

17 FEBRUARY 06

RESEARCH DIRECTOR
TRAVELSAFE COMMITTEE
PARLIAMENT HOUSE
BRISBANE 4000

Dear Committee Members

This is my letter to the Travelsafe Committee re: its enquiry into how to prevent habitual drink-driving.

Why do drink-drivers re-offend? Because they can. If your 5-year-old son sneaks a chocolate biscuit from the tin and you let him get away with it, he's going to keep doing it, isn't he? This isn't about voluntary ignition interlocks, education programs or confiscating keys. Stop being politically correct at the expense of common sense!

Jail time for drink-driving will work. THAT is a deterrent. If they have an alcohol-abuse problem or other social problems, let them do programs and try and get rehabilitated – in jail.

For many years now I have been so angered by the outrageous leniency of the courts on offenders in general, on rapists and paedophiles in particular, and on drink-drivers causing fatalities especially in particular. Then in 2004 a repeat offender drink-driver killed my wonderful husband and father of our three children in a traffic "accident". Last week the Judge sentenced him to sixteen months.

Anyone in their right mind can see that such a custody period is absurdly light, for dangerous drink-driving (with a blood-alcohol level almost five times the legal limit) causing a fatality. Also, this was his second drink-driving offence. EVERYONE in my family and community is appalled at how light the sentence was. The Judge, it seems, was imposing the "usual" sentence. The prosecutor, it seems, did not expect nor ask for anything higher (than 4 years "head" sentence or whatever it is called).

I have always believed that someone who drinks and drives is no different from someone who takes a loaded gun into their hand and runs around pointing it at people. It is a travesty to call what happened to my husband an "accident". This driver, according to statistics (Road Ahead Magazine Feb/March 06 issue), was between 26 and 35 TIMES more likely to be involved in a fatal crash than other drivers. It was no "accident" – it was a predictable outcome of his actions, and offenders should be sentenced accordingly.

*****Drink-drivers who HAVEN'T caused a fatality are just drink-drivers who haven't killed anyone YET, and they should be sentenced accordingly.*****

I speak not only for myself and my children and the anguish we have been through, but for the poor child or adult who is going to be killed tomorrow by a drink-driver; and for all the other victims and their families, past and future.

This nonsense of slapping drink-drivers on the wrist and letting them on the streets again has to stop. We are not talking about shoplifting here, or embezzling money, or cheating on a tax form. ***** We are talking about people who deliberately take the risk of KILLING PEOPLE and virtually getting away with it.***** Sixteen months is nothing. And how many deaths of this nature could be prevented if the justice system came down hard on the offender THE FIRST TIME? Would the offenders even contemplate drink-driving if they knew they could face real jail time??? And could they re-offend less than 24 hours later if they were already in custody???

Yes, jail time costs money but that is a moronic reason to just keep letting them back out on the streets to re-offend. It doesn't take a rocket scientist to figure this out. The government has to find the money for the jail time, from taxes like my law-abiding husband paid all his life. Besides, how much do the law-enforcers and the sentence-givers think my husband's life is worth?

To read all this bleeding heart stuff about mollicoddling drink-drivers does make my blood boil. Yes, re-education programs are valuable, sympathy for the offender is useful... but the best way to instil a respect for the law in them is to stop making the law a laughing stock.

[A further and separate issue is how an offender, all evidence against him, is able legally to continue driving with his licence for, say, one-and-a-half years while the drink-driving charge WAITS as it is a lesser charge than the Causing A Fatality charge which is proceeding slowly slowly through the courts. And how many re-offences and deaths are caused this way, when habitual re-offenders continue driving legally? This is WRONG and something must be done to change it.]

Drink-drivers, especially repeat offenders, need a DETERRENT.

Yet, for all their distress and genuine remorse, in spite of the truth that they never MEANT to kill anyone, they DID commit a serious crime and that person is JUST as dead. Likewise, drink-drivers who are caught by police BEFORE they've killed someone, have still committed a serious crime too and have been saved only by the police and or Lady Luck from causing a fatality. Even the non-fatal accidents they cause, bring untold trauma and grief for years after for the injured victims.

I believe that drink-driving is not recognised by the judiciary for the serious crime it is. While judges and or laws remain so lenient, OF COURSE many offenders will re-offend. Perhaps some of them DO have a drinking problem, and other problems obviously, but it is NOT up to the public and innocent victims to pay the price for it.

Yes, go ahead, do help them, but in custody, where they will learn that we as a society will not tolerate their behaviour. You know, even if they do have an addictive drinking problem, their problem is with alcohol, NOT with driving a car. The deterrent of a prison sentence would be a very major factor in their decision not to drink-drive, even if they continue to drink.

What kind of deterrent to habitual re-offenders is it to KNOW, that even in the worst case scenario where they kill somebody through their drink-driving, the worst sentence they're going to get is around 16 months jail and then after they're out, an inconvenient 8 months more without their licence till they're back on the road again, enjoying life and free to re-offend.

I have no real ill-will towards the particular offender who killed my husband. I have no desire for revenge. I realise that it was incredibly stupid rather than malicious behaviour and that he is remorseful and that he must come to terms with living the rest of his life knowing he has taken a life in this way. But I found that, after hearing the Judge's sentence for him, I was FAR from satisfied with the Court itself, into whose hands my children and I had placed our faith. I have been sorely disappointed in the Court's attitude towards the value of my husband's life and the Court's nonchalance towards the crime itself.

This is why I am writing this letter. Why do I have to seek justice when this should be the Court's job in representing ME? Why should I have to wrestle with my conscience in this way, on top of all the grief I've had to go through? Why can't I count on the Justice system to SERVE justice, Instead of it appearing to serve the offenders??? Why does the system seem to be bending over backwards for the offenders and leaving the victims in the lurch? I know I want the situation changed and I know of many other people who do too.

From Mrs Donna Sharp.

ENC. I have enclosed a copy of the Courier Mail article reporting the case and the sentencing.

P.S. Could you please let me know what this Parliamentary Enquiry achieves and what more I can do on this issue.

Enclosure.

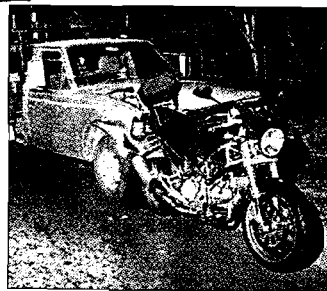
Widow seeks road → Cont'd

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- FRIDAY

Leanne Edmiston

THE widow of a world-renowned Brisbane engineer, killed by a repeat drunk driver, has called on the courts to force young driving offenders to share their experiences with high school students as part of their sentences.

Electrical engineer, researcher and Queensland University of Technology lecturer Brian Sharp died instantly when his motorcycle was hit from behind by a provisional driver with a blood alcohol content almost five times the legal limit.



TRAGEDY... Brian Sharp on his motorbike, left, and the bike crushed under drink-driver Dayne Baker's ute after the fatal accident.

Dayne Jevon Baker, 23, a convicted robber who has served time in jail, pleaded guilty in the Brisbane District Court yesterday to one count

of dangerous driving causing death while adversely affected by an intoxicating substance on July 26, 2004.

Crown prosecutor Vicki

Loury said Baker was driving home from work on Creek Rd, Carina, about 6.20pm when he hit the stationary motorcycle of Sharp, who was waiting to turn right into Zahel St.

Ms Loury said the motorcycle became wedged under the front of Baker's utility and Sharp, a 50-year-old father of three, was thrown into the northbound lanes of the street. He died instantly.

The court was told Sharp's eldest son came across the accident soon after it happened and became distressed after he recognised his father's motorcycle.

Ms Loury said Baker was a provisional licence holder re-

→ death lessons

quired by law to have a blood alcohol level of less than 0.02 but he registered a level of 0.118 - the equivalent of about 10 standard drinks. He had been convicted of driving with a blood alcohol level of .096 in March 2000, when he was 17.

The court was told when Baker's mother arrived at the scene, he cried in her arms and said: "I've killed a man. I don't want to go back to jail. How am I going to live with myself?"

Defence barrister Colin Reid said his client was remorseful, accepted there was no excuse for his behaviour and wished to formally apologise to the Sharp family.

Mr Reid said Baker had a difficult time in his late teens, when he committed several offences, but had tried to turn his life around since his release from jail.

Judge Michael Shanahan sentenced Baker to four years' jail suspended after 16 months, for an operational period of four years, and disqualified him from holding a driver's licence for two years.

Outside court, widow Donna Sharp said sentencing was a matter for the courts but urged judges to consider imposing additional community service where offenders spoke to teenagers about the dangers of irres-

ponsible driving, and the devastating consequences.

"They could tell them of their experiences, say 'look what an idiot I have been and please don't do what I have done'," Mrs Sharp said.

She said her husband of 27 years would appreciate lessons being learnt from his death.

QUT has established the Brian Sharp Memorial Scholarship, awarding an annual \$20,000 grant to an outstanding postgraduate student with a research interest in the field of electrical asset management.

The first scholarship will be awarded later this year.