

ACT SUPREME COURT  
DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE  
GRADUATION OF ROBERT BESSANT

19 NOVEMBER 2021

Robert Bessant, 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, 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.

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

While participation in the Drug and Alcohol Sentencing List requires commitment and hard work from those admitted into it by the making of a Drug and Alcohol Treatment Order, this is not an unreasonable demand on them given the substantial resources made available to assist, encourage, guide and support participants to address their dependency on drugs, its causes and ongoing risks and the issues that have caused or facilitated their criminal behaviour that is so destructive to a peaceful and successful community. It is an alternative to spending between one and four years in custody, which, I am proud to say, has a much less likely chance, than the efforts under a Treatment Order, of resulting in offenders achieving a crime and drug free lifestyle. It has proven success here in Canberra, though only now for a couple of years, but more widely internationally and elsewhere in Australia for decades, has shown this to be the case.

It is, however, something in the nature of a privilege to participate in the program required by a Treatment Order and I know that, like me, those who provide services and support to participants are proud to do so and we see the thanks that we value most in the success that is achieved by so many, including you, Robert. The changes that we see happening for participants, that only they - and that, of course, includes you - can make, but which we are confident has been assisted by the work we have done, makes the effort so very worthwhile.

Think, Robert, too, where you have been. After a long history of serious and other crime, you faced a charge of aggravated burglary, three charges of burglary, four of theft and one charge of dishonestly taking a motor vehicle without the owner's consent. These were serious offences which disrupt the peace and prosperity of the community and harm the victims who suffer from your actions. You were indiscriminate in your burglary targets - a building company's yard in Hume, a restaurant in Dickson, a drinks shop in Dickson and a residence in Turner. You

stole people's property from these premises and took a motor vehicle that did not belong to you. I sentenced you to prison for three years and nine months for this criminal activity, but, because it was substantially contributed to by your drug dependence, made a Treatment Order, so that you did not have to suffer any further custody.

The program started well, despite your long and serious criminal history, but it was a challenge for you, as is the management of any dependency. Despite your stable home life, your education was interrupted and left you needing to address some issues necessary for you to develop your obvious talent to the full.

One important issue has been your family - you have one child. You have, however, connected with your daughter and become a bit of a carer for her and provided her with other support, which, from reports, is a very satisfying experience for you, you are enjoying her company and being able to resume something of a parental role. Recently you were able to celebrate her birthday in style, which was very satisfying.

Despite your criminal activity, you have now seen a new future and made efforts to adopt it. You have been mostly praised very highly by your counsellor, you have gained your asbestos certificate, participated in a course at the Canberra Institute of Technology, secured a job and avoided - mostly - old associates who would entice you back into drug use and crime.

It has not always been plain sailing and contact with old associates at a party led to a relapse earlier this year. You had to suffer a significant sanction for smoking cannabis. You accepted that penalty with the insight and maturity that showed the success that the program had provided to you. You had, after using, immediately regretted the use. You did not admit use at first, however, because, I like to think, of the considerable shame you felt at such a fall from grace - at least, I like to think that this was the cause rather than that it was the old you who would have denied it because you did not think it was wrong and just wanted to avoid the consequences.

You are, however, described currently as "doing exceptionally well".  
Congratulations!

You have had challenges along the way - boredom, lack of motivation, frustration with the process of getting a Working With Vulnerable People Card - but you have embraced the opportunities that you have been given. You have made a real contribution back to the community by your volunteering work at the Salvation Army in Braddon.

You are now working, have finished your opioid maintenance treatment and have put some effort into raising tropical fish.

I trust that you have thanked the impressive, supportive, patient, professional members of the very expert Treatment Order Team, who have assisted, guided, counselled, supervised and supported you. While you are no longer subject to their supervision, there is still opportunity for you to seek their advice and counsel if you need it in the next 3 months. You have, moreover, agreed to a transition of 3

months of aftercare, a real sign of your insight and maturity.

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. A big risk is the associates with whom you will interact, who may be from or associated with the way of life from which you need to protect yourself. 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 in 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 and bring blessings for those that you care for and who care 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