

ACT SUPREME COURT  
DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE  
GRADUATION OF LOCHLAN HINDER  
7 MAY 2021

Lochlan Hinder, this is an important day for you, for the community and for this Court. You have graduated from the Program of the Drug and Alcohol Sentencing List by completing the drug rehabilitation prescribed for you and by transitioning ultimately successfully through the three phases of that program of the Court, with the intention that you become abstinent from the use of illicit drugs and 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.

This celebration is, of course, being held on the lands of the traditional owners, 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 Sentencing List is a major investment of resources, with a specialised and expert Treatment Order Team, the members of which commit themselves to helping people like you to address the serious effects of heavy drug dependency, especially on the commission of crimes in our community, and help you gain the skills necessary to maintain your abstinence and not relapse. By providing rehabilitation for offenders who have such a dependency, the Court, including the Team, not only makes the community safer, but we improve the lives of those who committed such crimes - and, of course, often others - where they have been blighted by such dependency, we prevent future possible victims from grief and trauma but also provide the victims of your current crimes with some assurance that it will not happen to others, often something that is of real concern to and comfort for them. You have shown, in your own journey through this process, the value of this approach, which has been proven effective around the world and in every State and Territory in Australia. While you have had some challenges along the way, you have generally overcome them and that has made you stronger. This will, I hope, serve as success for the other participants, some whom are attending this graduation, will want to follow and you will be a good example for them.

You were charged with stealing jewellery worth \$8,651, which items have not been recovered. You were later found by police defacing a wall in Acton; this was result of your passion for graffiti. You were apparently good at it, but it would obviously be better if you kept it for legal opportunities, which, I understand, are gradually being made available, and keep away from privately owned walls and the tram. At the time the police saw you, you had a prohibited weapon, a 20 cm long flick knife, which, when opened, had a blade 9 cm long. These were not the most serious offences seen in this Court, but the theft was serious enough; it was blatant, brazen and caused significant loss to the store from which the jewellery was taken and, no doubt, affected the poor sales assistant from whom you snatched the tray of jewellery.

Walker AJ made a referral for Restorative Justice, then imposed a total sentence of 14 months imprisonment and made a Drug and Alcohol Treatment Order.

You have generally progressed well through the treatment regime that was mandated for you, though there have been some hitches along the way. This is not something to be sought, but it is not uncommon. What is important is how you respond and you are to be congratulated for that.

You also spent some time in the Alexander Maconochie Centre when things got too much and you failed to comply with the obligations of the program. You accepted that and got on with the job of working through the relevant issues. Indeed, you came back with a renewed commitment though you encountered some bumps. You concentrated on succeeding and sensibly started to think about how you would deal with the post-Treatment Order life. That shows how much you have grown in control of your own life and in determination to make a better life for yourself and to be able to show the talents you have and the contribution you can make. As we now know, of course, you then succeeded to reach this day of graduation and celebration.

There have been great successes as well. With the determination on your part and the great assistance of the members of the Treatment Order Team and your counsellors and supporters, you have reached this important milestone. You have been part of the boys club in the public gallery with whom you have formed a relationship over your time here. I hope that you keep that at a pro-social level.

This is, of course, not the end of your journey. You will be, as all people in your situation, always at risk of the dependency on illicit drugs that will be with you forever, though as your participation in that use fades in history, your ability to manage it will strengthen. It will help greatly if you concentrate on the present and the future and not the past. Past associates can be a risk and the more you engage in the pro-social community, the better will be your chances that this achievement of yours that we are celebrating today will become permanent and that you can contribute to the community in positive ways.

It is a great attribute that you are planning for the future; a holiday with your family - holidays were not on your agenda when you were using illicit drugs. You have set yourself an ambitious target of 90 meetings in 90 days post-graduation, but set with a recognition that if you do not get there, that is not a failure. You are good at your work and perhaps you can also put your artistic talent to legal and worthwhile use.

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. I hope that you are conscious of the support and guidance you have received from the many people who have guided you to this day along your journey under a Treatment Order and are grateful to them. I am sure that you have learned that such assistance is valuable and available for times when even the inner strength that you have gained and shown may not be enough and your understanding of and link with Narcotics Anonymous will be a source of protection and support to keep going and provide help when the going gets tough.

As I say to all the graduates, and which I mean in the nicest possible way, I 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 and bring blessings for those that you care for and who care for you.

Congratulations and best wishes for a successful future that has opened unto you and now lies before you. Grab it with both hands and make it your own.

Acting Justice Richard Refshauge  
ACT Supreme Court