

ACT SUPREME COURT  
DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE  
GRADUATION OF ALEXANDER SAUNDERS

4 March 2022

This is an important day for you, Alexander Ian Saunders, as it is for this Court and, indeed, for the whole community. You are the most recent of the participants that have now graduated from the Drug and Alcohol Sentencing List of the ACT Supreme Court by completing the Program of drug rehabilitation that was prescribed for you. You have transitioned, ultimately successfully, through the three phases of that Program, with the intention that you become abstinent from the use of illicit drugs, so as to be able to manage your dependency on those drugs and remain crime free.

We are confident that you can see the value of the life you are leading without drugs and crime and have gained the skills and strength to remain abstinent and crime free and we celebrate your achievement.

This celebration is, of course, being held on the lands of their traditional owners – the Ngunnawal and Ngmbri 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 people present here today. I commit myself to personal acts of reconciliation.

You have been privileged to avoid a term of 2 years, 2 months and 12 days imprisonment by participating in the Drug and Alcohol Sentencing List. The List is another of the many creative steps that this Territory has taken over the years to address the harms caused by the use and abuse of alcohol and other drugs to those users, including, as offenders, committing crime and going to gaol, but also causing harm to their families, the victims of their crimes and to the community.

Programs conducted by the List consist of intensive therapeutic interventions supported by judicial supervision, which has been shown by much international and local research to have worked - you are a great example of that success. In Australia, every State and Territory now has such a Program, though we have been again innovative and established it, not as a separate Drug Court, but, unusually, at the Supreme Court level, as a sentencing option managed as a separate list.

It is this List which I currently have the honour - and delight (mostly!) - to manage. It provides the same post-sentencing alternative as other Drug Courts, and has been shown to be successful by treatment and supervision for offenders who have committed crimes that justify the relatively serious penalty of between one and four years imprisonment. This Program helps offenders change their lives and to be drug and crime free, so that they can focus on the potential that most have to fully participate in the community in a meaningful way. Your graduation, Alex, is the most recent living example of this success.

On 20 December 2020, Chief Justice Murrell, who retires today after eight years as Chief Justice of this Court, sentenced you for two offences of aggravated burglary and two other offences, but made a Drug and Alcohol Treatment Order for 15 months from the date of the Order.

You had no criminal history, which made your offending surprising, but it was clearly related to your use of drugs, namely of unprescribed benzodiazepines. You were 24 years old and had been employed. You showed an insight into your offending and a motivation for reform.

You threw yourself into your rehabilitation and I received many good reports from your counsellors of your compliance, engagement and self-exploration. You showed yourself as committed to your therapy, from which you obviously gained much. You talk positively now about the changes that you have made and your commitment to continue on this path.

As almost always happens, you met - and overcame - some hiccups from time to time. At one time, you wanted to leave Canberra and follow employment in Melbourne, which is not possible on this Program, and you found that a difficult decision to accept, which made you angry; as with many other people, you had great difficulties with the COVID-19 caused-lockdowns, especially the effect it had on your mental health; you did, a couple of times, fail to comply with all your urinalysis obligations; finally, worst of all, was your usage of cocaine in late October last year, by which time you were well into your Program, when you should have been able to say "no" and prevent any relapse. You did, however, overcome each and every one of these hurdles, and have now graduated. To overcome these also made you stronger and gives you, the Team supporting you and the Court confidence that your journey of rehabilitation and growth will continue to be successful.

You re-committed to your rehabilitation after that significant lapse, revived yourself, and, as a counsellor described it, you have "done a good job to be successful". You should be proud of yourself, and I hope that you are.

Similarly, you experienced low moods from time to time, even depression, but you were able to manage this with greater strength and success as time went on, but were able to get back to your rehabilitation and make great use of the help that your counsellors and case managers could provide.

You also sensibly spent some time carefully assessing the position with vaccinations against COVID-19, educating yourself and changing your mind after seeing what the science had to say and finding how helpful they could be, not just to yourself, but to your family, associates, friends and others in the community more widely. This showed maturity, ability to be open to learning and common sense.

I always found you showed the honesty, even about your failures, that is fundamental to success in addressing drug dependence, as it was with you.

You had some excellent passions. You really wanted to get back into employment and, ultimately, this happened very successfully, though perhaps too quickly, for, occasionally, it seemed to get a bit in the way of the other elements of your reform.

You also had a passion for your physical fitness and regularly worked out. This proved to be really good for your physical and mental health and was an important part of your rehabilitation. You were even involved with fitness at a competitive level and I understand that you might be participating in a body-building competition later this year. You wanted to go skydiving and, this last Christmas, you finally got the chance to do so when on a camping trip. I could clearly hear the excitement and pleasure you found in it when you were telling me about it. It was a joy to hear about these positive developments in your life.

You gained many skills. One that I think is important is your conflict resolution skills, which you had a chance actually to use in personal relationships. You were also able to help others with their rehabilitation and that is much to your credit.

You want to start your own personal training business and the journey you have now finished will provide you with skills and attitudes that should help and support you in this. The Court wishes you well if you proceed.

I hope that you have thanked the Team Members and others, who have supported and worked with you on this journey, for the great work that they have done. 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 and I understand that you are keen to continue with some of your counselling. That is also a sign of your growth through this process.

Nevertheless, it was you who had to do the hard work. The aim of the Program is really for you to make up for the crimes that you committed. Many victims, but not all victims, think that, if you can be rehabilitated, that will be some fair compensation for what they have suffered. It is, of course, better for you and better for the community that that occurs. So, we are grateful that this Court, and especially its associated staff, which is designed to achieve that rehabilitation, 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 it and here you are, graduating from the Treatment Order regime, showing that success. Please be very proud of what you did.

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. Your old associates will present a risk and you need to protect yourself from being dragged back into "the scene" by them. You never cease to be dependent, but your success and ability to avoid further criminality is determined by your ability to manage this dependency and to master it, rather than to let it master you. You will not avoid every temptation, but self-protection strongly suggests that you can minimise placing yourself into temptation's way.

In the nicest possible way, we say that we hope that we do not see you in this Court - or, indeed, in any other Court - again. We hope that your journey will be happy for you.

Congratulations and the best of wishes for a successful future that this incredible

future offers which has opened before you. Grab it with both hands and make it your own.

Acting Justice Refshauge  
ACT Supreme Court