

MILLIONS of dollars in compensation has been awarded to the surviving victims of the 2006 Cardross car accident.

All civil claims against the Transport Accident Commission over the accident in which six teenagers were killed have now been settled out of court.

The Supreme Court civil division was expected to sit in Mildura this week to hear the final compensation claim against the driver of the car – Thomas Graham Towle – via the TAC.

However, the settlement, just days from the beginning of an expected two-week hearing, has concluded the claims of more than 50 people.

The final claim was from one of several teenagers who were injured but survived the accident and was to be heard in both Mildura and Melbourne.

Up to 25 witnesses were expected to give evidence at the hearing.

'It has been a long and difficult road for all concerned, but of course it will never be over for them'

As many as 50 minor claims and up to 15 civil claims for damages have now been finalised.

Shane Ryan, of Ryan Legal, yesterday said the out-of-court settlement had spared the claimant from re-living the horror of the Cardross car accident.

"Those victims have endured the trauma of the accident, the aftermath, a committal hearing, trial, a subsequent appeal against sentence and then the civil actions," Mr Ryan said.

"It has been a long and difficult road for all concerned, but of course it will never be over for them," he said.

"A number of the civil claims got to the (court) door, but I am very pleased that no-one had to go through the ordeal yet again.

Big pay out

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"Some of the victims were very, very young and faced the difficulty of travelling to Melbourne to hear more evidence about the accident and the impacts it has had on a variety of individuals."

Mr Ryan, who acted on behalf of the majority of civil claims arising from the Cardross car accident, said the total compensation via the TAC would have "easily" reached into the millions of dollars.

"If you add them all up together, yes it would, easily," he said.

"Some of those victims will be traumatised for a lifetime and while we would all hope that they could move on with their lives, the fact is that the accident will always remain with them," he said.

Towle, 37, formerly of Red Cliffs, was jailed for a minimum of seven years after he was found guilty by a jury on six counts of dangerous driving causing death and four counts of dangerous driving causing serious injury.

The deceased children had attended a 16th birthday party in Myall Street, Cardross, and were preparing to attend a second party when they were struck and killed by a car driven by Towle.

His young son was sitting on his lap at the time of the accident while another child was also in the vehicle.

Towle fled the scene and was arrested by police in the early

hours of the morning after the accident.

Killed in the accident were brother and sister Shane, 16, and Abby Hirst, 17, Stevie-Lee Weight, 15, and Cassandra Manners, Cory Dowling and Josephine Calvi, all 16.

Seriously injured were Renee Carter, Marco Medici, Nicholas Pezzaniti and Bradley Prowse-Thompson.

Towle appealed the sentence before three Victorian Court of Appeal judges, arguing through defence counsel Robert Richter, QC, that the punishment was manifestly excessive.

It is not known when the Court of Appeal finding will be handed down.

Mr Richter said Towle should not have received a penalty more than the then maximum for dangerous driving causing death of five years' jail.

However, in sentencing Towle in March last year, Justice Philip Cummins described Towle's driving as falling "within the worst category of dangerous driving" and the maximum penalty for each offence at the time was five years' imprisonment.

The penalty has since been increased to a maximum 10 years' jail.

Justice Cummins ordered Towle be imprisoned for three and a half years on each count of dangerous driving causing death, and an additional two years each on two counts of dangerous driv-

ing causing serious injury and one year on each of the remaining two counts.

In cumulating the sentences, Justice Cummins ordered that he serve a total effective sentence of 10 years' imprisonment with a minimum of seven before being eligible for parole.

Towle has already served three-and-a-half years' jail having been in custody since shortly after the accident.

His Supreme Court trial was told he was driving at excessive speed, in dark and unfamiliar surroundings and with his four-year-old son on his lap when he lost control of the vehicle and careered into a group of 13 teenagers.

"Ten years for a lapse of 10 seconds is too great," Mr Richter told the three Court of Appeal judges.

"This is just far too much," Mr Richter said.

However, state Director of Public Prosecutions Jeremy Rapke, QC, argued the sentencing judge had a "very wide range" of sentencing outcomes available, describing the finding as "unimpeachable".

The prosecutor said Towle should have been aware of the risks posed through excessive speed and that he had previously seen children near the house and had been warned to "take it easy on the way home".

A single Court of Appeal judge has already refused Towle leave to appeal.