

Nelson English Usage

Digital resources for the Australian Curriculum

Drink and drive? Go right to jail.

Driving under the influence (DUI) of alcohol and illicit substances is, for the most part, illegal in Australia. Our road toll is bolstered by intoxicated drivers who cause serious accidents, many of them repeat offenders. The sentences handed out to intoxicated drivers who cause accidents are too lenient. Though the penalties available to courts and prosecutors are of moderate severity, DUI killers often walk away with light penalties: this is court-approved recklessness in the name of cost-saving. As long as DUI offenders are let off with suspended sentences and fines, road users are in grave danger. Prison must be mandatory for intoxicated drivers who cause injury to others on the road.

Australian states allow minimal blood-alcohol levels for fully licensed drivers (<0.05), but probationary, learner, heavy vehicle and restricted drivers must have zero blood-alcohol. Being under the influence of illicit substances is illegal for all drivers. Drivers who test positive for drugs and alcohol usually lose their licences, but this penalty doesn't deter.

In Canberra, 2007, a mother of two died in the passenger seat of her own car. She had gone to sleep in the car, and an intoxicated friend decided to drive the car to buy cigarettes. The friend, who later tested positive for alcohol, Ritalin and methamphetamines, drove the victim's car, passenger-side on, into a parked ute. She fled the scene; the victim died before an ambulance arrived. The offender received a suspended sentence; a year later, in a similar accident, her son, aged nine, was seriously injured. The original judge had cited the boy as reason to suspend the offender's sentence.

In 2005, a Victorian man crashed his car while under the influence of alcohol and methamphetamine. He fled the scene on foot and was taken to hospital by a friend, and was fined and disqualified from driving for a year. Six months later, after seeing police lights in his rear-view mirror, he accelerated, and police gave chase. Again escaping on foot, he left his puppy locked in the car with the windows up, and without food or water. When the dog and car were discovered a day later, the dog needed emergency veterinary care, but was returned to him. His disqualification period was increased, and another fine issued.

In 2012, a Victorian woman was recorded with 0.343 BAC – almost seven times the legal limit – after she crashed into three parked cars. Her 7-year-old son was in the car at the time. Had she collided with a pedestrian, or at greater speed, the results would have been devastating.

In 2010, a South Australian man had a BAC of 0.16 when he struck and killed 17-year-old Megan Linnane in Adelaide. The driver was ultimately sentenced to just three years and four months in prison. While we fail to incarcerate some offenders altogether; others receive horribly lenient custodial sentences.

Custodial sentences aren't merely penalties. They are crucial public protection devices. Licence suspensions are hard to enforce and therefore mostly meaningless. From 2006–2010, the vast majority of penalties imposed on mid-range drink drivers (0.08<0.15) in NSW were issued fines, with only one per cent of offenders sentenced to prison. Five per cent of high-range drink drivers were sentenced to prison in the same period. From June 2010 to May 2011, 1309 Australians died in road accidents. Transport Accident Charges (TAC) cost each Victorian driver anywhere from \$30 to \$804 every year.

If television is a barometer of anything, then the Channel Nine program *RBT* points to a disturbing, perhaps class-based, trend. *RBT* chronicles police officers as they administer breath testing to drivers, although they also administer drug tests roadside. At the end of each episode, a summary of offender penalties appears. It seems that the more educated and polite a drunk driver, the lighter the penalty – Section 10 dismissals, unrecorded convictions, short suspensions, lower fines and good behaviour bonds seem to be the norm. It seems that our judges deliver the softest penalties to people who should know better, but fail to offer similar leniency to the poorer, uneducated defendants. Of course, Australia is not the first country to pull its punches on sentencing upper classes – the disproportionate sentences for crack cocaine-related versus powder cocaine-related crimes in the United States has long been controversial. Crack cocaine, a much cheaper drug, is used heavily by poorer African-American communities, while powder cocaine is very expensive and the domain of rich, usually white Americans. The sentencing guidelines for crack cocaine recommend much tougher penalties than those for equivalent quantities of powder cocaine, suggesting class and racial inequities.

The inconsistency will not deter drivers from drinking, because the ultimate message seems to be that if you can appear clever, polite and educated, then you might be able to talk your way out of serious consequences. And if a driver can do that once, what's to stop him or her doing it again?

If all these fines, suspended sentences, programs and dismissals fail to prevent driving under the influence, we must consider the heavy penalties that we as a nation will inevitably suffer by failing to act. A million taxpayer-funded TV ads with realistic make-up will do little to convince a drinker to get behind the wheel. It's time to stop wasting our money and our time on persuasion and shock images. When drink drivers get behind the wheel, people get hurt, and it needs to stop. Whether prison rehabilitates is not the issue. Just get them off our roads.

Questions

1 Summarise the opinion expressed in the essay.

2 Do you agree or disagree with the opinion expressed in the essay? Why or why not?

3 Does the essay use particular facts to express its opinion? Which facts? Use the highlight tool in Word to select these facts – use the **yellow** highlight colour.

4 Does the essay play on your emotions? Which words, phrases and sentences are particularly emotive? Do you find them convincing? Use the highlight tool in Word to select the emotive content – use the **cyan** highlight colour.

5 ‘Drivers who test positive for drugs and alcohol usually lose their licences, but this penalty doesn’t deter.’

What proof, if any, does the essay offer to substantiate this argument?

6 ‘It seems that our judges deliver the softest penalties to people who should know better, but fail to offer similar leniency to the poorer, uneducated defendants.’

If you consider this argument to be true, how do you feel about it?

7 'The sentencing guidelines for crack cocaine in the United States recommend much tougher penalties than those for equivalent quantities of powder cocaine, suggesting ingrained class and racial inequities.'

Does this seem fair or unfair to you? Explain your answer.

8 Do you think this essay could be better divided into two essays? How would you divide it?

9 How could the essay be improved? Justify your answer by explaining how this influenced your own personal response to the essay. Remember to consider factors such as:

- Specific vs general comments
- Repetition
- Word choice
- Libel
- Tangents
- Examples

10 Complete the **Examining literature** template for this essay.

11 Choose one of the following statements about changes to law to research as homework. Then, plan and write an argumentative or persuasive essay around the statement. It is up to you whether you agree or disagree, but you must plan carefully and support your argument. Whether you choose to agree or disagree, you must also analyse the statement itself, looking for flaws, tone, style, gaps, inconsistencies and assumptions.

Fire and arson

Some parts of Australia are among the most fire-prone places in the world. Small fires can become great tragedies. Those who set fires in this country should be punished accordingly. In Australia, convicted arsonists should be imprisoned for life.

Cigarettes

Everyone knows the health risks involved with smoking. Despite media campaigns, increased taxes and packaging restrictions, people continue to smoke. Medicare and private health insurers should not have to foot the bill for this. Cigarette-related illnesses should be paid for entirely out of pocket.

Breed-specific dog legislation

It seems that hardly a day goes by before another dog attack is reported in the media. The offending dog is almost always a Pit Bull Terrier or Pit Bull type dog, such as the Staffordshire Bull Terrier, or American Staffordshire Terrier. The strength of these dogs and their tenacity makes them a danger to society. These sorts of dogs should be restricted or banned to avoid more tragedies like the death of Ayen Chol, a 3-year-old who was mauled to death by a neighbour's dog in her own home.

