

SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE
GRADUATION OF MICHAEL SEYMOUR

31 March 2023

For the third time in three weeks, we celebrate the graduation from the Treatment and Supervision part of a Drug and Alcohol Treatment Order of a participant who has achieved this by commitment and hard work.

Today, you, Michael Seymour, now join that distinguished group of participants in the Drug and Alcohol Sentencing List of this Court, who have successfully completed the Treatment and Supervision part of a Treatment Order. That Order, like all Treatment Orders, are designed to help the participants address their dependence on alcohol or illicit drugs by a prescribed course of drug rehabilitation, including intensive therapy, and by case management and judicial supervision. The aim was to help you gain — or discover in yourself — the skills needed to live a crime-free, worthwhile and happy life and to commit yourself to doing so. Your graduation is a time for you to celebrate your success in this and we here, 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, it is a proud day for this Court, for the community, but, we are sure, particularly for you, when 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 stamina to manage that dependence. 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 their traditional custodians, who have walked and cared for them for centuries and 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 graduation, Michael, is a recognition that you have successfully completed the three phases of stabilisation, consolidation and integration, which comprise the drug and alcohol rehabilitation Programme prescribed for you. Based on research and experience, this Programme helps participants undertake the incredibly challenging process of addressing that pernicious problem of drug dependency which is so often linked with a problematic life and with crime. It is intended to enable you, Michael, to become abstinent from the use of illicit drugs and to be able to manage your dependency, remain crime free and, perhaps most importantly, then re-integrate successfully into our civilised community to be a worthwhile member of it and enjoy it

and the benefits it will bring you. This graduation marks our confidence that you, as with the other graduates from the Programme, can now do that.

On 7 June 2021, you were convicted and sentenced to 3 years and 7 months imprisonment for serious and dangerous driving offences. Apart from the months of pre-sentence custody, you were not required to spend any part of the sentence in prison, as you have been privileged to participate in the Drug and Alcohol Sentencing List. This allowed you to serve your sentence in the community, but subject to engaging in your rehabilitation from drug use.

This Programme, funded by the ACT Government, has been shown 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, and often the 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 childhood disadvantage it causes, often leading to crime in itself. It saves the offender from a life of crime, which is a wasted life.

The Programme is based on careful research, including rigorous reviews of the actual workings and evaluation of the many drug and alcohol and similar specialist courts now operating worldwide. This Programme, though now only 4 years and 4 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, Michael, 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 a very early age, and drugs not much later. Your criminal history was long and significant, but clearly related to your early disadvantage and your drug use. When the opportunity came for you to enter this Programme, you committed yourself to it, however, and managed to succeed, a success of which you, as you are entitled to be, should be very proud.

You now have employment, which you seem to enjoy and your housing problems have generally been addressed. You are rebuilding the relationship with your son. You have expressed how much better – even simpler — life now is.

Each time I have the pleasure of presiding over a 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 successes, your struggles and your problems.

Everyone who enters the Treatment Order Programme experiences some struggles; dependence on drugs is pernicious and a real challenge to overcome and manage. You are no exception. There were behavioural challenges, a discharge from Karralika and some unacceptable interactions with other participants. This required some sanctions, including some custodial sanctions, yet you made some great progress and the Court led applause for your successful efforts three times. It took nearly 10 months before your progress was all positive and led to this success. It now shows the commitment and hard work you put into your rehabilitation, despite the setbacks. This is a great achievement which does you great credit.

The support that you have received from the members of the Treatment Order Team 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 some time. 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 no-one else could have achieved the success you have. Only you can achieve your rehabilitation. Of course, the whole Team worked hard 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. That will, no doubt, delight you! I am confident that you will manage this without any problem.

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.

As with all those who come out of a life of drug use and crime, you will, of course, 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 patient, you persevere, you face and overcome obstacles. You show your power and ability to make sure that you now have the life that you really want.

Everyone's life is full of challenges — yours will be no exception. I believe that, with the determination that you have shown in this Programme and the skills 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 platform from which 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, 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