence.

#### **Circumstances of the offence**

- [3] Shortly after 6.00 pm on 21 February 2007 the applicant, a 21 year old man, was driving his car in a northerly direction on the Mt Lindsay Highway, at about 90 kms per hour. His cousin Fraser Witana, a 20 year old man, was in a rear passenger seat.
- [4] The applicant held only a learner's permit and he did not have a licensed driver next to him. The car did not display a learner's plate.
- [5] At the point of collision the Mt Lindsay Highway was a dual carriageway and the speed limit was 90 kph. There were double unbroken centre lines. The visibility was normal, or, in the prosecutor's words, it was "dusk but still there was a fair amount of daylight".
- [6] The applicant drove his car at a speed which was no greater than 90 kph (according to the prosecutor) and more than 80 kph but less than 90 kph (according to defence counsel).
- [7] The prosecution case, which was not challenged by defence, was that the applicant allowed his car to drift to the outside of his lane at a point where the highway curved to the applicant's right. When the applicant attempted to correct the path of his vehicle he over-steered to the right, causing his car to cross the double unbroken centre line markings and to drive into the path of an oncoming vehicle. That other vehicle was driven by Philip Thorley, a 54 year old man, whose wife, Sharon Thorley, was sitting with him in the front passenger seat. He was driving at about 90 kph.

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- [8] There was a head-on collision and both vehicles ran off the highway into an embankment. A second vehicle following Mr and Mrs Thorley's car took evasive action to avoid the collision and the driver of that other vehicle was uninjured.
- [9] Philip Thorley and Fraser Witana died as a result of injuries they received in the collision. Sharon Thorley sustained life threatening multiple injuries, from which she has been left with significant disabilities.
- [10] In a recorded interview the applicant admitted that he was the driver and caused the accident. He said that an animal crossed the road but he did not contend that it excused him from responsibility for the accident. No other witness saw any animal on the road.

#### **The applicant's personal circumstances**

- [11] The applicant was 21 years old at the time of the offence and 22 years of age when sentenced. He was of good character, which was testified to by strong references. He had no prior criminal record or traffic history. He cooperated fully with the authorities and entered an early plea of guilty (after the Crown abandoned an earlier alleged circumstance of aggravation that at the time of the offence the applicant was adversely affected by an intoxicating substance). The applicant was shattered by the horrendous consequences of his offending. He wrote a letter, to be read out to the Court, expressing his deep remorse for the suffering he had caused. He acknowledged the incalculable pain and suffering he had caused to Mrs Thorley and to the families and friends of the victims of his offence. He was traumatised by having caused the death of Fraser Witana, his cousin and closest friend.

#### **Sentencing remarks**

- [12] The sentencing judge made no positive finding whether there was or was not an animal on the road. The judge sentenced the applicant on the footing that he was driving his car at a speed which was clearly excessive in the sense that he was not able adequately to react to the situation which arose, whether that be by way of avoiding an animal or by taking the corner appropriately.
- [13] The sentencing judge described the circumstances of the offence, the applicant's personal circumstances, the tragic deaths and grievous bodily harm to the victims of the applicant's offending, and the traumatic consequences of those events for the victims' friends and family. The sentencing judge did not accept the submissions that the case was one of momentary inattention but did accept that it was a case involving momentary misjudgement, rather than any recklessness or deliberateness.
- [14] The sentencing judge quoted the following statement from McMurdo P's reasons in *R v Wilson* [2008] QCA 349 at [26]:

“More significantly, the comparable decisions of this Court to which we have been referred, do not support a sentence higher than about three years imprisonment for an offence of this kind, involving a serious error of judgment over a short period by someone with a concerning traffic history but without prior convictions and without the exacerbating factor of intoxication, even after a trial: see *R v Gruenert*; *ex parte A-G (Qld)* [2005] QCA 154; *R v Manners*; *ex parte A-G (Qld)* (2002) 132 A Crim R 363; [2002] QCA 301; *R v Price* (2005) 43 MVR 573; [2005] QCA 52; *R v Hart* [2008] QCA 199 and *R v Newman* [1997] QCA 143.”

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- [15] The sentencing judge regarded that as indicating a head sentence of around the three year mark, but he remarked also that the fact that there were two people killed in the present case was an aggravating feature which required a somewhat higher head sentence than had been suggested by the Crown or by defence counsel. (The prosecutor and defence counsel had submitted that the range for the head sentence was between 18 months and three years imprisonment. The prosecutor submitted for a sentence in the higher end of that range and one that involved a period of actual custody. Defence counsel submitted that a sentence of 18 months to two years imprisonment was appropriate, that the sentencing judge might impose a parole release date ranging from immediate parole release to four months, but that the judge should exercise his discretion by ordering an immediate parole release date.) The sentencing judge also referred to Keane JA's statement in *R v Gruenert; ex parte A-G (Qld)* [2005] QCA 154 at [16] that, "The considerations of deterrence, and of the gravity of the consequences involved in the offence, mean that it will be a rare case that does not attract a custodial term."
- [16] The sentencing judge described the applicant's favourable personal circumstances, including that he had undertaken self-rehabilitation and expressed genuine remorse. The judge accepted that it was unlikely there was a need for personal deterrence but considered that there was a wider need for general deterrence and a need for victims to feel that the courts have taken their grief and their views seriously.
- [17] Immediately before passing sentence the sentencing judge referred again to the fact that the applicant's standard of driving fell below that which was acceptable under all of the circumstances in that the speed at which he was driving was not such that he could safely recover from the difficulty which was caused either by an animal coming across the road or the applicant's car drifting off the side of the road.

#### **The applicant's contentions in the appeal**

- [18] The applicant contended that the sentence was manifestly excessive for two reasons, first, that the sentencing judge placed too much weight on the outcome of, rather than the act of, the dangerous operation of a vehicle, so that the sentencing discretion miscarried and, secondly, that the sentence was out of line with the general sentencing trend in comparable cases considered by the Court.

#### **Discussion**

- [19] There is no substance in the applicant's first contention. The judge sought to summarise the defect in the applicant's driving as a "momentary misjudgement". That is an accurate enough précis, but more importantly there is no indication that the sentencing judge failed to take into account his more extensive findings concerning the objective dangerousness of the applicant's driving: the judge twice described and he plainly took into account the relevant respects in which he had found that the applicant drove dangerously. The applicant does not challenge those findings. I accept that it may be inferred that the sentencing judge regarded a term of imprisonment of three and a half years as appropriate, rather than the term of three years the judge thought was otherwise consistent with *R v Wilson*, largely because the applicant's offence resulted in even more devastating consequences than were present in *R v Wilson*. I discuss later in these reasons the appropriateness of the overall sentence imposed, but the point here is that the sentencing judge did not err by significantly increasing the length of the term of imprisonment that was otherwise appropriate to take into account the fact that the consequences of the applicant's dangerous driving were substantially worse than in *R v Wilson*.

- [20] Of course any such notional increase could not be the result of some pseudo-arithmetical exercise, but it does not understate the seriousness of the facts of *R v Wilson* to say that this was an even worse case. Even though the extent and severity of the consequences of an accident caused by dangerous driving are typically unforeseen (though not unforeseeable), and both unintended and outside the control of an offender who is not guilty of deliberate misconduct, the consequences can matter a great deal in the determination of the appropriate punishment. There is ample authority for that proposition. Reference might be made, for example, to *R v Balfe* [1998] QCA 14, in which that approach is confirmed in the particular context of an offence against s 328A. But it is hardly necessary to refer to authority when the terms of s 328A themselves provided (at the time of the offence on 21 February 2007)<sup>1</sup> for a maximum term of imprisonment of seven years for this offence of dangerous driving causing death or grievous bodily harm (where, as here, there are none of the specified circumstances of aggravation) whereas dangerous driving without any such consequence carried the much lower maximum penalty of three years imprisonment.
- [21] In support of the applicant's second contention, his counsel undertook a thorough analysis of the following decisions: *R v Harris, ex parte A-G (Qld)* [1999] QCA 392; *R v Hart* [2008] QCA 199; *R v Gruenert, ex parte A-G (Qld)* [2005] QCA 154; *R v Price* [2005] QCA 52; *R v Manners, ex parte A-G (Qld)* (2002) 132 A Crim R 363, [2002] QCA 301; and *R v Balfe* [1998] QCA 14.
- [22] As McPherson JA observed in *R v Price* [2005] QCA 52, since the Court of Appeal's decision in November 2002 in *R v Wilde, ex parte A-G (Qld)* (2002) 135 A Crim R 538; [2002] QCA 501 there had been a marked upward trend in the penalties imposed in cases of dangerous driving causing death or grievous bodily harm. More significantly for present purposes, in none of the decisions cited by the applicant's counsel were the consequences of the dangerous driving as far reaching and as shocking as they were in this case. In these circumstances, and in light of the extensive analyses of the earlier decisions in more recent authorities, it is necessary only to discuss those more recent authorities.
- [23] In *R v Hart* [2008] QCA 199, Keane JA, with whose reasons de Jersey CJ and I agreed, observed that a number of earlier decisions of this Court "proceed on the basis that the death of a human being as a result of dangerous driving is so serious that a term of imprisonment of at least 18 months should be expected save in exceptional cases. Usually such a sentence will involve actual custody." (It is relevant here to note that Keane JA cited *R v Gruenert, ex parte A-G (Qld)* [2005] QCA 154 and *R v Vance, ex parte A-G (Qld)* [2007] QCA 269, both of which concerned sentences imposed before the maximum penalty for the present offence was increased from seven to 10 years.) It is to be emphasised that, although a non-custodial sentence may be the just sentence in a particular case, *R v Hart* is authority for the proposition that a **minimum** term of 18 months, usually involving some period of actual custody, is to be expected for this offence where a death results from it. *R v Hart* is not authority for the proposition that a substantially longer term of imprisonment is outside the sentencing range where the facts of a particular case call for it.

<sup>1</sup> On 20 March 2007, the maximum penalty for the offence of dangerous driving causing death or grievous bodily harm (without circumstances of aggravation) was increased from seven years imprisonment to 10 years imprisonment: s 4 of the *Criminal Code and Civil Liability Amendment Act 2007* (Qld), Act No 14 of 2007, which was assented to on 20 March 2007.



- [24] *R v Hart* was a case in which the dangerous driving caused the death of one person and grievous bodily harm to another. There were of course other points of distinction. It is not appropriate or practicable to devise some fixed scale to take into account the relative seriousness of shocking cases of this kind, but for the reasons I have given it is right to take into account that the consequences in this case were more devastating than in *R v Hart* or any of the other decisions cited to the Court.
- [25] In *R v Gallaher* [2004] QCA 240, the Court rejected a contention that a sentence of three and a half years imposed after a trial (on an offender who was not remorseful and had a bad traffic history and a criminal record) was manifestly excessive. That offender had driven over a crest on a rural road at an excessive speed for the conditions of 80 kph, which was characterised as “extremely dangerous”, driven onto the incorrect side of the road, and collided head on with an oncoming vehicle. A passenger in that vehicle died as a result of the collision. In view of that decision, and despite the applicant’s much more favourable personal circumstances, it is difficult to accept the proposition that the sentence in this case, in which the consequences of the dangerous driving were very much worse, was manifestly excessive.
- [26] I earlier reproduced the obiter dictum in McMurdo P’s reasons in *R v Wilson* to the effect that the authorities do not support a sentence higher than about three years imprisonment for an offence involving a serious error of judgment over a short period by someone with a concerning traffic history but without prior convictions, even after a trial. It is true that the applicant had the benefit of a plea of guilty and that his personal circumstances were very much more favourable than Wilson’s (although it is material that the applicant was driving without complying with the terms of his learner’s permit), but the sentencing judge’s approach was to take those factors into account largely in the early suspension of the imprisonment. It is again a significant point of distinction here that McMurdo P made the quoted statement in a case in which the consequences of the applicant’s offence were much less extensive than they were in this case.
- [27] It is a personal tragedy for the applicant and for his family and friends that his unintended and momentary misjudgement has led not only to the death of his cousin but also to a lengthy term of imprisonment, with a substantial period in actual custody, and even though such a severe penalty is not required for the purposes of rehabilitation or personal deterrence. But the sentencing judge was obliged to take other factors into account. The terrible fact is that the applicant’s dangerous driving led to two deaths and to the grievous bodily harm of a third person. That and the importance of general deterrence in sentencing for this frequent offence called for a term of imprisonment and a significant period of actual custody, despite the applicant’s compelling personal circumstances. Although the term of three and a half years with the imprisonment suspended after 12 months was a severe sentence, I am unable to conclude that it was so excessive as to demonstrate that the sentencing judge must have strayed outside the broad sentencing discretion reposed in him.

#### **Proposed order**

- [28] I would refuse the application.
- [29] **WILSON J:** The application for leave to appeal against sentence should be dismissed for the reasons given by Fraser JA.

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# Driving and access

Byfield is a 30-minute drive north of Yeppoon, or one hour from Rockhampton. Water Park Creek and Sandy Point are each a 30-minute drive from Yeppoon. Five Rocks and Nine Mile beaches are at least a one-hour drive from Water Park Creek in good weather.

## Road conditions and vehicle suitability

Road and track conditions in Byfield can change quickly depending on the weather. Flash flooding and creek rises can cut access on all roads and tracks. Check local weather conditions before you arrive.

The table below is an advisory guide for dry weather conditions only. Driving on dry sand tracks is more difficult and road and track conditions change quickly after rain. If you are unfamiliar with the Byfield area, unsure of your driving ability or vehicle capability, go with another vehicle and someone who has been before.

## Safe sand driving


Your vehicle will respond differently on sand. Drivers may choose to reduce tyre pressure to maintain traction in deep, soft sand. Keep within manufacturer's specifications. On tyres with reduced pressure, avoid sharp turns and sudden braking. Reinflate the tyres to specification when driving on harder sand or sealed surfaces.

If intending to drive on the beach, make sure you check local tide times and plan to drive within two hours either side of low tide. Beach driving is safer on the falling tide and on hard sand. The beach speed limit is 50 km/hr unless signed otherwise. Further safe sand driving advice is available at <www.derm.qld.gov.au>.

### Remember

- **All Queensland road rules apply on beaches and in Byfield's parks and forests**—use the same precautions and courtesies you use when driving elsewhere.
- **Drive to your ability**—driving in natural areas presents additional challenges and dangers.
- **The beach is a shared zone without lanes**—watch for other vehicles and pedestrians, and park at right-angles to the wave zone so other drivers can see you have stopped.
- **Keep to designated tracks**—to protect the environment and ensure your safety.

**Drive off the beach into Byfield National Park only on marked tracks.** Access at the entrance of the track is marked with the symbols shown here.

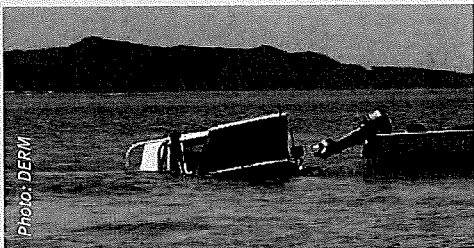


## Boat access

Rockhampton Regional Council provides a formal boat ramp into Water Park Creek at the end of Corbetts Road. Boats may be landed on any of Byfield's beaches providing it is safe to do so. Vehicle access to boat launching from Byfield's beaches is only permitted in certain areas and depends on access conditions, which can change over night. If access conditions are suitable, boats may be launched from:

- Nine Mile Beach and Farnborough Beach (north of Bangalee)
- just south of Corio Bay car park (accessed from Nine Mile Beach) into Corio Bay
- just north of Sandy Point car park into Fishing Creek.

Vehicles and boat trailers must be parked in designated car parks to ensure safe and easy access for other users. Please follow directions on-site.



Accessing parts of Byfield can be a challenge, especially coastal areas. Travel around low tide and know where you are going and what to expect.

|                                | 2WD smooth   | 2WD rough  | 4WD easy   | 4WD medium   | 4WD difficult   |
|--------------------------------|--|--|--|--|---|
| Access to                      | Water Park Creek<br>Red Rock                       | Upper Stony<br>Sandy Point via<br>Sandy Point Road   | Sandy Creek crossing   | Sandy Point via Farnborough<br>Beach<br>Five Rocks visitor area<br>Stockyard Point Nine Mile<br>Beach<br>Water Park Point Headland | Five Rocks Beach  |
| Conditions to expect           | Sealed roads.<br>Short gravel or<br>dirt sections. | Unsealed gravel<br>or dirt roads with<br>corrugations and<br>potholes.<br><br>Some one lane<br>with poor visibility<br>sections. | Sand or dirt tracks.<br>One lane with limited<br>visibility.<br>Water crossings.   | Sand tracks.<br>One lane with poor visibility.<br>Frequent or extended steep<br>or slippery sections. Water<br>crossings.          | Sand tracks. Extremely<br>narrow with poor<br>visibility.<br><br>Frequent or extended<br>very steep or slippery<br>sections. Water crossings. |
| Vehicle suitability            | Road bikes, 2WD,<br>caravans, camper<br>trailers.  | 2WD, camper<br>trailers. High<br>clearance<br>recommended.   | All-wheel drive and high<br>range 4WD, off-road<br>camper trailers. High<br>clearance with single<br>range and road tyres. | Dual range 4WD, off-road<br>camper trailers. High<br>clearance with all terrain or<br>road tyres.                                  | High clearance vehicles<br>with dual range 4WD<br>and tyres suitable for the<br>terrain. Not suitable for<br>trailers.                        |
| Driver experience required     | Suitable for<br>novice drivers.                    | Unsealed-road<br>experience.   | Suitable for novice<br>4WD drivers.  | Sand driving experience.<br>Some 4WD experience and/<br>or training.   | Sand driving experience.<br>Extensive 4WD experience<br>and/or advanced training.   |
| Recommended recovery equipment |  |  | Tyre gauge and<br>compressor.  | Tyre gauge and compressor.<br>Recovery equipment.  | Tyre gauge and<br>compressor. Winch and<br>recovery equipment.  |



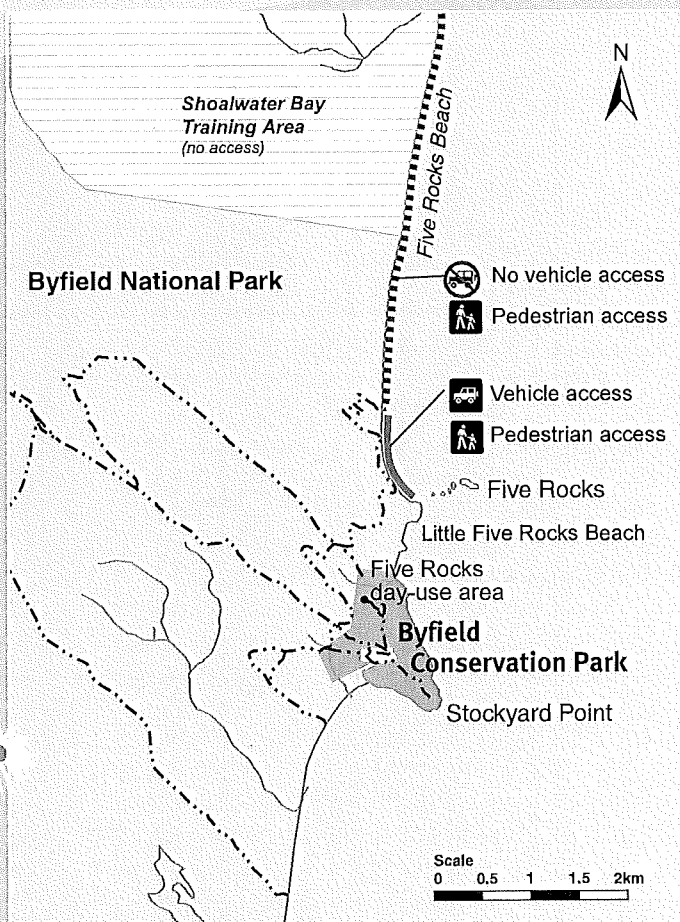
# Byfield National Park— Changed access to Five Rocks Beach

**As of Monday 28 February 2011, vehicles can only turn right (south) from the Five Rocks Beach access.**

The Department of National Parks, Sport and Racing's Queensland Parks and Wildlife Service (QPWS) has changed vehicle access to Five Rocks Beach to help conserve the local environment. To balance acceptable use of the area, vehicles are required to turn right (south) when accessing the beach.

In the past, unsustainable use, such as illegal driving on the dunes, has caused significant damage to the vegetation and dune system along the length of Five Rocks Beach. QPWS will be working hard to stabilise and rehabilitate existing damage over the coming months.

*Vehicles can only access the southern end of Five Rocks Beach.*



## **WARNING:** Drive slowly and take care

Vehicle access to Five Rocks Beach is a rough, ungraded track that is difficult to negotiate. The track is narrow and has many blind corners. Vehicle rollovers have occurred in the past. Drive slowly and take care—travel is at your own risk.

## **Five Rocks on foot**

Visitors on foot are encouraged to take advantage of the vehicle-free area left (north) of the Five Rocks Beach access.

Walking access is also available from Five Rocks day-use area to Little Five Rocks Beach and at low tide across the Five Rocks Headland.

Changed access to Five Rocks Beach is one of several vehicle access changes identified in the Byfield Area Management Plan that has been implemented by QPWS. Vehicle access along Nine Mile Beach continues.

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NEWS

## Planning a 5 Rocks trip? It could cost you big time



by AMBER HOOKER

3rd Nov 2017 1:59 PM



741



DESPITE five signs warning him not to, a former-Emu Park man made the costly mistake of driving on a pedestrian-only beach.

The now Sunshine Coast man was busted with his vehicle on the Great Barrier Reef Coast Marine Park, adjacent to Byfield National Park.

He was caught and charged under the Marin Parks Regulation on New Year's Day, but it was on October 25 that a Rockhampton judge revealed the hefty price of his actions.

The Queensland Parks and Wildlife Service (QPWS) reported the man pleaded guilty before he was ordered to pay a total \$1896.75.

On top of a \$900 fine, Magistrate Clarke ordered the man pay \$250 in legal costs and \$746.75 in investigation costs.

No conviction was recorded.

The man was caught north of the Five Rocks Beach access, however the State Government only permits vehicles on the southern end.

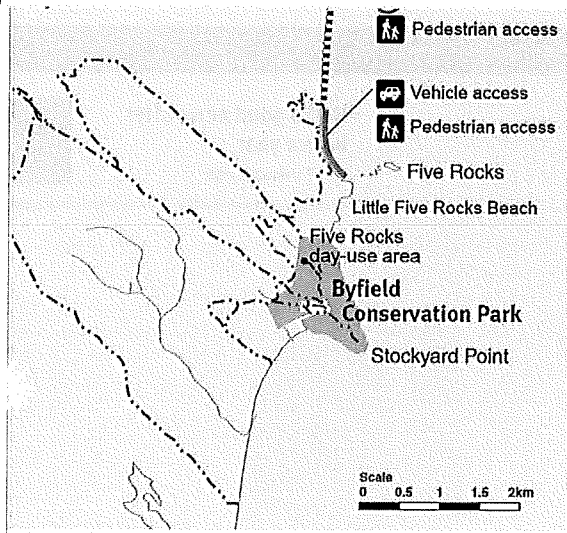
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Byfield National Park, Five Rocks Beach access map.

Picture: Queensland Government

ON FIVE ROCKS BEACH, whereas the offender drove north," Mr Moore explained.

"North of the Five Rocks Beach vehicle access point, the beach is only for visitors on foot."

The beach is used by nesting turtles and other species, and restrictions protect the marine ecosystem.



A photo of Five Rocks Beach near Byfield.

Picture: Contributed

"The magistrate found that this was a deliberate breach and the penalty would send a strong message that people needed to comply with signs in the area," Mr Moore said.

"At Byfield National Park vehicles must only enter and leave the beach at the signed locations.

"These are each clearly marked with a four-wheel-drive totem sign.

"To protect the dunes and fragile dune vegetation, vehicles are not permitted to enter or leave the beach at other locations.

"In the past, drivers have caused significant damage to the dunes and vegetation behind the beach by driving through them."

Park visitors must comply with all signage on a national park, and it's recommended they check the relevant park web page before they visit.

"QPWS rangers carry out regular patrols of Byfield National Park and the adjacent beaches," Mr Moore said.

Byfield information and maps are at [www.npsr.qld.gov.au/parks/byfield/](http://www.npsr.qld.gov.au/parks/byfield/)





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**NEWS**

## Yeppoon girl's beautiful soul 'smiling down' as hearts break

 by SHAYLA BULLOCH

28th Nov 2017 1:09 PM



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HANNAH Dingle's close friends say her "beautiful soul" would be smiling down from above after the 16-year-old's tragic death.

Loved ones have shared their heartache in the days since the Yeppoon teen died, but are overwhelmed the community have banded together in her memory.

Hannah was one of three young people involved in a fatal crash Saturday night at her favourite place, Five Rocks Beach near Yeppoon.

### More Stories

Tragic death of Yeppoon teen at 'favourite place' in world

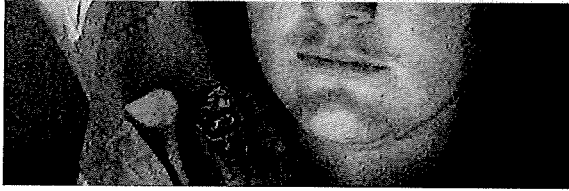


Since then, close friend Tony Lever set up a GoFundMe page in her honour, which has gained huge support from community members.

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## The Bulletin



Tony Lever set up Hannah's GoFundMe Page which has gained huge support from the community.

Picture: Contributed

Mr Lever has since tripled the initial goal to \$30,000 saying all the money will be going to Hannah's parents and a memorial at Stockyard Point on Five Rocks Beach.

Doting messages of love and support have been left to the GoFundMe page with more than 250 people raising nearly \$20,000 and counting in just one day.



WHAT A SMILE: Hannah Dingle has been remembered as a smiling and happy young woman.

Picture: Contributed

"We are trying to give her and the parents the best we can as that's what they deserve," he said.

"We were all close, she was friends with everyone and a very loveable person who would make everyone smile no matter what the situation.

"We owe Hannah everything and to always keep her memory alive forever is what we plan to do."

Hannah died at about 11.20pm on Saturday night after the four-wheel drive she was a passenger in rolled at Five Rocks Beach.



Hannah Dingle was a passionate four-wheel drive lover and a great friend.

Picture: Contributed

Two 21-year-old men were in the car with Hannah at the time.

Rockhampton Traffic Branch Officer Senior Sergeant Ewan Findlater said the cause of the accident was still being investigated.



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# The Bulletin



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Vehicle inspection.

"Reconstruction of the crash will also help determine the cause to see speeds as well, but all this will take substantial time."

Queensland Police stated nobody had since been charged and the matter would be out before the coroner.

You can donate to the GoFundMe page [here](#).

If you have been affected by this story, support is available at the following:

## NATIONAL 24/7 CRISIS SERVICES

1. **Lifeline: 13 11 14**
2. **Suicide Call Back Service: 1300 659 467**
3. **MensLine Australia: 1300 78 99 78**
4. **beyondblue: 1300 22 46 36**
5. **Kids Helpline: 1800 55 1800**

## Tributes to Hannah:

**Megan Hawkins-** "Hannah soar with the Angels, you and your precious family will be in our hearts, prayers and thoughts forever. Our sincerest and heartfelt condolences and love The Hawkins Family x."

**Sophie Duff-** "Hannah, words can't describe how shocked I was to hear of the news. You were such a beautiful young girl who had so much potential and now you're a beautiful angel who I'm sure will be partying hard up in heaven. Till we meet again, I'll miss you."

**Brad Drought-** "So very sad, young Hannah used to play soccer with our eldest son many years ago. The news shocked and saddened him, as it has the community. RIP darling girl."

**Sadie Thompson-** "Condolences to the family. Hannah was a beautiful girl inside and out, when I realised she was the teen girl my heart broke- such a tragedy."

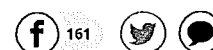
**Who's Cookin (Hannah's workplace)-** "We are heart broken with the loss of one of our own. Our thoughts are with Hannah's family and friends at this sad time. Your happy smiling face and positive attitude will be missed by all of us, staff and customers alike."

**Emma Donovan-** "I'm so glad I had the pleasure of knowing someone as wonderful as you. You will always have such a big place in my heart, I will never forget all the amazing memories we made together, until I see you again I love you forever and always Han, rest in paradise my angel."

**Amy Keen-** "Perhaps they are not stars in the sky, but rather openings where our loved ones shine down to let us know they are happy'. The day my family lost a loved one you were there, you wrote these lyrics down and I remember how happy they made me and made me release everything will be okay. I never thought I'd have to write these for you Han. We all love you Hannah Dingle; gone but never forgotten."

**St Ursula's College (Hannah's school)-** "The College Community is immensely saddened by the loss of Year 11 Student, Hannah Dingle, in a car accident on Saturday night. Hannah was an enthusiastic, kind, and loyal friend, classmate, and student at St Ursula's College. Our thoughts, prayers, and heartfelt sympathy are extended to Hannah's family and friends. Counselling assistance is available at the College this week for any students, staff and parents who would like to speak to a skilled professional. As a community, we are united in our grief, but strengthened by the support of those who comfort us."

**Matt Wodgand-** "Taken too young and you will be missed for sure ☹ Will be remembered for all good times we had! Always put a smile on someone's face even if they were down which was always helpful. Until we meet again."



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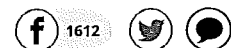


NEWS

## Tragic death of Yeppoon teen at 'favourite place' in world

by SHAYLA BULLOCH

27th Nov 2017 9:27 AM | Updated: 11:54 AM



TOUCHING tributes have started to flow in for a young Yeppoon girl who tragically died in a car roll-over on Saturday night.

Hannah Dingle, 16, has been remembered by friends and family as "a young and enthusiastic" girl who was "so full of life".

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Hannah Dingle was a talented artist and 'beautiful soul'.

Picture: Contributed

Hannah was known as a talented artist among friends and family who was "always smiling".



Hannah Dingle tragically died on Saturday night in a car rollover at Five Rocks Beach.

Picture: Contributed

She was a four-wheel driving lover and considered Five Rocks her "favourite place".

The 5.3km stretch of beach sits amongst Byfield National Park and is about 60km north of Yeppoon.



Only a month ago, Hannah posted this photo of Five Rocks Beach saying 'miss this place so much'.

Picture: Hannah Dingle

The area is a regular spot for locals to camp, fish and go four-wheel driving through the sand dunes.

Heart-wrenching tributes have poured onto social media as friends and family express their disbelief about how Hannah's "life was cut short".

"I just wish I'd wake up from this nightmare and you'd still be here," Harley Stokes wrote on Facebook.

"Heaven has definitely gained an angel. Rest in peace you beautiful girl, you were taken way too soon and will be dearly missed," Bree Wiltshire said on a status.

"The day I moved to Yeppoon you were there for me, you were my best friend for year and I loved you with all of me. R.I.P beautiful, you will be greatly missed," Amy Keen wrote to Facebook.



A 21-year-old passenger was also injured in the crash and transported by RACQ Capricorn Helicopter Rescue to Rockhampton Hospital with a leg injury.

The 21-year-old driver of the vehicle was not injured in the crash.

A Go Fund Me page has been set up by Tony Lever.

In more than 12 hours, the Yeppoon community has opened their hearts with nearly half the goal amount of \$20,000 already raised.

For more information about the Go Fund Me, see the page [here](#).

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