

SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE GRADUATION OF JANICE LEE GREEN

17 March 2023

After some months, we are celebrating the commitment and hard work of a Drug and Alcohol Sentencing List participant who has graduated.

Janice Lee Green, you are today joining that distinguished group of those participants in the Drug and Alcohol Sentencing List of the Supreme Court of the Australian Capital Territory, who have successfully completed the Treatment and Supervision part of a Drug and Alcohol Treatment Order. Under that part, you were prescribed a course of drug rehabilitation, including intensive therapy, case management and judicial supervision, designed to assist you to manage your dependency on drugs, help you gain - or discover in yourself - the skills needed to live a crime-free, worthwhile and happy life and to commit yourself to doing so. It is a time for you to celebrate your success in this and we here, as well, indeed, as the whole community, will celebrate that and congratulate you as well.

It is a proud day for this Court, for the community, but, we are sure, particularly for you, when we can all offer the recognition of and, indeed, honour your success. This is also, of course, a celebration of the work of the incredibly committed and supportive Treatment Order Team of the Court, who have supported, advised and counselled you through this time. Nevertheless, Janice Green, this is your day for you are the one who has achieved this.

This celebration is, of course, being held on the lands of the traditional custodians, 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.

This graduation, Janice, is a mark of your successful completion of the three phases of stabilisation, consolidation and integration, which comprised the drug and alcohol rehabilitation programme prescribed for you. It is intended to enable you to become abstinent from the use of illicit drugs and able to manage your dependency, remain crime free and, perhaps most importantly, then re-integrate successfully into our civilised community to be a worthwhile member of it. This graduation is a mark of our confidence that you, as with the other graduates from the Programme, can now do that. From the work that you have done and the way you have achieved it, we are confident also that you have seen the value of the life you are now leading without drugs and crime, of undertaking further training and that you have gained the skills and strength to remain abstinent and crime free. We all celebrate your achievement.

On 17 November 2021, you were convicted and sentenced to 20 months

imprisonment for drug-related offences, but you have been privileged, by participating in the Drug and Alcohol Sentencing List, to avoid serving any of that sentence in custody.

The Drug and Alcohol Sentencing List is the ACT version of the now accepted and very successful approach, supported by research, to the sentencing of those who have been using drugs and committing drug-related crime. Starting nearly 35 years ago in the USA, it is based on offering such people coming into the criminal justice system intensive therapeutic interventions supported by judicial supervision.

The ACT Government has, fortunately for you, Janice, and for the community, agreed to support it and pay the significant funds needed to put it into practice. The Government has seen the value and the rewards to the community and its members and to the participants and their families of the rehabilitation of people like you. This, of course, leads to the reduction of crime, the increase in the health of the community and the improvement of lives such as those of your and your family. Last year, the required review of our Programme, conducted by distinguished academics from the ANU, showed the success of the Programme and, indeed, the contribution it made to the community, both financially, by saving much, and the improvement of the safety and peace of the community. You, Janice, are a brilliant example of that success, showing how worthwhile that investment is. It gives back to persons with an alcohol and other drug dependence a life without such use and all the problems that it has brought you and others. You are already seeking to be a valuable member of the community and a worthy role model for your children. Participants like you are a living proof of its success.

In sentencing you, I was confident that the evidence showed that, instead of the usual sentence of punishment, you could succeed in, and the community would benefit from, the making of a Drug and Alcohol Treatment Order for the 20 months of your sentence. Your progress, however, has been so impressive and your success so assured that the Treatment and Supervision part of the Treatment Order can be ended early. While you remain on a suspended sentence until 16 July 2023, we are confident that you can now participate in the community without supervision and intervention.

You had a difficult time as a child. You also had a very short criminal history, but clearly related to your drug use. Although that use did not start at as early an age as with many participants, it became entrenched and even some brief treatment was not enough to enable you to manage it. When the opportunity came for you to enter this Programme, you committed yourself to it, however, and managed to succeed very well, a success of which you, as you are entitled to be, should be very proud.

You now have four children and you have devoted yourself to them. You are committed to giving them the support that they need. This has provided you with some challenges, juggling the obligations of the programs and attending to their needs. We, in the Programme, were able to be flexible to help you and this has worked well. You have now enrolled in a course at the Canberra Institute of Technology in Alcohol and Other Drugs and Community Services. This course will give you great skills that, with your experience, will provide a great base to achieve very well in the work that you will be able to do.

In preparing for each graduation, I re-read the reports that I receive each time you appear for review in Court. Every one showed that you were doing well and, brilliantly, you have received not one sanction along the way. As with everyone, you had some struggles along the way, but you addressed them with strength and a great sense of responsibility and engagement. You were congratulated for the way you addressed your challenges, for your willing participation and your engagement. You graduated into Phase 2 in record time and then to Phase 3 also in the minimum time. Now the Treatment and Supervision part of the Order is ending early.

The support that you have received from the members of the Treatment Order Team and your respectful work with them has been an important part of your success. I am sure that you have thanked them 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.

At the end of the day, however, only you can have achieved this success. While all the Team work hard to support and assist you in this, and I am grateful for them in this work, you are the one who can confront your behaviour and dependence and achieve the success that you have. At the end of the day, it was all up to you and you succeeded brilliantly.

You can, of course, have some access to members of the Team. That is still available to you, but I am sure that you will achieve all that you wish in the years ahead.

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.

There will, of course, be challenges and temptations. You have taken on a huge task as a single mother and now studying. 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 patient, you persevere and you show the power and ability to make sure that you now have the life that you really want.

Every life is full of challenges and yours will be no exception. I believe that, with the determination that you have shown here and the skills that you have learnt, you can meet such challenges, avoiding or overcoming them. Drugs can still be for you a temptation, but your progress and what you have learnt and experienced, especially the successes that you have achieved under this Programme, will give you a real platform from which to continue with a normal life and avoid further criminality.

You have shown that you are able to manage your dependency and to master it rather than to let it master you. I am confident that you will be able to put these skills into practice in the community where you no longer have the protections that participating in this programme has provided. I am confident that, with what you have learned and gained from the Programme, you will succeed as have others before you. We are proud of the successes that all the graduates have achieved and are

confident that you will continue that tradition.

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.

I often also say to participants that we do not ask you to thank the Court for this Programme, 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, so far, expressed a very generous thanks to us 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