

THE KERANG VERDICT

Train disaster



Pain: Grief-stricken women leave Bendigo Court yesterday. Picture: ROB LEESON

The 11 lost loved ones



Stephanie Meredith



Danielle Meredith



Chantal Meredith



Margaret Wishart



Jean Webb



Geoff McMonnies



Rose McMonnies



Nicholas Parker



Jaeseok Lee



Harold Long



Matthew Stubbs

Driver sorry for tragedy

SUE HEWITT, LIAM HOULIHAN, ELLEN WHINNETT and DAVID HASTIE

CLEARED Kerang truck driver Christian Scholl will now be sued by a coalition of victims from the disaster.

Hours after Mr Scholl walked from court cleared on all 19 charges, a lawyer confirmed a writ for a civil lawsuit would be issued pursuing the devastated driver.

The case could then allow the victims to recover millions of dollars from the Transport Accident Commission, Mr Scholl's insurer.

The lawyer warned that V/Line and the State Government might also face action.

The 50-year-old Wangaratta man broke down in tears, then apologised, after a jury acquitted him at a Supreme Court in Bendigo yesterday.

Mr Scholl was driving a semi-trailer that ploughed into a Melbourne-bound V/Line train at a rail crossing north of Kerang on June 5, 2007, killing 11 passengers.

There were emotional scenes as the cleared truck driver and relatives of Kerang victims cried openly in court after the verdicts in his criminal trial were read.

He was found not guilty of 11 counts of culpable driving causing death and eight counts of negligently causing serious injury.

"Although this criminal case is now over, I will never forget the impact of that day on the lives of so many," Mr Scholl said outside court.

"My thoughts are with those families. I am so sorry."

The Supreme Court jury had deliberated for a day and a half before delivering its verdict, also finding him not guilty of dangerous driving causing death.

The crash claimed the lives of Geoff McMonnies, 50, and daughter Rose, 17; Stephanie Meredith, 46, and daughters,

'We're not angry'

LIAM HOULIHAN

THE family of Stephanie Meredith, who died with her daughters Danielle and Chantal in the Kerang crash, accepted the verdict yesterday and said they were not angry at the truck driver.

"We can't get the girls back no matter what, so there's no point feeling any anger over what's happened today," said Aaron Meredith, nephew to Ms Meredith and cousin to the two girls.

"We're not after justice as such. Unfortunately it's just a tragic accident, which couldn't be stopped."

THE VICTIMS

"It's an unfortunate accident, which he couldn't stop for whatever reason, as the jury's found."

"Our family's not looking for justice, nor revenge."

Ms Meredith's husband, Craig, is understood to have attended the trial, but did not wish to speak yesterday.

At the first anniversary of the rail disaster, he had remained stoic, despite the tragic loss of his wife and two daughters.

Danielle and Chantal were eight and five years old respectively when they died in the crash.

Ms Meredith's mother, Dot Blake, had sat on the Swan Hill-to-Melbourne tram with her daughter and granddaughters shortly before it departed.

She had wanted to enjoy her last moments with them before they took the four-hour journey back to Melbourne.

Before saying goodbye, she gave her seat up to a woman whom she later recognised in a newspaper photograph as one of the crash victims.

Asia. So hot right now. Sale starts Tuesday.

Beautiful beaches, warm sunshine - fly AirAsia direct from Melbourne to Kuala Lumpur, gateway to all the Asian beauty spots. Over 65 destinations, 125 routes and 400 flights a day. Book your sale fare at airasia.com

AirAsia.com

Book online @ airasia.com, on your mobile @ mobile.airasia.com or phone 1300 760 330

*Flights and fares are subject to availability. Seats are limited and may not be available on all flights, or peak periods or days. Fares include airport taxes, surcharges and fees. Other terms and conditions apply. Booking period 16 - 21 June 2009. Travel period 6 July - 30 September 2009. All fares are one-way on the web or \$25 more by phone and are in Australian dollars unless stated. Lowest possible sale fares are internet only, next best possible fare available via phone.

THE KERANG VERDICT

families to sue



Free: Truck driver Christian Scholl, 50, and wife Di leave Bendigo Court after he was acquitted of all charges and (below) the wrecked train in which 11 people died and dozens were injured.

Picture: ROB LEESON

Danielle, 8, and Chantal, 5; Nick Parker, 32; Matthew Stubbs, 13; Jean Webb, 79; Margaret Wishart, 78; Harold Long, 83; and Jaeseok Lee, 26.

Shane Ryan, of Mildura's Ryan Legal, who acts on behalf of Mr McMonnies's brother, Rod McMonnies, Matthew Stubbs's father, Brett Stubbs and Mrs Webb's four adult children, said the truck driver would now be pursued through the civil courts.

He said he also acted for two women injured in the crash: Vicki (Joy) Winkel, who suffered severe facial disfigurement, and Rebecca Marchesi, who suffered substantial emotional injury.

He said he would consult a Queen's Counsel tomorrow and apply for a transcript of the trial to consider whether

THE VERDICT

11 counts of culpable driving causing death – Not guilty.
Eight counts of negligently causing serious injury – Not guilty

V/Line or the State Government should also be sued.

The truck driver, reading from handwritten notes outside court, thanked his family and friends for their support since the accident.

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

Mr Scholl had remained stony-faced in the dock yes-

terday morning even as the verdicts were read.

But as he left the dock and was approached by his tearful wife, Di, he slumped into her arms and wept openly.

Julie McMonnies, who lost husband Geoff, 50, and daughter Rosanne, 17, said she would wait for the verdict to sink in.

"I think we all need time to think about it," she said.

At the trial, the prosecution alleged Mr Scholl did not keep a proper watch for trains as he reached the crossing in his truck, which was laden with 15 tonnes of timber.

Mr Scholl's defence argued the crossing was a tragedy waiting to happen and that there had been several near-misses there in the past.

Mr Scholl told the jury he

did not see the crossing warning lights flash from a distance of 300m, believing it was safe to cross.

Mr Scholl's lawyer, Andrew George, said his client had been emotionally rocked by the crash and legal aftermath.

"He is greatly relieved. Now he needs to spend some time with his wife and children and get some sense of order back in his life," Mr George said.

Justice Stephen Kaye commended the jury for their service.

"It would be difficult to imagine cases more difficult than this," Justice Kaye said.

The trucking company Mr Scholl works for has welcomed yesterday's verdict, but said there are no winners in the outcome.



THE DAY TRAGEDY CAME, PAGE 90



JOHN FARNHAM

LIVE BY DEMAND

PALAIS THEATRE | FROM MONDAY 19 OCTOBER

FOR TICKETS CALL TICKETMASTER 136 100 OR ONLINE WWW.TICKETMASTER.COM.AU

FOR VIP, DINING AND STAY & SEE® PACKAGES 1300 THE VOICE

WWW.FARNHAMBYDEMAND.COM

THE VOICE. UP CLOSE & PERSONAL! | ON SALE TOMORROW

talentWORKS
max
SONY MUSIC
Showbiz
BLAKE

THE KERANG VERDICT

Crossing 'at fault'

Government was warned



An accident waiting to happen: The scene of the crash at the Kerang railway crossing, which was on a list of crossings needing 'urgent modification'

Picture: ANDREW TAUBER

A WOMAN who lost her grandfather in the Kerang rail disaster says the safety of the crossing, not the driver, was the cause of the tragedy.

And as the spotlight fell on the Government following the verdict clearing the truck driver, the State Opposition said there had been warnings about the crossing.

Jaimie Ledwidge's grandfather, Harold Long, 83, died from a heart attack following the crash as paramedics airlifted him to Melbourne.

Ms Ledwidge yesterday echoed the jury verdict in exonerating truck driver Christian Scholl.

"I think as soon as you have a railway crossing without a boom gate you're asking for these sorts of things to happen," she said.

LIAM HOULIHAN and PETER ROLFE

"As much as it's really easy for us to blame a truck driver, the fact is there were lots of circumstances on the day."

Ms Ledwidge said she was not angry with the driver and the fault lay with the level crossing.

She said she would like to see all rail crossings in Victoria grade separated so there would not be a repeat of the disaster.

Opposition transport spokesman Terry Mulder said the Government had been warned of the dangers of the Murray Valley Highway level crossing, which was one of 50 across the state identified as needing "urgent modification".

"The issue is, how many warnings does an authority have to get be-

fore it acts?" he said. "The work should have been done before there was a tragedy."



Terry Forrest, the QC representing Mr Scholl, last month described the Kerang crossing as a "time bomb" with six near misses in the 10 months before the crash.

Transport Minister Lynne Kosky last night refused to comment on the court's ruling, but said her thoughts remained with the families affected by the tragedy.

"The best legacy we can build to honour those who died in this tragedy is to continue improving level crossings across the state and this is what we are doing."

The Government cut the speed limit at the crossing to 80km/h and fitted modern lights, boom gates and rumble strips after the accident.



And it's just as clear in   and  as well. Making Chocolate Better.

*Registered Trademark. © Mars, 2009 GAB BT 12