**The treatment order team protocol**

**Membership**

The treatment order team is established pursuant to section 80M of the *Sentencing Act*. The team consists of: the sentencing judge, representatives of the Director-General Justice and Community Safety (a community corrections officer), the Director-General ACT Health (an employee of the Alcohol and other Drug Services), the Office of the Director of Public Prosecutions (a prosecutor), the Legal Aid Commission (an employed solicitor from Legal Aid ACT), and the Chief Police Officer of the ACT (an ACT police officer). If requested by the judge, the treatment team may also include an Aboriginal Guidance Partner, a clinician of ACT Mental Health Services, an ACT Housing representative, or any other person identified as necessary. *Ex officio* members include the Court’s case coordinator and any Associate or Registrar allocated to the DASL.

**Roles and responsibilities**

Utilising their varied expertise, the role of the treatment order team is to:

* collaboratively formulate a treatment order following consultation with any relevant treatment provider and with the participant’s informed consent;
* administer the order by ensuring the program is and continues to be available and suitable, and make recommendations for amendment where appropriate;
* work with the participant to support him or her to achieve their goals within the program;
* assess and report on compliance with the requirements of the order; and
* address any breach of the program conditions.

The judge leads the treatment order team and has ultimate responsibility for making decisions in relation to the program and other orders applicable to the participant.

**Case conferencing**

Treatment team meetings in respect to individual participants will be called **case conferences**. The judge chairs the case conferences.

The court’s case co-ordinator will provide secretariat support for case conferences, including:

* consolidation of status reports;
* collection and distribution of any material to be considered in the case conference such as urinalysis reports; and
* recording any actions to be completed by treatment order team members.

The judge’s associate will:

* inform treatment team members of the conference times and lists;
* record outcomes of court proceedings.

At the judge’s direction, the treatment order team may meet in respect to making, administering, amending, monitoring or cancelling a particular treatment order. The treatment team will always engage respectfully and aims to work collaboratively. The treatment team will, where possible, reach consensus in respect to the treatment program. Where consensus is not achievable, the treatment team will identify any contentious issues. The participant will be given an opportunity to be heard. The judge will determine issues as necessary to give effect to the sentence.

Case conferences will generally be held:

* following provision of a suitability assessment report and prior to the judge making a DATO;
* on each day of a participant’s attendance at Court prior to his or her appearance;
* on any other occasion as directed by the judge.

At case conferences, the treatment order team may discuss matters including but not limited to:

* the eligibility and suitability of potential participants;
* DASL program capacity (i.e. the number of program places available for new participants);
* the sharing of relevant DATO and treatment program information and professional opinions regarding the participants and their progress;
* case and sentence management plans, treatment, and support for individual participants, including any proposed amendments to plans;
* recommendations regarding phase promotion and demotion, graduation, program exit, and behavioural consequences (i.e. incentives and sanctions).

The DPP and/or Legal Aid representatives may use case conferences to provide documents to the judge with each other’s consent. With the judge’s consent, additional representatives from service providers such as residential rehabilitation services may attend case conferences to provide information about the participant’s progress.

In order to foster open communication, unless exceptional circumstances exist (and then only with the judge’s permission), participants will not attend case conferences. Exceptional circumstances include, but are not limited to, when participant attendance is:

* clinically indicated; and/or
* necessary to protect a participant from serious harm resulting from disclosure of sensitive treatment information in court.

Case conferences

* will not be recorded, nor minutes kept, to ensure that all treatment order team members are able to communicate freely. However, status reports will form part of the Court record. Outcomes will be recorded on the status report and a copy will be provided to the participant prior to his or her appearance in court so that they may consider any implications of those outcomes, such as the proposed cancellation of an order or variation of conditions. The judge will consider the perspectives of all treatment order team members and the participant before making decisions that affect the welfare or liberty of a participant.

**Information sharing**

When participants agree to undertake a DATO, they provide voluntary and informed consent to treatment order team members and their agencies sharing information about their progress in, and compliance with, their DATO. Treatment order team members will share information as necessary and relevant and as permitted by law to consider and review the participants’ progress and compliance.

This information exchange may occur at case conferences or between team members in advance of case conferences if that will promote the purpose of the order. Any information shared outside the case conference must be made available to the treatment team at a subsequent conference. Nothing in the DATO process requires a defence lawyer to breach his or her client’s legal professional privilege. Any disclosures which might do so are to be made with the participant’s express consent.