

ACT SUPREME COURT  
DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE  
GRADUATION OF BLAIR PEARSON

29 July 2022

Today, you, Blair Keiran Pearson, celebrate an important occasion, with all here, the Court and, indeed, the whole community, for this is an important day for all. It is your graduation, as the most recent of the growing number of participants in the Drug and Alcohol Sentencing List of the ACT Supreme Court who have graduated from the Program by completing the drug rehabilitation prescribed for you. To do this, you had to complete successfully the three phases of that Program, with the aim that you become abstinent from the use of illicit drugs, able to manage your dependency, remain crime free and re-integrate successfully into our civilised community. We are quietly confident that you can now do that, as you have seen the value of the life you are leading without drugs and crime and that you have gained the skills and strength to remain abstinent and crime free. We all celebrate your achievement.

This celebration is, of course, being held on the lands of their traditional custodians, the Ngunnawal and Ngambri peoples, who have never ceded sovereignty over them. I pay my respects to their elders; past, present and emerging. I welcome all Aboriginal and Torres Strait Islander people here present. I commit myself to personal acts of reconciliation.

You were sentenced to two years and two months imprisonment, but you have been privileged, by participating in the Drug and Alcohol Sentencing List, to avoid serving in custody the vast portion of that sentence. This important and creative option has been generously offered by this Territory, which funds considerable support to address the harms that the abuse of alcohol and other drugs causes to users, including as offenders committing crime and going to gaol, but also to their families, the victims of their crimes and to the community. You have certainly taken advantage of the opportunity that this step has provided.

The Program of intensive therapeutic interventions supported by judicial supervision is one of many conducted throughout the world, such as more than 3,500 in the USA, as well as many throughout Australia and elsewhere. They have been shown to work by international and local research and you are a great example of that success. The programs give back to drug dependent persons a life without drug use and all the problems that it brings. Participants like you are a living proof of its success.

In this Territory, we have our own special program. Our List is not a separate Drug Court, nor a List of the Magistrates Court, but of the Supreme Court, which I currently have the honour - and delight (mostly!) - to manage. The Program requires the Team to address the pernicious drug dependency, which almost inevitably leads to crime, even serious crime. Today, you show us, especially others in the Program, how it can help offenders change their lives and be drug and crime

free, able to focus on the potential that most offenders have for developing their talents, pursuing work, being part of the lives of family and friends and generally participating fully in the community in a meaningful way.

On 30 November 2020, I sentenced you for eight offences mostly of violent behaviour. Instead of requiring you to serve the 2 years and 2 months imprisonment, I made a Drug and Alcohol Treatment Order for 18 months from the date of the Order. I recently made a short extension to ensure that you could actually graduate, as you are now doing, despite a setback.

You had a limited criminal history, which made the more serious offending on this occasion surprising, but clearly related to your drug use. Very nearly 27 years old, you had had limited employment. Nearly an adult when your drug use started. Yet, on sentencing you did show an insight into your offending and a motivation for reform.

You started well, but faced some challenges. There were times when you engaged well, showed the honesty which is a key to success and attended to all your commitments under the Program. A big milestone was when you were able to get your driver licence back. There were times when you found it difficult if challenged by members of the Treatment and Supervision Team, but you did persevere.

You also engaged in Restorative Justice, though you were nervous. It was not always easy, but you were able to achieve some of the insight and healing often experienced by those participating in that scheme. Your resolve to engage in it demonstrates your commitment to facing your past actions and changing your future.

As time went on, it became clear that the length of the program was difficult and this year there was some slippage in the generally good progress that you had been making. There were some appointments missed and, most seriously, some drug use. It is a pity that some participants in Phase 3 have not managed to live up to their Relapse Prevention program always, but this is just further evidence that the road to rehabilitation is a long and bumpy one. Thus, in May, you had to be sanctioned with a period in custody, but you came out of that fully committed to complete the Program and graduate. You did step up to that and, in the last couple of months, your compliance and commitment has been sufficient to justify this graduation. You can be justifiably proud of what you achieved in this. It also shows, however, that, though you have graduated from the Program, your commitment to your rehabilitation must continue and that you have the skills ability and strength to do that.

I was often able to congratulate you for being honest, even about your failures; that is fundamental to success in addressing drug dependence, as it was for you.

I did often have reports such as "Blair continues to do well on the program. He is attending all his requirements and engaging well with supports". I am pleased to say that these kinds of reports were the majority.

You were able to obtain employment, an important part of the later stages of the Program. Then, even when a job ended, as it did, from time to time, you were usually able to get another, that worked with your commitments to the Program.

I hope that you have thanked the Team Members and others, who have worked with and supported you on this journey, for the part that they have played in your success. While you are no longer subject to their supervision, there is still an opportunity for you to seek their advice and counsel if you need it.

Nevertheless, it was you and only you, who had to do the hard work. One of the aims of the Program is for you to make up for the crimes that you committed. Many, but not all, victims think that your rehabilitation will be some fair compensation for what they have suffered as well as being better for you and for the community, protecting them and it from similar crimes and hurt in the future. We are grateful that this Court, and especially its excellent associated staff, helped you do that. Of course, at the end of the day it was all on you; you had to do most of it yourself.

You did succeed very well and, here you are, graduating. You are, and are completely entitled to be, very proud of what you achieved: the remarkable changes you have made.

As we know from the last few months, there will be temptations and you need to take care for the risks that you will face. Every life is full of challenges and yours will be no exception. I believe that, with the determination that you have shown here, you can meet such challenges, avoiding or overcoming them. Your old associates will particularly present a risk and you need to protect yourself from being dragged back into "the scene" by them. You will never cease to have a dependency, but what you have learnt and experienced and the successes that you have achieved under this Program will give you a real platform from which to return to a normal life and avoid further criminality.

You have shown, at least more recently, that you are able to manage this dependency and to master it rather than to let it master you. That is happening, of course, currently under this Order with its support and accountability. Now you will have to put this skill into practice in the community where there are no similar protections. I am confident that, with what you have learned and gained from the Program, you will succeed as have others before you.

In the nicest possible way, we say, as we say to all graduating participants, that we hope that we do not see you in this Court - or, indeed, in any other Court - again. We hope that your journey through the rest of your life will be happy.

I also often say to participants that we do not ask you to thank the Court for this Program, not because we are not happy to be thanked - we are - but because the best form of thanks to us is the successful graduation of a participant and their ability and determination to live a drug and crime free life. On that measurement, you have expressed a very generous thanks to us.

Congratulations and the best of wishes for a successful future that this incredible future has opened before you. Grab it with both hands and make it your own.

Acting Justice Refshauge  
ACT Supreme Court