



**ROAD TRAUMA FAMILIES VICTORIA
RAW2ROAR**

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Thankyou for the opportunity to share our experiences as Victims of Crime.

I am the forever grieving mother of Daniel Markovic. Daniel was killed on the 27th May 2004 whilst at a full and complete stop waiting at a red arrow on Kings Way Melbourne. He was hit from behind by a drunk driver (who had also used drugs whilst on his drive from Bendigo). Daniel died instantly I was told, but still wonder just what that means. The drunk driver was taken to hospital with an alcohol level of 0.266. The drunk driver was driving an unregistered car, unroadworthy car, had never held a Victorian License and had been before the Magistrates Court three times prior for drink driving. Such leniency resulted in the death of Daniel and the life long grief we will forever endure. Daniel was only 22 years of age with a prosperous and successful future ahead of him. [Suggested need for review and improvement- an overhaul of Magistrates who follow this example. To be in front of a Magistrate three times for the same offence/crime and let go without anything learnt or any consequences is irresponsible. I feel that the three Magistrates are also guilty for the death of Daniel.](#)

We were thrown into the Justice process immediately after I answered a knock on our front door that morning. We were given the contact details of the morgue and informed that we had to go to identify Daniel prior to 11am that morning. I called a close friend to ask if he would drive us in to the morgue as clearly, we were in no state to drive anywhere.

That afternoon we had a visit from the 'police informant' for our case. He was our saving grace as he was kind and gave us outstanding and amazing support which was to keep us afloat for the next 2years of waiting for the judicial process whilst in a state of mental fog and heavy grief.

[Suggested need for review and improvement.](#)

[Relevant and timely information for victims of crime about the judicial process. Victims needs to be put before the perpetrator or at least factored in.](#)

We were informed of the committal mention/hearing date at the Melbourne Magistrates Court which we attended. Our commitment to Daniel was to attend everything and keep abreast of every bit of information. At one of the hearings, whilst waiting in the over crowded foyer, we found out



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quite by accident that we were sitting beside the perpetrator and his lawyer. They were talking of him coming out of this without a problem and that he could continue his TAFE studies and enjoy his life. Chatting and laughing without a care in the world. Once we were identified his lawyer rushed and hushed him into a private waiting room. Where was our information about the process of the hearings, why were we not warned of the overcrowded foyer allowing unwanted contact with the perpetrator and why is it we were not taken to a quiet, safe side room?

We were also witness to bargaining discussions between legal representatives. This was held in the overcrowded foyer without privacy or our inclusion.

Suggested need for review and improvement. The rights of victims of crime. We were often reminded that he has rights. What did we have?

The next stage of the process were the sentencing hearings. The legal process, by nature, has its own language and tenor. We were finding it stressful and very difficult to be in the court room, made worse by not being able to comprehend alot of what was being said in 'legal speak'. We were then informed that he could appeal the sentence but we had no right of reply or appeal.

We were encouraged to enter ourselves onto the 'victims register' with an understanding that we would be notified when the perpetrator would be up for parole and that we could submit our reasons for him not to be granted parole.

Suggested need for review and improvement. Victims of Crime should not be subjected to information about the perpetrators time in prison. We are not his carers and honestly don't care, with no need to know.

Whilst he was serving his sentence, we were sent communications from Victims Assistance telling us about the perpetrator on a fairly regular basis. Information about being allowed time outside, counselling days in Melbourne and job searching. This was unbelievable and incredibly upsetting. I requested that this stop as it was not necessary and difficult to bounce back from after each letter. My request fell on deaf ears. This was very disrespectful of us, of Daniel and of our grief. Everything was about the perpetrator without any regard for how we were.

We were not informed that the perpetrator was coming up to his parole application as the victims register paperwork identified. I received a phone call to let us know that we needed to put in our reasons for him not to be granted parole in the next few weeks. We worked on the request for each of us with our main concern being for our daughter who was now working in Melbourne and travelling on public transport to and from home. Clearly requesting that he not be in the area we lived in, worked in or visited on a regular basis. Our submission was unsuccessful on all counts. I rang to ask why our daughter had been left unprotected. The response was that he needed to visit his parole officer, counsellor and other support agencies in Melbourne. All of which were in the same area where our daughter worked. I was told that I should have put a grid map in the submission identifying the areas of concern. If I knew or if this information was in the written materials I certainly would have. His needs, yet again, proving to be more important than ours.



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Two weeks prior to the date of his release on parole, I received another phone call informing me that he had been released two weeks earlier than advised. He had been out for two weeks without us being aware. I asked what happens if he turns up at our house? My husband would be reactive which would then be used against him. How and why were we left vulnerable after all we have been through? The woman who rang didn't know what to say or what to advise except for us to call the police, who don't respond to parole issues. As always, this was on a Friday afternoon.

[Suggested need for review and improvement. Sentencing standards which are consistent and comparable. White collar crime is given higher time to serve than violent cases in society.](#)

[Suggested need for review and improvement. Culpable Driving is being downgraded resulting in unacceptable sentencing outcomes if any at all.](#)

I have been involved with the Sentencing Council and recall clearly a project which was to identify 'what is a serious crime' so that a grid/matrix could be developed that would be a scaffold for sentencing and the judiciary. The first and the top layer was Murder, Homicide, Culpable driving. All three in this top layer were given the sentence of 20 – 25 years. Culpable driving is not holding any strength as it is down graded (far too often) to dangerous driving resulting in a fine, community service order or a few months in jail as a sentence for killing someone. Victims of Crime, of which Culpable Driving certainly is as it is the outcome of a violent act resulting in death, deserve a sentencing outcome that is understandable, reasonable and in line with community expectations. The weapon is the vehicle, therefore 'vehicular homicide' would be a preferred identification of this crime. Repeat offenders need a strong deterrent that is serious and unwavering in its title and consequences.

It is often said by community members, if you kill someone by running them down, you'll get away with it because of the soft touch and loose sentencing.

[Suggested need for review and improvement. The judiciary open themselves up to community expectations and develop understandings of living without privilege.](#)

I was invited to attend the launch of a VCE Legal Studies program. The opening address was given by a Chief Judge of the Supreme Court Melbourne. During his address, he mentioned with disdain the mothers on the steps of the courts who are never satisfied with sentencing outcomes saying 'they will never be satisfied'.

He rubbed salt in my wounds further by repeating the statement numerous times. I introduced myself to him whilst morning tea was being served. He thought I was a journalist and was keen to chat until I told him that I was one of those mothers on the steps of the court. He turned grey and tried to back track. I suggested that victims need to have support so that an understanding of sentencing and how an outcome is reached affords them the information they need. I also suggested that we meet to discuss further how we can work together to help victims of crime and



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open up the judiciary to their needs. Of course, nothing eventuated even though I tried many times to contact him.

Suggested need for review and improvement. Allocation of judges to cases.

How is a judge given a case? Is it pot luck? Is it who is available on the day? Professional positions are awarded according to experience and expertise in a particular field relevant to the position. Why is it that a judge who has no background or experience in Road Policing, Road Trauma, Road offences sit on the bench for Culpable Driving cases? This applies to all judges and cases. A teacher who has qualified in the area of English Literature is not allocated to physics, which I use as an example. Therefore, why are judges ruling on crimes that are outside of their knowledge and experience. It would make sense that expertise and experience equals understanding and knowledge, in particular and specialised crime.

The Judiciary College has a part to play in Victims of Crime and sentencing. Does the college invite victims to present to the Judges and orchestrate opportunity for real and meaningful discussion in relation to victim experiences and judiciary outcomes?