

ACT SUPREME COURT
DRUG AND ALCOHOL SENTENCING LIST

SPEECH OF ACTING JUSTICE REFSHAUGE ON THE OCCASION OF THE
GRADUATION OF KATHERINE SKUPIEN
26 MARCH 2021

Katherine Skupien, 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 program of drug rehabilitation prescribed for you and by transitioning 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. We are confident that you are now able to put behind you the way of life to which this dependency on drugs has led you and which has substantially contributed to your serious criminal offending.

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.

I am delighted, too, that Justice Loukas-Karlsson can sit with me today as she presided over the Court for much of the time you spent here.

This Sentencing List is designed to address the serious effects of heavy drug dependency on the commission of crimes in our community. By providing rehabilitation for offenders who have such a dependency, we not only make 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, prevent future possible victims from grief and trauma but also provide the victims of your current crime with some assurance that it will not happen to others, often something that is of 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. Regrettably, as is inevitable when dealing with human beings and their complexity and diversity, it is not always effective, but you have been successful and, I hope, become a role model for other participants, who will see this graduation as a milestone that they, too, can achieve.

You were charged with aiding and abetting the infliction of grievous bodily harm, a serious offence. The course of the proceedings through this court was complex and extended and I do not pretend to understand it fully. After some time, and breaches of bail, it is recorded that you were convicted by Murrell CJ on 16 August 2017 of the charge of aiding and abetting the reckless infliction of grievous bodily harm and later sentenced to 2 years and 3 months imprisonment, which was suspended with a Good Behaviour Order. You breached that Order and were re-sentenced by Murrell CJ on 28 January 2020 for the present offence on which you had been originally indicted and her Honour sentenced you to 1 year and 9 months imprisonment from the date of the sentence, 28 January 2020, to 27 October 2021, to take into account pre-sentence custody as outlined in *R v McCallum* [2020] ACTSC 15 at [81]. A Drug

and Alcohol Treatment Order was then made.

You have generally progressed well through the treatment regime that was mandated for you, though there have been some hitches along the way. As result of the most recent and serious one, the Order, which had originally been made for 12 months was extended to today. You accepted that and got on with the job of working through the relevant issues. As we now know, of course, you then succeeded to reach this day of gradation and celebration.

There have been great successes as well. When I came to have supervision for the Court, you were struggling with Child and Youth Protection Services to regain custody of your children and that seemed a long way off, but with determination on your part and the great assistance of the members of the Treatment Order Team and your counsellors and supporters, your children are now with you and you have now graduated and are here, with them, to receive our congratulations and to be celebrated for your achievement.

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 for ever, 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, not least and very importantly by showing your children how they, too, can have successful and fulfilling lives.

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.

As I said to your friend, out first graduate, Crystal Parker, and which I meant in the nicest possible way, I hope that we do not see you in this Court - or, indeed, in any other Court - again. I am delighted that your children are here to witness this great occasion for you - but it is also a great occasion for them if, at their present age, the only thing they remember is the cake. We hope that your journey will be happy for you and bring blessings for those that you love and who love and 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.

I will now invite Justice Loukas-Karlsson to give you one of the perfectly appropriate quotes for which she is so famous.

Acting Justice Richard Refshauge
ACT Supreme Court