

SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE GRADUATION OF TY BONFIELD

18 August 2023

Every day is an important day for the Drug and Alcohol Sentencing List, especially as we recognise the success each participant makes in often small steps towards the successful life without the crime and use of drugs that has led so many to doing terrible things to their fellow citizens, violence, dishonesty, putting them in danger, causing loss, mental harm and disrupting lives and relationships.

Particularly, however, we need to celebrate very significantly the graduation of participants where, without ignoring the past, we commend the future that they have, with clear eyes and determination, reached for themselves.

Thus, today we congratulate you, Ty Bonfield, and salute you for graduating from the Treatment and Supervision part of the Drug and Alcohol Treatment Order made for you on 22 December 2021. It is a really important and proud day, for you, Ty Bonfield, but also a really important day of celebration for this Court, all the Treatment and Supervision Team and your fellow participants as well as your family here watching, all of whom will, in a minute, be applauding your achievement.

Today, you, Ty Bonfield, join that distinguished group of participants in the Drug and Alcohol Sentencing List of this Court, who have successfully completed and graduated from the Treatment and Supervision part of a Treatment Order.

Such graduations show the success of the way in which such Orders help and support you and all the participants to address the challenges and issues that have promoted crime, to see how you can put that behind you. You have gained the strength and insight to find in yourself the power, commitment and resource to reject crime. This is exactly what you were not able to find when punished by the traditional sentences that Courts have had to impose.

In particular, the Programme under your Order was carefully fashioned to help you address your dependence on alcohol, especially, but also your need to understand the relationship you have had with your partner and how it can become a healthy and respectful one, leading to a fruitful future for you both. This was achieved by giving you the opportunity to learn from a prescribed course of drug rehabilitation, and also an engagement with interpersonal change at Room4Change, all supported by case management and judicial supervision. You found the self-commitment and personal strength that would help you gain - or discover in yourself, because only you could challenge your dependence and attitudes - the skills and understanding needed to live a drug and crime free, worthwhile and happy life and to commit yourself to doing so. You have managed that. You must be proud of yourself and what you have achieved. You are entitled to be proud. We all in this Court join you in that.

Each graduation is a proud day for this Court and for the community, but we are sure, particularly for you and your family it is very special. We can all offer this recognition of and, indeed, honour, your success. You will understand and, I am sure, recognise and appreciate, the essential support that has been provided to you through the untiring work of the superlative, committed and dedicated Treatment Order Team of the Programme. Together with the team at the Domestic Violence Crisis Service and its Room4Change program, you have been helped to understand and confront your dependency and difficulties with some attitudes. This, then, helped you to find and use the skills and strength that you have to manage that dependence and understand where you needed to change your views. You have done it, however, as, importantly, only you could.

This celebration is, of course, being held on the lands and waterways of their traditional custodians, who have walked and cared for the country over centuries and have never ceded their sovereignty to them. I pay my respects to their elders, past, present and emerging. I celebrate the contribution they have made to our culture. I welcome all Aboriginal and Torres Strait Islander people here present. I commit myself to personal acts of reconciliation.

That personal commitment is important at this time of conversations about a Voice for our First Nations fellow country men and women and which has led to some division in the community. This must not be allowed to degenerate into disrespect for those who have occupied, tended, and cared for this land for thousands of years before they were dispossessed. Our commitment must not be an empty symbol, but a promise of action. Our First Nations brothers and sisters are, of course, members of our community, our neighbours and our friends.

This graduation, Ty, recognises that you have successfully completed the three phases of the Treatment Order programme, namely stabilisation, consolidation, and integration, which comprises the rehabilitation programme prescribed for you. It confirms the research and experience worldwide that such programs can help to improve our community, is a better course, if it can be successful, than the old ways of responding to crime and helps you to take control of your life and drive your future not just to success, but as a gift to your partner, your family and your friends.

On 22 December 2021, you were convicted and sentenced to 3 years and 10 months imprisonment for offences of violence. The making of the Treatment Order meant that you were not required to spend any part of the sentence in prison. This privilege allowed you to serve your sentence in the community, but subject to engaging in your rehabilitation and your re-entry into the community without committing crime. You took up that challenge and embraced that opportunity, leading to this happy day.

In sentencing you, Ty, I was confident that the evidence showed that, instead of the usual sentence of imprisonment, you could succeed in the proposed rehabilitation and that the community, you, and your family would benefit from the making of a Drug and Alcohol Treatment Order for the serving of your sentence. It saves the possible future victims of such crimes from the hurt, financial loss or injury, both physical and psychological, that they suffer as victims of such crime. It saves the

families of offenders from the disruption that incarceration brings, and the effects of the childhood disadvantage it causes, often leading to their children committing crime themselves. You tested my confidence at times, accumulating a warning and some sanction points, but have now come through and justified the approach of the Court and the efforts that the whole team have willingly invested in your success.

You had a difficult childhood, making your success more difficult. It is a testament to your commitment that you were able to succeed. You started using alcohol at an early age and were soon drinking daily. You tried other drugs, but they were not a problem for you. When the opportunity came for you to enter this Programme, you committed yourself to it, but did face challenges along the way.

It is not easy to stop using alcohol, both because it can lead to such dependency, but also because so many people around you are using it and can seem to do so without letting it get out of hand for them. Nevertheless, apart from isolated occasions you did not allow challenges and setbacks to lead you back to alcohol use and no crime. Of this, you should be very proud. You have now been able to graduate, and earlier than the order had set.

When preparing for each graduation and for yours, I re-read the reports that I receive each time you appeared for review in Court. They record your journey, showing that almost every time, I described your progress as "Going Well", sometimes "Going Very Well" and only once just "Going OK"! Nothing less! I noted the insight and maturity that you began to show. You were time after a time shown to be honest, an essential to succeed in this programme. Everyone finds it hard to accept mistakes honestly, but I hope that you recognise the support we provide for honesty, even if that requires a sanction - but a lesser sanction because of the honesty.

You entered the program with some defensiveness and hurt. Your counsellor worked hard with you, and you responded, allowing her to gain your trust and, with her, you found a freedom with responsibility, acceptance and understanding your own self agency. You were able to develop your sense of voice, a sense of peace. You gained, through reform, ways of communication for getting your needs met while maintaining healthy communication with others and yourself. You learnt how to deal with uncomfortable feelings and emotions without returning to alcohol. You let your long-term vision of independence inform your present behaviour. You found freedom from substance use an exciting experience. You demonstrated humility in working at accepting what is outside your control and reframing negative situations to enable gratitude.

Like you, everyone who succeeds under a Treatment Order Programme, faces some struggles along the way. You faced challenges, yet you made great progress. You have now graduated. This is a wonderful achievement which does you great credit.

The support that you have received from the members of the Treatment Order Team, who worked very hard to support you, and your respectful work with them, has been an important part of your progress. I am sure that you have thanked them and others, for the part that they have played in your success by working with you and supporting you on this journey. Having graduated, you can still access their support and advice for a few months.

It is clear, however, that only you can achieve the success that you have now done. Only you can achieve your rehabilitation. I am grateful to the Team for their part in this, but I congratulate you most sincerely for the huge gains you have made.

You still have a period of the sentence, the balance of the Custodial Part of the Treatment Order, to complete in the community, unless you breach it. You will be subject to supervision by the Commissioner of ACT Corrections or his delegate, but, if that proceeds well, that can also be ended early. You will, too, not have to return to Court unless there are some problems. That will, no doubt, delight you! I will miss your appearances. I am confident that you will manage this without any problem.

You did succeed in the end 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 with all those who come out of a life of drug use and crime, you will, of course, continue to face challenges and temptations into the future. Your success, however, shows the strength of character that you have and that, when you set your mind to something, you can achieve it. You are generous, committed and prepared to work again to put missteps behind you.

I believe that, with the determination and capacity to re-commit yourself to a drug and crime free life, together with the skills and knowledge of yourself that you have learnt, you can meet such challenges, avoiding or overcoming them. Alcohol will still be a temptation for you, but you have the power to succeed. You have shown that you can manage challenges and master them rather than to let them master you.

Do not forget the past but look forward with a committed eye for the future you see for yourself and your loved ones. You will live in the future and, while it has been built on the past, it is not defined by it, but by your vision and inner strength to achieve what you want and what you can imagine.

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

We also tell participants that we do not ask you to thank us all for this Programme. We are happy to be thanked, but 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 measure, you have, so far, expressed a very generous thanks to us, which we appreciate, and I hope that this will continue.

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

Acting Justice Refshauge
ACT Supreme Court