

Legal Services

# Alcohol and Other Drug Treatment Court Waikato



MINISTRY OF  
**JUSTICE**  
*Tāhū o te Tūre*

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# ***1. Introduction***

## **1.1 Background**

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Te Whare Whakapiki Wairua, the Alcohol and Other Drug Treatment (AODT) Court, began as a pilot in November 2012 at the District Court in Auckland and Waitākere. In December 2019, the Minister of Justice announced the Government's commitment to making the pilot AODT Court in Auckland and Waitākere permanent.

The Minister also announced the set-up of a new AODT Court in the Waikato.

The AODT Court aims to break the cycle of offending by treating the causes of that offending. It provides an alternative to imprisonment for people whose offending is driven by alcohol and/or drug substance use disorders.

The goals of the AODT Court are to:

- reduce reoffending
- reduce rates of imprisonment
- reduce alcohol and other drug consumption and dependency
- positively impact health and wellbeing
- be cost-effective.

More information about the Court can be found on the [AODT Court website](#).

## **1.2 Purpose**

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The Waikato AODT Court is planned to be operational in mid-June 2021. This document provides information on the Court and legal services in the Court. If you have any questions or need any additional information, please get in touch with us at [admin.AODTC@justice.govt.nz](mailto:admin.AODTC@justice.govt.nz).

## ***2. The AODT Court***

### **2.1 Overview**

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The AODT Court operates on a pre-sentence model, where defendants who plead guilty to their offences and meet other criteria can be referred to the Court to address their alcohol and/or drug substance use disorders which drive their offending.

The Waikato AODT Court builds on the success of the pilot AODT Court in Auckland and Waitākere and includes new processes to further improve the effectiveness of the Court.

In the Waikato AODT Court, Duty Lawyers and Defence Lawyers will have the option to refer appropriate consenting clients to an Alcohol and Other Drug (AOD) Clinician in attendance at the Hamilton District Court for preliminary AOD screening. AOD Clinicians may provide individuals a brief intervention and referrals to services, if required. The clinician will provide the Court a preliminary indication of AOD dependency. A recommendation for a comprehensive (in depth) AOD assessment may also be made.

Following a comprehensive AOD assessment and a determination for acceptance into the AODT Court, AODT Court participants are provided a treatment pathway depending on their individual needs. Participants go through three phases as part of the AODT Court programme. A participant's progress is monitored, and participants are required to attend Court regularly. The frequency of Court appearances depends on the phase the participant is in, as well as their progress. For example, a participant in Phase 1 of the programme may be required to attend Court fortnightly while a participant in Phase 3 may be required to attend court monthly.

The Waikato AODT Court will have a maximum capacity of 50 participants at any one time.

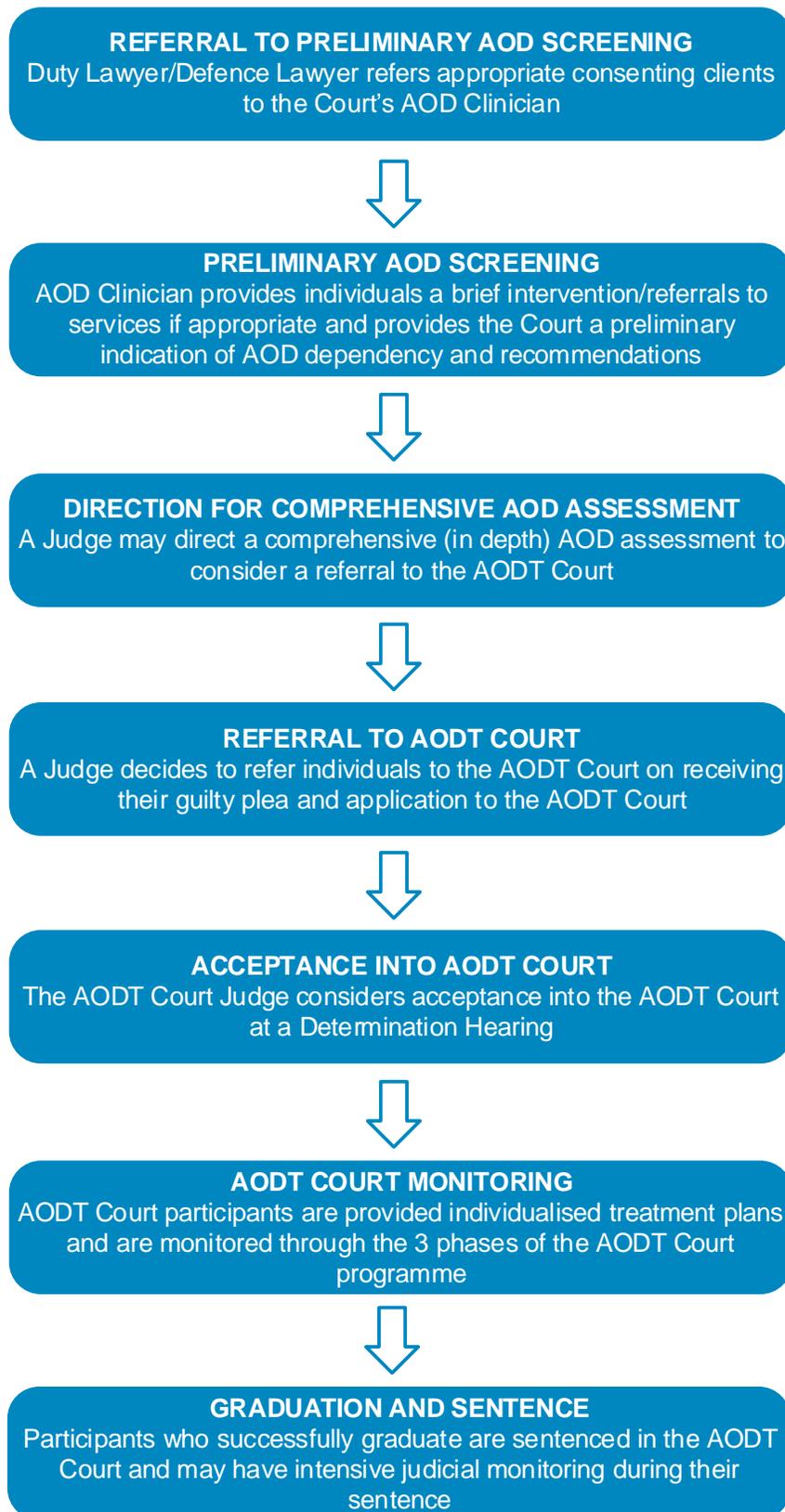
AODT Court sittings will be once a week, split into two sessions: the pre-court meeting and the open court session.

AODT Court participants are not present at the pre-court meeting. The Judge and AODT Court team discuss a participant's progress, any challenges and treatment. The AODT Court team includes the Court Coordinator, Health Case Manager, Defence Lawyer, Police Prosecutor, Pou Oranga (wellness and Māori cultural advisor), Peer Support Worker and Specialist Probation Officer.

The open court session follows the pre-court meeting. Family and whānau are encouraged to attend and support the participant's appearance in the AODT Court.

## 2.2 High level process outline

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## ***3. Legal Services in the AODT Court***

### **3.1 The role of the Defence Lawyer in the AODT Court**

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The Defence Lawyer will provide their clients with legal representation while supporting a rehabilitative approach through the monitoring of their clients in the AODT Court.

In November 2020, the Chief District Court Judge announced the transformative [Te Ao Mārama](#) model for the District Court to be established in Hamilton. The AODT Court will align to the key principles of Te Ao Mārama. Defence Lawyers working in the Court will need to support these principles where appropriate.

The principles of Te Ao Mārama are:

- Increasing whānau participation by engaging with them in court processes
- Infusing tikanga and te reo into court processes and ensuring Kaupapa Māori values are integrated
- Building community presence in the court, including available services
- Improved information for judicial decisions by including screening to identify addiction, providing information on whakapapa and any other needs
- Active judging by reducing formalities in the court room and championing te reo and plain language use
- Consistency of presiding judge, legal representation and support service personnel.

### **3.2 Legal services in the Waikato AODT Court**

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To align with Te Ao Mārama's principle of consistent legal representation, individuals accepted to the AODT Court, retain their assigned lawyer for the duration of their case.

An AODT Court participant's legal representation is outlined below:

- The Duty Lawyer will represent an unrepresented defendant at their first appearance and support their application for legal aid
- If legal aid is granted, the Assigned Lawyer will represent the defendant for the duration of the case.

## ***4. Support for Legal Services***

### **4.1 Appointment requirements**

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There will be no additional selection processes for Defence Lawyers. The existing process for assigning cases to criminal Legal Aid providers will continue to apply.

### **4.2 Operational policies and payments**

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The [legal aid policies and fixed fee schedules](#) set out payment, reimbursement and administrative procedures.

Current arrangements will continue to apply.

### **4.3 Training**

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Resources being developed will include information on the AODT Court, eligibility criteria, roles and responsibilities of AODT Court team members and operational processes including tikanga.

Guidelines for preliminary AOD screening referrals to the Court's AOD Clinician are also being developed.

The resources are expected to be available by the end of May 2021. Criminal Legal Aid providers are encouraged to familiarise themselves with the resources as they become available.

### **4.4 Quality assurance framework and audit programme**

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The Ministry is updating the quality assurance framework and audit programme to ensure court participants receive consistent high-quality representation and to promote continuous improvement. The framework will apply to all criminal Legal Aid providers.

***Ministry of Justice***  
***Tāhū o te Ture***

**justice.govt.nz**

info@justice.govt.nz

0800 COURTS

0800 268 787

National Office

Justice Centre | 19 Aitken St

DX SX10088 | Wellington | New Zealand

