

# THE CARNIVAL IS OVER

EISTEDDFOD REPORTS, PICTURES, RESULTS - Pages 3, 6, 7, 9

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# Sunraysia Daily

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NEWSPAPER OF THE YEAR

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**END OF THE ROAD:** Families of crash victims from the 2007 train-truck disaster at Kerang file from the Supreme Court at Bendigo after hearing the not guilty verdict on Saturday. Robinvale's Julie McMonnies is pictured in the centre, fourth from the front.

Picture: The Age

# DRIVER SUED

## Not guilty, now the Kerang crash driver pursued through civil action

By Liz O'Brien and AAP

TWO lives lost in the tragic Kerang rail crash will never be forgotten by Robinvale's close-knit community.

Robinvale residents, Geoff McMonnies, 50, and his daughter Rose, 17, were two of 11 people tragically killed on June 5, 2007, when professional truck driver, Christian Scholl's semi-trailer ploughed into an oncoming train at a Kerang rail crossing.

The 50-year-old Wangaratta man was acquitted in a Bendigo Supreme Court on Saturday after a jury deliberated for a day and

a half. The verdict marked the end of a two-week trial in which Scholl was cleared of 19 charges; 11 counts of culpable driving causing death and eight counts of negligently causing serious injury.

Julie McMonnies, wife of Geoff and mother of Rose, also attended Saturday's verdict and afterwards told media, "I think we all need time to think about it."

Mrs McMonnies' daughter Sharise, 17, was also involved in the horrific smash but is said to have recovered well.

Mr McMonnies' parents, Dot and Bob,

yesterday confirmed they had also attended the Supreme Court findings, but were not willing to comment further.

Robinvale councillor John Katis said the verdict would see community members relive the pain and heartache associated with the tragedy, which had shaken them to the core two years ago.

"It's very emotional for everybody from Robinvale because we lost two of our very esteemed citizens here," Cr Katis said.

"I think it was rough on the families.

"We're all very unhappy about what

happened then and to have it relived again, especially for the people who lost loved ones, it brings back bad memories.

"Disasters like this are never forgotten, I don't care what anybody says."

A coalition of victims family members are now planning to sue Scholl.

Mildura lawyer Shane Ryan is representing the families of four victims who were killed in the crash, including Rod McMonnies, brother to Geoff and Rose's uncle.

Continued Page 2

weather 14°



Mildura Showers

Mallee Clearing

A few showers will clear during the morning with a cloudy afternoon.

Tues 15°



Wed 14°



Thur 14°



Full report P16

# SunraysiaDaily

# Crash driver sued



## After the Siren

Wentworth cemented its claims for the 2009 SFNL premiership with a strong win over last year's premiers, Imperials, at George Gordon Oval on Saturday. All the weekend's footy and netball results with scores and pictures are inside today.



## Nation 11

The Queensland Government is to make \$280 million worth of internal expenditure cuts to minimise the effect of a record \$14 billion revenue loss on tomorrow's state Budget.



## World 13

An American student who denies murdering her British roommate has testified that she was shocked by the death of a woman she considered her friend, and said a "crescendo" of police pressure led her to accuse an innocent man.

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## Lottery numbers

**Saturday Tattsлото:** 22, 29, 13, 42, 36, 19, Supps: 23, 45  
**Super 66:** 8, 0, 6, 9, 7, 6  
**Intralot Lucky Keno 70** (Draw 695): 1, 9, 11, 12, 14, 22, 24, 26, 28, 30, 34, 39, 40, 43, 49, 56, 61, 64, 65, 67 Hi/Low game: None  
**Intralot Lucky Keno 70** (Draw 696): 1, 2, 7, 12, 13, 14, 17, 20, 21, 23, 30, 37, 40, 43, 44, 50, 57, 61, 66, 70, Hi/Low game: None  
**Intralot Lucky Keno 70** (Draw 697): 1, 6, 8, 12, 14, 15, 16, 23, 27, 29, 31, 36, 37, 38, 41, 59, 62, 64, 68, 70, Hi/Low game: None  
**Intralot Lucky Keno 70** (Draw 698): 6, 8, 10, 13, 16, 17, 26, 31, 33, 36, 37, 38, 49, 51, 52, 53, 59, 60, 62, 63, Hi/Low Game: None  
**Intralot Lucky Lines** (Draw 348): 2, 8, 14, 18, free square, 21, 26, 34, 40  
**Intralot Lucky Lines** (Draw 349): 2, 9, 11, 20, free square, 21, 28, 34, 40  
**Results are subject to confirmation**

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## From Page 1

Mr Ryan said family members could bring a dependency claim if they had been dependent on the deceased.

"It depends on their personal circumstances," he told AAP.

"As a group of people, the claims will certainly be in the millions of dollars because there were many killed or seriously injured."

He said the civil case against Mr Scholl had got under way before the end of the criminal case.

Rod McMonnies said he had not spoken to other family members about the civil case because they were still upset about the not guilty verdict.

"I haven't spoken to any family members because they are still upset and until we speak to each other about what we want to do, I'm not prepared to say anything," he said.

The Bendigo court was told Mr Scholl knew the crossing well and that he had crossed it about 250 times in five years on his weekly route from Wangaratta to Adelaide.

But on June 5, 2007, he left Wangaratta later than usual and reached the crossing, north of Kerang, about 1.34pm, an hour and a half behind schedule.

The court was told he never saw the crossing warning lights flash. The crown argued Mr Scholl drove negligently and failed to keep a proper lookout.

But his lawyers blamed the crossing as a "time bomb" that had been the site of several near misses.

They said train operator V/Line had told the Victorian Government's former department of infrastructure the crossing was dangerous 11 months before the tragedy, but nothing was done.

Mr Scholl said he was coming out of a road bend when he noticed traffic in the opposite direction was slowing or had stopped before the crossing.

He said he only saw the Swan Hill to Melbourne V/Line train at the last moment and stood on his brakes and steered to the left to avoid colliding.

He admitted there was



**MAYHEM:** The terrible crash scene with the truck on the right and train on the left. Picture: The Guardian

nothing he could recall which obstructed his vision before the crash.

Prosecutor Peter Rose SC suggested Mr Scholl tuned out after setting his semi-trailer to cruise control at 102km/h.

However, the jury heard from the train driver and other truck drivers that the crossing was dangerous.

Mr Scholl's lawyer, Terry Forrest QC, said several near misses had been recorded in the months before the crash.

Mr Forrest said V/Line had referred its safety concerns to the Victorian Government's department of infrastructure, but authorities failed to act.

He said it was scandalous the crossing was only upgraded after the tragedy.

Cr Katis, a former truck driver, said he had used the crossing many times during the 1960s and 1980s and considered it a "bugger of a crossing".

"I went across that rail crossing a lot of times from the '60s to the '80s, and it was very hard to see that train, sometimes the train would blend in with the natural environment."

He said nothing could replace the 11 lives lost in the tragedy and it had to be ensured that the Kerang crash

was the last of its kind.

"We've lost 11 lives and you can't bring those people back, we're talking about lives here, but to jail the man won't bring those people back."

"He's got to live with that for the rest of his life."

"We've learned a lot from this disaster, the trucking industry and government have learned a lot."

"But we have to look at other railway crossings to make sure this never happens again."

Cr Katis said the community has high regard for the McMonnies family, who he classed as an integral part of the community.

A memorial garden was unveiled on June 5 at Robinvale's Tennis Club to commemorate the memory of Geoff McMonnies and his beloved daughter Rose.

Cr Katis said the garden showed the community's continued support for the family.

"We see the McMonnies family everyday, you can see the pain still in their faces," he said.

"We all know the effects of the disaster, we'll just wait and see how Julie copes and the family."

"We are all prepared to help in any way, even if it's

just a matter of ongoing support and visiting them we will do that.

"We'll see them through the week and we'll in some way give our support."

Robinvale Football Club president Garry Farnsworth yesterday said he needed time to absorb the verdict.

He said Geoff, affectionately known as "Spud", and Rose were greatly missed by club members.

"He was just a terrific family man and a terrific community man; he was involved in the tennis, the footy and the cricket."

"We've got photos of him in the club and up behind the bar, so he's still with us."

After the verdict was announced on Saturday, Mr Scholl cried as he stepped down from the dock and embraced his wife, Di.

Outside court, he said he would never forget the impact of that day.

"I'm relieved at the verdict of the jury and grateful for their attention to the evidence," he said, reading from a prepared statement.

"Although this criminal case is now over I will never forget the impact of that day on the lives of so many. My thoughts are with those families. I am so sorry."

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