

# Nelson English Usage

*Digital resources for the Australian Curriculum*

*Answers: Examining literature with Drink and drive? Go right to jail.*

STRUCTURE	TEXT	LANGUAGE	<i>Intertextuality and references to other texts</i>
<b>Title</b>	<b>Drink and drive? Go right to jail.</b>	Uses a question and answer format, very matter-of-fact	<ul style="list-style-type: none"> <li>• If you drink and drive, you're a bloody idiot</li> <li>• Monopoly</li> </ul>
<p>Introduction – what is the essay's purpose? Identify it.</p> <ul style="list-style-type: none"> <li>• Argues for mandatory custodial sentences for drink drivers who cause injuries to others</li> </ul>	<p>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.</p>	<ul style="list-style-type: none"> <li>• Introduces key terms, e.g. DUI, intoxicated</li> <li>• Phrases the accusations very bluntly 'court-approved recklessness in the name of cost-saving'</li> </ul>	

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<p>Body 1</p> <ul style="list-style-type: none"> <li>• Outlines the parameters of driving under the influence</li> <li>• Leads into next topic – soft penalties don't deter</li> </ul>	<p>Australian states allow minimal blood-alcohol levels for fully licenced drivers (&lt;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.</p>	<ul style="list-style-type: none"> <li>• Introduces key legal terminology e.g. 'illicit substances', 'penalty', 'zero blood-alcohol'</li> <li>• Names licence categories</li> </ul>	<ul style="list-style-type: none"> <li>• Refers to 'Australian states' to indicate that legislation has been consulted, but it hasn't been cited</li> </ul>
<p>Body 2</p> <ul style="list-style-type: none"> <li>• Provides an example to back up the assertion that 'this penalty doesn't deter'</li> <li>• The example is arguably more grave – there was no death this time, but injured party was a child</li> <li>• Implies that the judge was at fault</li> </ul>	<p>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 a key factor in his decision to suspend the offender's sentence.</p>	<ul style="list-style-type: none"> <li>• Refers to parental status – 'mother of two' – for impact, along with other heart-tugging details, e.g. 'victim' and 'gone to sleep' add to the perception that the deceased was defenceless</li> <li>• Refers to specific substances – alcohol, methamphetamine</li> <li>• 'Fled the scene' worsens the offender's perceived guilt</li> </ul>	<ul style="list-style-type: none"> <li>• 'The original judge had cited the boy as a key factor' indicates that court documents have been read or gleaned from media reports</li> </ul>

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<p>Body 3</p> <ul style="list-style-type: none"> <li>• Provides a second example to back up the ‘penalty doesn’t deter’ assertion</li> <li>• This example provides an even more defenceless victim – a puppy</li> <li>• Ends with an ominous overtone – has this offender reoffended</li> </ul>	<p>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 rearview 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.</p>	<ul style="list-style-type: none"> <li>• Again, methamphetamine and alcohol are both involved</li> <li>• ‘Fled the scene’ is repeated, as if three factors are at play – drugs, alcohol, and cowardice</li> <li>• ‘Without food or water’ and ‘emergency veterinary care’ both suggest the offender is callous as well, while the formal language ‘disqualification period was increased’ add to the feeling of bureaucratic rubber-stamping</li> </ul>	
<p>Body 4</p> <ul style="list-style-type: none"> <li>• This example is more current and frightening, but luckily without injury</li> <li>• Is this out of place?</li> <li>• The author seems to have changed tack from ‘doesn’t deter’ to ‘here’s what might happen if...’</li> </ul>	<p>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.</p>	<ul style="list-style-type: none"> <li>• Lots of numbers here that serve to add to the magnitude of the situation –</li> <li>• The specific degree of DUI is listed – 0.343 BAC</li> <li>• Age of child</li> <li>• Almost seven times the legal limit</li> <li>• Three parked cars</li> </ul>	

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<p>Body 5</p> <ul style="list-style-type: none"> <li>The fourth example summarises itself in the last sentence, and seems to be structured backwards – i.e. its purpose is not revealed till the last sentence, indicating that the introduction does not summarise the full purpose of the essay</li> </ul>	<p>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.</p>	<ul style="list-style-type: none"> <li>The BAC – three times the legal limit – is referenced</li> <li>‘Struck and killed’ evokes a kind of doubly violent event</li> <li>For the first time, a victim is personalised and named</li> <li>‘Just three years and four months in prison’ for the death of our personalised, victim; ‘fail to incarcerate’; ‘horribly lenient’ – all evoke helplessness and outrage</li> </ul>	
<p>Body 6</p> <ul style="list-style-type: none"> <li>The second argument for the original purpose is revealed – it’s not just about punishment, it’s about protection, too</li> <li>Does not provide statistics that support the notion that suspensions are ineffectual</li> </ul>	<p>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&lt;0.15) in NSW were 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.</p>	<ul style="list-style-type: none"> <li>‘Hard to enforce’ and ‘mostly meaningless’ to add to the feeling of helplessness</li> <li>The statistics of drink drivers, custodial sentences, actual deaths and taxpayer costs all lend authority to the essay’s argument</li> <li>‘Mid-range’ and ‘high-range’ are introduced</li> </ul>	<ul style="list-style-type: none"> <li>Road safety statistics in NSW 2006–2010</li> <li>Australian road-accident deaths 06/10–05/11 statistics</li> <li>TAC statistics in Victoria</li> </ul>

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<p>Body 7</p> <ul style="list-style-type: none"> <li>• A third purpose to the essay is introduced – indicating that not only are custodial sentences given too infrequently, but also that sentences for DUI are handed down inequitably, suggesting class discrimination</li> <li>• The background of another country’s disproportionate sentencing is used to bolster the argument that it’s possible for such discrimination to happen – that is, that the essay author is not simply imagining it</li> <li>• But no specific example is given</li> </ul>	<p>If television is a barometer of anything, then the Channel Nine program <i>RBT</i> points to a disturbing, perhaps class-based, trend. <i>RBT</i> 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.</p>	<ul style="list-style-type: none"> <li>• The text is different in tone, seeming more adult ‘disturbing, perhaps class-based’</li> <li>• ‘The more educated and polite a driver’ hints at the nasty undertone – that some drivers can use a silver-tongue to get off lightly</li> <li>• ‘Poor, uneducated defendants’ casts these defendants in a more sympathetic light than the more educated driver who should know better</li> </ul>	<ul style="list-style-type: none"> <li>• Television program ‘RBT’ on Channel Nine</li> <li>• Federal sentencing regulations – USA</li> <li>• ‘Section 10 dismissals’ refers to Section 10 dismissal of charges and conditional discharge from the <i>Crimes (Sentencing Procedure) Act 1999</i></li> </ul>

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<p>Body 8</p> <ul style="list-style-type: none"> <li>The consequence of disproportionate sentencing is given its own paragraph to emphasise its importance</li> </ul>	<p>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?</p>	<ul style="list-style-type: none"> <li>'Clever' rather than 'smart' has a slight connotation that the educated offender is sly</li> <li>Using 'him or her' seems to be a deliberate choice to remind the reader that both men and women can offend</li> </ul>	
<p>Conclusion – how does the essay summarise its position or argument?</p> <ul style="list-style-type: none"> <li>Lists the various ineffectual penalties and programs</li> <li>Adds another ineffectual tactic – shocking TV ads – to remind reader of the actual fiscal cost</li> </ul>	<p>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 not 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.</p>	<ul style="list-style-type: none"> <li>Forceful language – 'fail to prevent', 'heavy penalties', 'inevitably suffer', failing to act' – signify the grave nature of the situation</li> <li>'We as a nation' asks for reader to join with the author</li> <li>'Taxpayer-funded' plays on a common concern</li> <li>'Stop wasting our money</li> </ul>	<ul style="list-style-type: none"> <li>TAC ad campaigns featuring the after-effects of accidents caused by drink driving</li> </ul>

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<ul style="list-style-type: none"> <li>• No ambiguity at all in the final two sentences, which return to the first, original point, that one way or another, drink driving hurts people</li> <li>• Bluntly admits that the rehabilitation of the offender is ultimately not the point – they just need to get off the roads</li> </ul>		<p>and time' is used as a call to arms</p> <ul style="list-style-type: none"> <li>• Sentences become very short and to the point</li> <li>• Paragraph is consciously directed <i>to</i> the reader</li> </ul>	