

SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE
GRADUATION OF DOUGLAS WELDON

30 June 2023

This is an important day for you, Douglas Weldon, as we celebrate your graduation from the Treatment and Supervision Part of the Drug and Alcohol Treatment Order made for you on 28 June 2021. It is, however, a really important day of celebration for this Court, all the Treatment and Supervision Team and your fellow participants here watching all of whom will, in a minute, be applauding your achievement.

Today, you, Douglas Weldon, a proud Wiradjuri man, and now even prouder, join that distinguished group of participants in the Drug and Alcohol Sentencing List of this Court, who have successfully completed and graduated from the Treatment and Supervision part of a Treatment Order.

Such graduations show the success of the way in which such Orders help and support you and all the participants, to address the challenges and issues that often promote crime and which have not been resolved by the traditional sentences that Courts have had to impose.

In particular, your Order, like all Treatment Orders, was designed to help you address your dependence on illicit drugs, principally heroin and, to some extent, methamphetamine by a prescribed course of drug rehabilitation, including intensive therapy, case management and judicial supervision. The aim was to help you gain - or discover in yourself, because only you could challenge your dependence - the skills needed to live a crime-free, worthwhile and happy life and to commit yourself to doing so. You have managed that. You must be proud of yourself and what you have achieved. Thus, your graduation is a time for you to celebrate your success in this and we in this Courtroom, as well as, indeed, the whole community, will celebrate that with you and congratulate you as well.

As I say each time we graduate a participant, because it is so true, these occasions are a proud day for this Court, for the community, but, we are sure, particularly for you. We can all offer this recognition of and, indeed, honour your success. This has, of course, been possible because of the extraordinary work of the amazingly committed, hard working and caring Treatment Order Team of the Programme. They have helped you understand and confront your dependency and, then, helped you to find and use the skills and strength that you have to manage that dependence. You have done it. This is so important, because, at the end of the day, you are the one who must make the changes to reach this goal. For this reason, this is your day, for you are the one who has reached that goal.

This celebration is, of course, being held on the lands and waterways of the traditional custodians of them, who have walked and cared for the country over centuries and have never ceded their sovereignty to 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, Douglas, recognises that you have successfully completed the three phases of stabilisation, consolidation and integration, which comprises the drug and alcohol rehabilitation programme prescribed for you. It is so important, too, because the success of participants like you and the other graduates, have shown to the ACT Government that, as we know from research and experience, this Programme does help the participants, like you undertake the incredibly challenging process of addressing that terrible problem of drug dependency which is so often linked with a problematic life and with crime.

This has led the ACT Government to accept the success of the programme, the lives improved and the reduction in crime. It has agreed to extend the Programme and increase the number of participants who will have the same chance you, and all the other participants, have to move on to a successful and satisfying life. It has also given you, Douglas, an opportunity to gain new skills and explore the amazing heritage that you have as part of the oldest living culture in the world.

On 24 June 2021, you were convicted and sentenced to 3 years and 11 months imprisonment for dishonesty and driving offences. Apart from the months of pre-sentence custody, the making of the Treatment Order meant that you were not required to spend any further part of the sentence in prison. This privilege allowed you to serve your sentence in the community, but subject to engaging in your rehabilitation from drug use and your re-entry into the community without committing crimes. You responded to that opportunity, leading to this happy day.

Thus, the support of the ACT Government, which funds the Programme, has again been shown to be worthwhile by the success of participants like you, and to provide significant benefits. It benefits the community by saving the cost of future crime that its successful participants no longer commit. It saves the possible future victims of such crimes from the financial loss, often significant inconvenience, or injury, both physical and psychological, that they suffer as victims of such crime. It saves the families of offenders from the disruption that incarceration brings and the effects of the childhood disadvantage it causes, often leading to crime in itself. It saves the offender from a life of crime which is a wasted life and, as in your case, has given you new opportunities which you have very generously shared with the community.

The Court was convinced that the Programme would be successful, because it was based on careful research, including rigorous reviews of the actual workings and evaluation of the many drug and alcohol and similar specialists courts now operating worldwide. This Programme, though now only 4 years and 6 months old, has itself been reviewed and the review, professionally conducted by distinguished academics from the Australian National University, has shown its success.

In sentencing you, Douglas, I was confident that the evidence showed that, instead of the usual sentence of punishment, you could succeed in the proposed rehabilitation and that the community, you and your family would benefit from the making of a Drug and Alcohol Treatment Order for the serving of your sentence. You tested my confidence at times, but have now come through and justified that

approach and the efforts that the whole team have willingly invested in your success.

You had a challenging childhood, making your success more difficult. It is a testament to your commitment that you were able to succeed. You started using alcohol at an early age, and drugs a little later, with cannabis, leading to heroin and then to methamphetamine. When the opportunity came for you to enter this Programme, you committed yourself to it, however, but did face challenges along the way.

It is not easy to stop using substances that you have relied on for well over 20 years and change habits ingrained since childhood. Nevertheless, you did not allow challenges and roadblocks to lead you back to crime and drug use except very occasionally, which led to severe sanctions. Your most recent problems came from difficulties in settling in to sharing your house, which are understandable, if not acceptable. You have, however, recommitted yourself to proper behaviour and, of this, you should be very proud. You have now been able to graduate!

You now have gained a real skill through your study at Canberra Institute of Technology. I am sure that we all remember your proud declaration that you have first styled a woman's hair. We had a chance to see that wide and wonderful smile. Then, you won the Emerging Barbering Stylist Award, an excellent achievement.

You have, as we would expect from someone of your generosity and your commitment to your people and your community, offered to provide your excellent hairdressing skills to Winnunga and to Yeddung Mura as well as at the Recovery Church.

When preparing for each graduation, I re-read the reports that I receive each time the participant appears for review in Court. I have reread the reports about you. They record your journey, your struggles and your problems, and, of course, your successes. Your successes help us to overcome the disappointment of any lapses. It is these successes and your determination to overcome the lapses that will remain with us as the memory of you through the Programme.

Like you, everyone for whom a Treatment Order Programme is made will face some struggles in the future; dependence on drugs is harmful, even dangerous and a habit which is always very difficult to manage and overcome. You faced challenges, yet you made some great progress and the Court led applause for your successful efforts three times. You have now graduated. This is a great achievement which does you great credit.

The support that you have received from the members of the Treatment Order Team, especially, more recently, with the Aboriginal Liaison Officers, and your respectful work with them, has been an important part of your progress. I am sure that you have thanked them and others, for the part that they have played in your success by working with you and supporting you on this journey. Having graduated, you are no longer under their supervision, but you can still access their support and advice for a few months. You will now have other professionals who can help you to continue your journey of reintegration and growth as a great member of our community.

It is clear, however, that only you can achieve your success that you have now done. Only you can achieve your rehabilitation. The whole Team worked hard as they always do and provided support and assistance to you, but you are the one who had to confront your behaviour and dependence and only you are the one who could have achieved the success that you have. At the end of the day, it was all up to you and you succeeded. I am grateful to the Team for their part in this, but I congratulate you most sincerely for the huge gains you have made.

You still, of course, have a period of the sentence, the balance of the Custodial Part of the Treatment Order, to complete. You will be subject to supervision by the Commissioner of ACT Corrections or his delegate, but, if that proceeds well, that can now be ended early if it is no longer needed. You will, also, not have to return to Court again unless there are some problems. That will, no doubt, delight you! I will miss your appearances and, of course, your smile! I am confident that you will manage this without any problem.

You did succeed in the end 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.

As with all those who come out of a life of drug use and crime, you will, of course, continue face challenges and temptations. 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 generous, committed and prepared to work again to put missteps behind you. You show that you have ability and strength to ensure that you now have the life that you really want.

Your life will continue to be full of challenges. I believe that, with the determination and capacity to re-commit yourself to rehabilitation, together with the skills and knowledge of yourself 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 opportunity 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. Despite no longer having the protections that participating in this Programme has provided, you will still have the committed members of ACT Corrective Services to provide support and advice as they supervise the Good Behaviour Order. You should use them and their expertise if things are difficult. 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