

ACT SUPREME COURT  
DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE  
GRADUATION OF DAVID PEADON

11 March 2022

This is an important day for you, David James Peadon, as it is for this Court and, indeed, for the whole community. You are the most recent of the growing number of participants in the Drug and Alcohol Sentencing List of the ACT Supreme Court who have now graduated from the Program by completing the drug rehabilitation that was prescribed for you. You have transitioned, ultimately successfully, through the three phases of that Program, intending that you become abstinent from the use of illicit drugs, able to manage your dependency and remain crime free to re-integrate into a civilised community successfully. We are confident that you can do that, seeing 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. We 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.

Despite being sentenced to 4 years imprisonment, you have, except for 6 months Pre-Sentence Custody, been privileged, by participating in the Drug and Alcohol Sentencing List, to avoid serving the vast portion of that sentence. This is an important and creative step taken by this Territory to address the harms that the use and abuse of alcohol and other drugs cause 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 certainly did all of that.

The Program is one of intensive therapeutic interventions supported by judicial supervision, as conducted in various parts of the world, especially in the United States of America since 1989 and now throughout Australia, and elsewhere. They have been shown by much international and local research to have worked and you are a great example of that success. Our success, with participants like you, are a living proof of its success. There are some administrative differences here: the List here is not a separate Drug Court, as most now are, and, unusually, is simply a sentencing list of the Supreme Court, which I currently have the honour - and delight (mostly!) - to manage. As you know, it requires counselling and other programs, as well as urinalysis and case management, to address the pernicious drug dependency which almost inevitably leads to crime, sometimes serious crime. You are another great example of how this Program can help offenders change their lives and be drug and crime free, able to focus on the potential that most offenders have for fully participating in the community in a meaningful way and often, as for you, to re-establish respectful and loving, caring family relationships.

On 7 September 2020, I sentenced you for five offences, including theft of nine

motor vehicles and a motorcycle, as well as dishonestly riding in a motor vehicle without the owner's consent and two other less serious offences arising out of a substantial raid on the premises of a motor vehicle auction business. Instead of requiring you to serve the 4 years imprisonment, I made a Drug and Alcohol Treatment Order for 12 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.

You had quite a limited criminal history, which made the very serious offending on this occasion surprising - indeed, I described it as an "aberration" - but clearly related to your use of drugs, and problematic alcohol use. You were 37 years old and had been employed, until your drug use made you give employment away. You did show, however, an insight into your offending and a motivation for reform.

You started with difficulties immediately, being discharged from the residential drug rehabilitation facility for drinking alcohol within 5 days after admission, perhaps as a result of spending brief time with your family before sentencing after being in custody on remand, finding it hard to leave them again and enter the residential program. You had to spend a week in custody as a sanction, by which time a new residential placement at Karralika Programs Inc. was identified for you. You then threw yourself into your rehabilitation with an impressive commitment.

I always received good reports of your compliance in the regular reviews conducted by the Court. You were regularly described as attending programs in an open and willing manner. I received many good comments from your counsellors and case managers and, since this major slip-up, you became really motivated and committed to your treatment, showing gratitude for and taking advantage of the opportunity. You were willing to proceed in ways that made you vulnerable, but it did not stop you from taking risks to grow, and thereby learning new skills.

The Court had the pleasure of supporting you to achieve the re-connection with your two sons, whom you were able to visit and who later who regularly visited you. Unfortunately, this was disrupted recently, but has re-commenced.

When entering Karralika, you had received some peer support from, as it happens, another participant in this program and, over time, you became yourself a very impressive supporter of others, graduating to a senior peer mentoring role. You also learned various skills, especially the management of your family relationships. You developed an introspective view into your situation and to your motivations.

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

You were obviously proud of what you had achieved and showed that pride very clearly to the Court when you graduated from the residential program into the transitional Nexus program. Despite some anxiety at the commitments you would have to accept there, you took up this opportunity, showing your strength and growth through the process and your keenness now to complete the program.

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.

Nevertheless, it was you and only you, who had to do the hard work. An aim of the Program is for you to make up for the crimes that you committed. Many, but not all, victims think that rehabilitation will be some fair compensation for what they have suffered, as well as being better for you and for the community that that occurs. We are grateful that this Court, and especially its 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 impressively 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 and the contribution you have given to your peers and your sons.

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, as you already know and have experienced, 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 that you are able to manage this dependency and to master it rather than to let it master you, but in a protected community. Now you will have to put it into practice in the community where there is no similar protection. I am confident that, despite your anxiety at moving into the community through its Nexus Program, with what you have learned and gained from the Program, you will succeed as with others before you.

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.

I often say to participants that we do not ask you to say thank you for the opportunity to have the privilege of undertaking 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 offers which has opened before you. Grab it with both hands and make it your own.

Acting Justice Refshauge  
ACT Supreme Court