

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE GRADUATION OF DANIEL MARK LOVELOCK

4 November 2022

Once again, we are proud and excited to gather to celebrate the graduation and success for a participant in the Drug and Alcohol List of the Supreme Court of the Australian Capital Territory. This is also a celebration of the incredibly committed and supportive Treatment Order Team of the Court who have supported you through this time.

Daniel Mark Lovelock, this is your day and the start of a new part of your life where you put the difficulties that crime and dependence on drugs have affected you and the way you live your life. You can look forward to taking control of your life, achieving your hopes and developing your abilities.

It is also for important for the Court and, indeed, the whole community, for this is an important day for all. You are the most recent of the growing number of participants from the Drug and Alcohol Sentencing List who have successfully completed the three phases of the drug and alcohol rehabilitation programme prescribed for you, that is stabilisation, consolidation and integration, with the aim that you become abstinent from the use of illicit drugs and able to manage your dependency on alcohol, also a drug, remain crime free and re-integrate successfully into our civilised community. We are quietly confident that you, as with the other graduates from the Programme, can now do that. We are confident also that you have seen the value of the life you are leading without drugs and crime, of having a job and that you have gained the skills and strength to remain abstinent and crime free. We all celebrate your achievement.

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

On 9 December 2020, you were sentenced to 3 years and 9 months imprisonment, but you have been privileged, by participating in the Drug and Alcohol Sentencing List, to avoid serving in custody all but the presentence period of 169 days of that sentence.

The Program of intensive therapeutic interventions supported by judicial supervision is an important initiative of the ACT Government, which sees the value to the community and its members and to participants and their families of the rehabilitation of people like you for the reduction of crime, the increase in the health of the community and the improvement of lives such as yours. Such programs have been shown by international and local research to work and you, Daniel, are another great example of that success. The Programme gives back to persons with an alcohol and other drug dependence a life without such use and all the problems that it brings. Participants like you are a living proof of its success.

A recent review by experienced academic researchers from the Australian National

University shows the success of the program and the value to the community, not least in the savings of cost in the reduction of imprisonment. To me, however, the greatest value is in the worthwhile lives of people like you, Daniel, that it restores to the community and the improvement in the peace and happiness in the community.

When on 9 December 2020, I sentenced you for 2 offences of violent and dishonest behaviour, the evidence before me suggested that, instead of requiring you to serve that term of imprisonment, I could confidently make a Drug and Alcohol Treatment Order for 2 years from the date of the Order. I have now reduced the length of that Treatment Order because of your successful compliance and you gaining a job, justifying an early termination of the Order. You will, of course, be under further supervision under a Good Behaviour Order until the end of the sentence.

You had a problematic criminal history, but clearly related to your drug use. Now 40 years old, you had a challenging childhood, but regained a good relationship with your parents, who strongly confirmed your commitment to rehabilitation. Your drug use started at an early age and you had attended five residential drug treatment programs, a worrying message for success. You committed yourself to the program, however, and managed to succeed on this occasion, a success of which you, as you are entitled to be, should be very proud..

You started well, but, as with most participants, faced some challenges. You were described by your counsellors as generally engaging effectively, showing the honesty which is a key to success and attending all your commitments under the Program. A significant challenge for you was your anxiety but you managed to overcome that.

Like many participants, the long-standing dependency was sometimes too strong and you lapsed into drug use on too many occasions, ultimately leading you back to prison as a sanction on occasions. Nevertheless, you returned to the Program committed and re-engaged, an excellent mark of your commitment, even when relapse re-occurred. Unfortunately, this led to a delay in graduating to Phase 2, a return to pages 1 and a delay in graduating to Phase 3. While, no doubt distressing, you remained committed. This led the Court to continue to work with you and, we have been rewarded with this, your graduation. We have confidence that these periods are well behind you and that you have the confidence and strength and commitment to get on with the rest of your life, with the past well behind you.

You found some difficulty with getting a job, but, again, your persistence, with, of course, some prompting and urging from the Treatment Order Team and the Court has now paid off and, we hope, will set the future.

I have reviewed the Reports received each time you were in Court. I do not need to summarise them. I am delighted that I was able to congratulate you for being honest, even about your failures, as drugs continued to be an issue. That honesty is fundamental to success in addressing drug dependence, as it was for you.

You have gained so much from the members of the Treatment Order Team and have worked with them respectfully. 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 upon you.

You are, of course, still subject to a Good Behaviour Order with supervision, but you can use that positively, as you have used the supervision under the Treatment Order. Like it, if you proceed as well as I confidently expect, that can also be terminated early.

One of the aims of the Program is for you to make up for the crimes that you committed. Many, but not all, victims think that your rehabilitation will be some fair compensation for what they have suffered as well as being better for you and for the community, protecting them and it from similar crimes and hurt in the future. I do not know what they think; we do not have a good method for victim involvement. Your progress has, however, achieved these objectives.

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 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. Drugs can still be for you a temptation. You will never cease to have that 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, at least more recently, that you are able to manage this dependency and to master it rather than to let it master you. That is happening, of course, currently under this Order with its support and accountability. Now you will have to put this skill into practice in the community where there are no similar protections. I am confident that, with what you have learned and gained from the Programme, you will succeed as have others before you.

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

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 will continue.

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

Acting Justice Refshauge
ACT Supreme Court