

STATE OF TASMANIA v LIAM GEOFFREY MURRAY-BELL 15 FEBRUARY 2023
COMMENTS ON PASSING SENTENCE **BLOW CJ**

Mr Murray-Bell has pleaded guilty to two charges of causing grievous bodily harm by dangerous driving, and four summary offences that I will deal with under s 385A of the *Criminal Code*. All of the charges relate to an episode in the early hours of Sunday, 19 July 2020. Two passengers were injured when Mr Murray-Bell lost control of his utility, ran off the road, and crashed.

On the evening of Saturday, 18 July 2020 Mr Murray-Bell was drinking with a friend named Williams at some bars in Hobart. At one of those bars they met up with a friend of Williams named Laura Monty. They walked to Mr Murray-Bell's car, purchasing alcohol on the way, and sat in the vehicle drinking the alcohol. After midnight they decided that they would travel back to the Huon valley, where they had all come from. The utility only had two seats. Ms Monty sat on Mr Williams' lap in the passenger seat, and Mr Murray-Bell drove the vehicle. He decided to travel via Fern Tree. There was one passenger seat belt but neither of the passengers wore it.

Mr Murray-Bell was driving along Huon Road, about 800 metres beyond Strickland Avenue, when he attempted to negotiate a right hand curve, but the vehicle drifted onto a gravel verge and he lost control of it. He braked hard. The vehicle went down an embankment, struck a number of trees, rotated, returned to Huon Road, and came to rest diagonally across the centre of the road. Ms Monty ended up on the vehicle's bonnet. All three occupants of the vehicle were taken to hospital by ambulance.

Police investigations revealed that the vehicle had been travelling at about 114 Km/h five seconds before the impact, and at about 81 Km/h at 0.5 seconds before the impact. A blood sample taken from Mr Murray-Bell revealed a blood alcohol content of 0.107 grams in 100 millilitres of blood, as well as the presence of MDMA, or ecstasy. On 2 August 2020 he participated in a police interview and made significant admissions. He admitted that he had used cannabis and MDMA before the crash. He was the holder of a provisional licence.

He has pleaded guilty to driving a motor vehicle while exceeding the prescribed alcohol limit, driving a motor vehicle whilst a prescribed illicit drug was present in his blood, possessing cannabis, and driving with alcohol in his body when he was the holder of a provisional licence. I dismiss the last of those charges in accordance with the principles discussed in *Wood v Major* (1992) 3 TasR 249.

Ms Monty was 19 years old at the time of the crash and is now 21. Her injuries included concussion, two fractures of the pelvis, four broken ribs, a broken collarbone, bruising to the liver and the spleen, a small collapse of the left lung, and bilateral lung contusions. She was admitted to the Intensive Care Unit of the Royal Hobart Hospital. She was in hospital for about four weeks. She has no recollection of the accident or the events leading up to it. She was wearing braces on her teeth at the time of the crash, but they were broken, resulting in chipped teeth, the movement of a tooth, and a need for remedial orthodontic treatment.

After her discharge from hospital she was not able to weight bear for about two weeks. She spent three days in a rehabilitation establishment once she was cleared to weight bear and walk again. She had continuing physiotherapy treatment. Her injuries interfered with work, family, sporting and social activities. She has been left with some loss of feeling in her right leg, and

continuing back pain. She has trouble standing on her feet at work for lengthy periods. She has continuing psychological symptoms, including anxiety about travelling with drivers whom she is not familiar with, and nervousness when she rides her horse. She has ceased to compete in equestrian events.

Mr Williams broke his left wrist. It was surgically repaired with the insertion of a metal plate that will probably never be removed.

Mr Murray-Bell had no significant injuries. He was 18 years old on the night in question and is now 21. He has no significant prior convictions. He was fined for speeding in 2020 and 2021. He has stable employment with an aquaculture company. He is in a stable long-term relationship with a young woman. He has recently moved into his first rental property. He plans to buy his first home when he has sufficient savings. He has been in full-time employment ever since leaving school. He is a talented sportsman, but had to give up Australian Rules football because he was diagnosed with Marfan Syndrome. That is a connective tissue disorder which he manages by taking medication. He played cricket at local club level, but stopped doing that after this accident.

His dangerous driving was out of character. He was in the habit of travelling by Uber or arranging for someone else to be a designated driver if he was intending to go out and drink. He succumbed to the suggestion of having a drink. There is no suggestion that he drove at a dangerous speed until immediately before the crash. There is evidence that he was reducing his speed when he ran off the road, but obviously he did not reduce it sufficiently. He did not endanger anyone other than his passengers and himself. It has not been suggested that Mr Murray-Bell appeared terribly intoxicated before or after the crash. He remained at the scene of the accident, phoned for an ambulance, and did what he could to help Ms Monty and Mr Williams. He made appropriate admissions at the scene and in his police interview. He pleaded guilty at an early stage. There was a delay of nearly a year between his police interview and the date when he was first required to appear in Court.

He has been terribly upset about the consequences of his conduct, particularly the consequences for Ms Monty and Mr Williams. He made enquiries about their well-being after their admission to hospital. He now drives a much less powerful vehicle. He does not go drinking in the city any more. He drinks alcohol only at home, and only irregularly. He has stopped using illicit drugs.

If the Motor Accidents Insurance Board pays damages to Ms Monty in respect of her injuries, or if it has already done so, it will be entitled to recover the amount of its payment from Mr Murray-Bell under s 18(3)(c) of the *Motor Accidents (Liabilities and Compensation) Act 1973*. That is likely to result in an enormous financial burden, and possibly even bankruptcy.

Ordinarily a crime of this nature, involving alcohol, drugs and serious injuries, would be punished by a significant period of imprisonment. Because of Mr Murray-Bell's general good character, his remorse, his pleas of guilty, the fact that he was only 18 at the time, and the short duration of his dangerous driving, I do not consider it necessary to send him to prison.

A probation officer has reported that he is considered unsuitable for a home detention order, primarily because his employer requires travelling that is considered too unpredictable for compliance with the order to be properly monitored. However he is considered suitable for an order requiring community service, and not in need of supervised probation. In the

circumstances, I think the most appropriate course is to impose a wholly suspended sentence of imprisonment and to make orders requiring community service and disqualifying him from driving.

Liam Geoffrey Murray-Bell, on the two charges of causing grievous bodily harm by dangerous driving, and the remaining summary charges I convict you and sentence you to nine months' imprisonment, wholly suspended on conditions that you must not commit any offence punishable by imprisonment within the next two years, and must perform community service as ordered today. I make a community correction order, to operate for 30 months from today, requiring you within that period to satisfactorily perform 175 hours of community service as directed by a probation officer or a supervisor. I disqualify you from driving for two years from today and order that your driver's licence is cancelled.