‘DOING JUSTICE DIFFERENTLY’

A COMMUNITY JUSTICE CENTRE FOR WESTERN AUSTRALIA: A FEASIBILITY STUDY

FINAL REPORT

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Project undertaken in collaboration with Anglicare WA and the
Community Legal Centres Association (WA)

June 2018
The University of Western Australia acknowledges that its campus is situated on Noongar land, and that Noongar people remain the spiritual and cultural custodians of their land, and continue to practise their values, languages, beliefs and knowledge. We pay our respects to their elders past, present and future.
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Introduction from the Chief Justice of Western Australia

It is often said that expecting different outcomes from doing the same thing over and over is evidence of insanity. But that is precisely what is happening in some areas of our criminal justice systems.

However, a fundamentally different approach has evolved with respect to some types of offenders over recent decades in this and other jurisdictions. The obvious proposition that drug-addicted and mentally ill offenders are less likely to reoffend if treated rather than simply punished is now generally accepted. In some jurisdictions that proposition has been extended, in community-based courts which focus upon the identification of the causes of offending behaviour and referral to community-based agencies capable of addressing those causes collaboratively and holistically. The model focuses upon direct engagement with the local community and with key support agencies, facilitated by the co-location of services and agencies in one building. Unsurprisingly, experience has shown that these models not only enjoy great community support, but also better protect the communities which they serve.

I am very pleased to support the project team engaged in the development of a specific proposal for such a court in Western Australia, and wish to express my appreciation and gratitude to all who are investing their time and energies into the development of this important proposal.

The Hon Wayne Martin AC
Chief Justice of Western Australia
This Report explores the feasibility of Community Justice Centre (CJC) demonstration or ‘pilot’ projects in Western Australia (WA). A CJC co-locates a court and key support services in a problem-solving justice hub, which partner with a community to redesign the justice experience by addressing the underlying causes of crime. As a community-based model, CJC's would provide an opportunity for WA to empower neighbourhoods to co-design bespoke and place-based justice solutions to address the unique needs of their community and to support individuals caught up in the criminal justice system. CJC's have the potential to serve WA communities by improving social cohesion and connection, reducing social disadvantage, crime and recidivism and creating collaborative as well as culturally safer justice experiences. A CJC based in Collingwood, Victoria has been in operation for 10 years and positive evaluations have shown these benefits as well as cost savings to the justice system.

Following an examination of best practice in local, national and international community justice initiatives and extensive consultation amongst relevant stakeholders, this Report recommends:

**Recommendation 1:**
*That a CJC Community Consultation Strategy be developed and implemented to partner with and co-design two CJC demonstration projects in one WA metropolitan community and one WA rural/remote community.*

**Recommendation 2:**
*Following the formation of appropriate CJC governance teams, that the metropolitan and rural/remote CJC demonstration projects be co-designed and implemented, incorporating governance frameworks to ensure ongoing community involvement in the planning, management and direction of the demonstration projects.*

**Recommendation 3:**
*That subject to appropriate evaluations of the CJC demonstration projects, the rolling out of CJC justice innovations across other communities and regions of WA be explored, including the potential for mainstreaming some of the benefits into the Perth Magistrates Court and the Children’s Court.*

![Diagram](image-url)
1.0 INTRODUCTION

‘It is more than the economic calculations of costs per day or estimates of annual averages. The real cost of failing to support offenders in their efforts to turn their lives around, is human’.1

In Western Australia we are imprisoning more people than ever before. Over the last 5 years there has been a 36.8% increase in sentences of imprisonment imposed by Magistrates Courts.2 Over the last decade and alongside population increases, prison numbers have risen by 76.1%3 and the incarceration of Aboriginal and Torres Strait Islander Peoples in WA has seen an increase of 43.3%.4 Currently, WA has the highest imprisonment rate of Aboriginal and Torres Strait Islander Peoples in Australia.5

With the daily cost of keeping an adult prisoner detained amounting to $297 ($108,405 annually) (and $977/day for a juvenile ($356,605 annually))6 and WA Corrective Services spending hitting $959.2 million last financial year,7 spiralling incarceration is resulting in significant financial costs as well as prison overcrowding.8 Incarceration also has inevitable and significant social, health and economic flow-on effects. A recent report by PwC highlighted the ‘strong link between intergenerational disadvantage, poverty and incarceration’.9 It estimated that the total cost to the Australian economy of the extraordinary rates of Aboriginal and Torres Strait Islander Peoples being imprisoned was $7.9 billion annually and this was putting aside the inestimable and ‘unquantified costs’ including ‘loss of culture’ and ‘absence from community and family’.10

Recidivism rates, while improving, still see 39% of imprisoned offenders returning to jail within a 2 year period.11 Between 2014-2016, while graffiti and robbery offences did decline, WA Police records show that there has been a 40% increase in family violence charges, a 168.4% spike in drug possession charges and a 46% upsurge in drug trafficking offences12 (with a 103.9% increase in drug offences coming before the WA Magistrates Court13).

Crime and prison statistics do not, however, tell the whole story. Behind any engagement with the criminal justice system lie complex and often multi-faceted health and social issues including physical, sexual or emotional abuse; inter-generational trauma; mental health issues; poverty; drug and/or

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2 Department of the Attorney-General (WA), Report on Criminal Cases in the Magistrates Court of Western Australia 2011/12 to 2015/16 (2016) 6.
7 Ibid 16.
10 Ibid 7.
11 Department of Corrective Services (WA), above n 1, 8.
12 Ibid 10-11.
13 Department of the Attorney-General (WA), Report on Criminal Cases in the Magistrates Court of Western Australia, above n 2, 1.
alcohol addiction; family breakdown and violence; unstable housing or homelessness; unemployment; and financial issues. Rates of mental illness and drug and alcohol addiction are endemically high for WA prisoners. Research into WA prisons highlights the significant personal challenges facing prisoners, ranging from general health concerns and traumatic personal experiences, to social concerns that include housing, employment, finances and child protection.

WA has actively responded to research on the need for court diversion, specialist courts/court lists and community-based initiatives. It has specialist adult and children’s Drug Courts, the Start Court (mental health), the Intellectual Disability Diversion Program, the Barndimalgu Geraldton Family Violence Court, Links (children’s mental health), Family Violence Court lists and diversion programs such as the Pre-sentence Opportunity Program, the Supervised Treatment Intervention Regime, the Indigenous Diversion Program, the Young Persons Opportunity Program, the Youth Supervised Treatment Intervention Regime, the Cannabis Intervention Requirement Scheme, the Other Drug Intervention Requirement Scheme and the Alcohol Interlock Scheme. WA Police have Youth Crime Intervention Officers and the Mental Health Co-Response Trial and prioritise the diversion of ‘early and minor offenders’. Justice reinvestment has also been a key focus of the State Government with its attention on resourcing crime prevention and social programs to reduce incarceration and recidivism. Coalitions such as Social Reinvestment WA and programs like the Maranguka Justice Reinvestment Project in Bourke NSW, are being watched with much interest.

Building on existing WA initiatives, this Report contends that the point at which a person comes into contact with the justice system represents an opportunity. Alongside addressing the legal issue, it provides a chance to work with the individual, their family, support services and their community to address broader social, health and economic circumstances. By looking at justice service provision through the CJC model there is the potential to deliver justice in a more holistic way.

CJC are an innovative way of making justice part of the fabric of a local area and harnessing each community’s potential for innovation, experimentation and rejuvenation. They also provide an opportunity to increase the perception of individual safety in a community. Through the co-location of a court house with a tightly integrated support service team, this justice model turns the court intervention into an opportunity to problem-solve ways to address the downward spiral of offending and to partner with local residents, organisations, schools, local government and businesses to create a place of community connection and support. The model has been successfully trialled in Victoria through the Neighbourhood Justice Centre (NJC) in Collingwood. Over the last 10 years it has brought

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15 Davison, above n 14, 12-14. See also Australian Institute of Health and Welfare, above n 14.

16 Law Reform Commission of Western Australia, Court Intervention Programs – Final Report 96 (2009).


about a significant transformation in the City of Yarra, improved the area’s ‘justice profile’ and seen notable array of cost-benefit savings. This Report studies how WA might learn from this experience to conceive of ‘doing justice differently’ for the sake of a healthier and safer State and more sustainable justice system.

1.1 The idea of a Community Justice Centre: beyond ‘revolving-door justice’

The first CJC model, the Midtown Community Court, was born in New York City in 1993 and was followed by a second in Portland, Oregon in 1998 and then another in Red Hook, New York City in 2000. The Midtown Community Court was located in an old Magistrates Court building near Times Square. Its mission was to target street offences with a new justice strategy combining community engagement and restorative sentencing with innovative court architecture, support staff and information sharing between personnel. The Portland model was developed based on observations of Midtown and was placed in a community building. As one offender wrote about Portland:

...you saw in me what most people have overlooked and you taught me that not every [judge] read what’s on the paper and expects the worst. You actually saw the hurt and pain in my eyes and wanted to help.

The Red Hook Community Justice Center was housed in a refurbished school after extensive and widespread community consultation and engagement and was designed to address high crime rates but also community renewal through ‘deterrence, intervention, and enhanced legitimacy’. The model has been followed across the United States and internationally, with examples in Canada, the Netherlands and Thailand. In each location, CJCs take on their own unique form to meet the needs of the local area. For example, in Washington, the Spokane Municipal Community Court opened in 2013 and sits once a week in a public library building at which a court and a range of social services are co-located.

Midtown Community Court
Harlem Community Justice Center

23 Ibid.
25 Berman and Feinblatt, above n 22, 74.
26 Ibid 89.
The Law Reform Commission of WA (LRCWA) in its *Court Intervention Programs: Consultation Paper – Project No. 96* (2008) explored the extent to which court-based service provision in WA could benefit from practices used in a CJC model. It noted that:

> The potential for community courts to reduce crime and improve outcomes for offenders, victims and the community is significant. Arguably, the community court model encapsulates many of the key features of court intervention programs: interagency collaboration; efficient access to services; personalised and direct communication between the judicial officer and the offender; and a holistic response to social problems that lead to crime.

> Importantly, the co-location of staff and service providers on-site is the ideal way to maximise the benefits of court supervised rehabilitation programs.29

While the LRCWA’s Consultation Paper invited submissions on establishing a pilot CJC in WA, its Final 2009 Report concluded that, at that time, there was a lack of data indicating the degree to which the WA public were in favour of a CJC. The report suggested that, on the basis of the submissions of the Department of the Attorney-General and the Magistrates Court, WA should wait to see the results of the evaluation of the NJC.30 It did note that the Magistrates Court had indicated that Fremantle could be a possible site but that it was ‘necessary to consider the density of population required to ensure that a community court could operate successfully’.31

Since 2007, the NJC has been the subject of careful and promising evaluations (see 3.1) which provide an excellent base from which to consider the feasibility of the model for WA as well as the forms which CJC could take in this State.

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30 Law Reform Commission of Western Australia, above n 16, 117.
2.0 THE PROJECT

2.1 Feasibility Study

This 18 month feasibility study was undertaken through a collaboration between the University of Western Australia (UWA) Law School (as a project of the Centre for Indigenous Peoples and Community Justice), Anglicare WA, the Community Legal Centres Association (WA) and an Advisory Panel of stakeholders.

It was funded by a UWA Law Reform Grant and also supported by a UWA Institute of Advanced Studies Early Career Fellowship and a UWA Fay Gale Fellowship. Approval to conduct this research was granted in accordance with the requirements of the National Statement on Ethical Conduct in Human Research (National Statement) and in accordance with the ethics review and approval procedures at UWA.

The purpose of the study was to understand the current justice environment, study the CJC model and explore its potential to 'do justice differently' in this State.

2.2 Project Team

Working with Anglicare WA, the Community Legal Centres Association (WA) and an Advisory Panel of stakeholders, the Project Team included:

Associate Professor Sarah Murray who is a less-adversarial justice and constitutional law scholar at the UWA Law School with a background in community law. She has published widely and is the author of The Remaking of the Courts-Less Adversarial Practice and the Constitutional Role of the Judiciary in Australia (2014, Federation Press).

Winthrop Professor Harry Blagg who is an experienced criminologist at the UWA Law School and Director of the Centre for Indigenous Peoples and Community Justice. Harry undertook research for the LRCWA on Problem-Oriented Courts, has evaluated court based service provision in Victoria and has studied the experiences of the justice system for Aboriginal and Torres Strait Islander Peoples for many years.

Mrs Suzie May who is a lawyer and welfare officer with a varied career in mental health, government law, prison and court reform, state and national chronic disease and consumer advocacy, and public health governance.

2.3 Consultation

This 18 month study commenced late October 2016 and has provided the opportunity to study the feasibility of the CJC model for the WA community. An Advisory Panel of key stakeholders was convened at the beginning of the study and has been integral to the consultation process (Stage 1). This has included representatives from Indigenous communities and organisations, the judiciary, the WA Police, legal practitioners, legal service providers and community legal centres, mental health professionals, the community sector and academics.
Within the confines of the ethics approval, the timeframe and the scope of the study, the Project Team conducted a range of consultations both within WA, Victoria and the United States, including the following:

**Roundtable event**

With support from the Institute of Advanced Studies at UWA, the Project Team hosted a Roundtable event in May 2017 to bring together key stakeholders to discuss the CJC concept in the context of WA. We were fortunate to host three guests from Victoria, Magistrate David Fanning from the NJC; Mr Rob Hulls from the Centre for Innovative Justice at RMIT University (and former Victorian Attorney-General involved in setting up the NJC); and Emeritus Professor Arie Freiberg from Monash University. The three shared their invaluable experience of the NJC over its 10 years of operation.

Joining them were representatives from: Ngalla Maya Aboriginal Corporation, the Aboriginal Legal Service of Western Australia (ALSWA), Community Legal Centres Association (WA), the Nyoongar Outreach Service, the judiciary, the WA Police, the Mental Health Law Centre, the State Forensic Mental Health Service, the Law Society of WA, Law Access, the Employment Law Centre, Legal Aid and legal practitioners.

The group discussed issues including funding models, political strategies, possible locations, jurisdiction, legislation, operational issues of a CJC, the role of the Magistrate, Indigenous justice issues, youth justice concerns, mainstream courts, community support services, community activities and engagement and the challenges and the opportunities presented by the CJC model.

**Visit to the Neighbourhood Justice Centre**

In June 2017, the Project Team spent a week visiting the NJC to observe its operations and consult widely with its staff. The visit gave the Project Team a clear insight into the importance of location in a potential CJC, the features of an effective building/space to operate a successful CJC, the role of the court, the court timetable including the family violence and residential tenancy list, the imperative of engagement with the local community in both the design of a CJC and its ongoing operation and the need for engaged local support services.

**Judicial meetings and observations of court models**

The Project Team consulted with members of the WA and Victorian judiciary and observed a range of solution focused court models including the NJC (Victoria), the Koori Court (Victoria), the Mental Health Court (Victoria), the Drug Court (WA and Victoria), the Start Court (WA), the Children’s Court (WA) and the Court Integrated Services Program (Victoria).

Each of these consultations highlighted the presence of a number of essential elements that enable a court model (whether mainstream or otherwise) to meet the legal and social needs of people coming before the court.

In April 2018 Assoc/Prof Murray was hosted by the Center for Court Innovation in New York City and visited a range of CJCs and justice programs including the Red Hook Community Justice Center, the Midtown Community Court, Brooklyn Justice Initiatives, the Kings County Integrated Domestic Violence Court and Family Justice Center, the Harlem Community Justice Center and the Brownsville Community Justice Center. She spoke to a range of experts, court administrators and judicial officers and observed a range of court lists and programs.
**Individual consultations**

The Project Team conducted individual meetings and small focus groups with a wide range of WA stakeholders in the areas of Indigenous justice, legal services, government, judicial personnel, court program teams, victims of crime, justice reinvestment and a range of agencies and service providers across the not for profit, government and community legal sectors.

**Presentations**

Throughout the Study period, the Project Team presented the project to a range of audiences including at the Non-Adversarial Justice Conference (April 2017 in Sydney NSW), the Social Impact Festival (July 2017 at UWA) and specialist committees of the Law Society of Western Australia – Criminal Law Committee, Access to Justice Committee, Courts Committee and the Indigenous Legal Issues Committee (August 2017) and at the Fremantle Law Conference (2 March 2018).

**3.0 WHAT IS A COMMUNITY JUSTICE CENTRE?**

By working with offenders to address the causes of crime there is the potential to allow the engagement with the CJC to become the turning point for improving individual and community wellbeing.\(^{32}\) The idea of a CJC is to house a court within a much larger interdisciplinary centre.\(^{33}\) The Centre co-locates a broad range of support services, which can work with people coming before the court, empowering them to take control of their lives through a solution-focused model of justice. Not all cases will require the wrap-around services offered by the CJC or more solution-focused judging, and where appropriate, the court provides a traditional approach to the hearing and determining of cases.

CJCs are typically structured around core principles including therapeutic jurisprudence, restorative justice, solution-focused judging and procedural justice:

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<th>Therapeutic Jurisprudence</th>
<th>Restorative Justice</th>
<th>Solution-focused Judging</th>
<th>Procedural Justice</th>
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<td>- This recognises that the law can impact adversely on the well-being of individuals and seeks to avoid such impacts where this does not violate legal priorities.</td>
<td>- An approach that prioritises the rebuilding of relationships between individuals and the community.</td>
<td>- Judicial monitoring, motivational interviewing and engagement to motivate and assist offenders to address underlying issues.</td>
<td>- Improving an individual's experience of justice by engaging, connecting and listening to an offender.</td>
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\(^{33}\) They are to be distinguished from mediation centres such as: [http://www.cjc.justice.nsw.gov.au/Pages/com_justice_aboutus/com_justice_aboutus.aspx](http://www.cjc.justice.nsw.gov.au/Pages/com_justice_aboutus/com_justice_aboutus.aspx).
The CJC model typically includes a number of key features in its design, implementation and operation. These include:

**Community ownership**

A CJC is only as strong as its community partnerships and local support. It is designed to reset the traditional justice relationships and work with the community to create a Centre that meets local needs. By partnering with the community to co-design the CJC, residents, businesses, schools and local agencies can imagine the suite of facilities and services that would most benefit their local area. The community also benefits from the co-located services housed within the CJC which can be accessed without the need for a connection with the court. For example, at the NJC in Collingwood, law students assist residents with their estate planning and drafting of wills, parent groups meet at the Centre, it is a venue for local youth sport award ceremonies and hosts local art exhibitions. This ensures that a CJC is much more than a court - it becomes a source of community gathering, connection, pride and belonging. At the Red Hook Community Justice Center, residents can take part in training to be peacemakers in the Center’s Peacemaking Program, be part of a youth internship program or get involved with the ‘bridging the gap’ program which seeks to bring youth, police and the community together.

**A Single Magistrate**

A dedicated judicial officer is essential to the functioning of the court within the CJC model. Their role has been described as being able to see matters in ‘3D’ to unpack the underlying issues that have brought the individual before the court. Guided by therapeutic principles and a ‘solution-focused’ approach, the judicial officer has a strong commitment to procedural fairness and the application of the law, but also acts as a motivational interviewer and a monitor of compliance and engagement with support services. If the seriousness of the offence requires, an offender may still be sentenced to a term of imprisonment. However, the judicial officer, while ensuring principles of independence are maintained, has the benefit of place-based service providers who can engage with people coming before the court and advise the court of the context of their social, health, welfare and economic circumstances. This background can be taken into consideration when applying sentencing principles and imposing appropriate sentencing orders.

**Multi-jurisdictionality**

‘problems don’t necessarily conform to the jurisdictional boundaries of our court system’. Dependent on the particular justice needs of the relevant community, the CJC model allows for the operation of a multi-jurisdictional court. The court has the capacity to hear a range of matters influenced by court loads and local issues. For example, adult criminal matters may be heard on some days and children’s matters on another. It may have hearing days where Aboriginal and Torres Strait Islander Elders sit alongside the Magistrate. The court may also have particular days or court lists for civil matters, residential tenancy matters, family violence matters or other specific social/legal issues. This flexibility allows the CJC court to address a range of legal issues particular to that community.

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34 Berman and Feinblatt, Good Courts, above n 22, 34.
Co-located services

While the concept of involving a range of skilled professionals to solve a problem or issue is used routinely in the health and medical fields, it has not been the conventional approach in law. Drug courts, mental health courts and other therapeutic jurisprudential models have radically altered this trend by embedding the judge or lawyer within multidisciplinary teams.

The CJC model takes this further by co-locating service providers and a multi-agency team, including police, legal and corrections professionals. This co-location of services within the CJC makes it easier for people to access support and makes it less likely that people will fall through service gaps.

It also has efficiency and financial benefits for the court process, as the judicial officer can stand down a matter while the on-site mental health or drug and alcohol clinician assesses the offender. The clinician can then provide a “live” report to the court, which the judicial officer can take into account when engaging with the offender and making court orders. The CJC model streamlines this process by providing the resources to partner with offenders to give them a real chance of success while offering scaffolding to facilitate and support change.

Crime Prevention

The CJC model takes a prophylactic approach to the causes of crime. In creating local connections, the CJC can improve relationships and interactions within family and community groups, as well as tackle community alienation and isolation which can exacerbate the risk factors for crime, mental illness and family dysfunction. A CJC can work with the community to identify local sources of discontent or trouble-spots and work with its crime prevention teams and advisory groups to find creative place-based solutions. This can empower and rejuvenate local communities and also help to transform patterns of crime and dysfunction.

CRIME PREVENTION CASE STUDY: the NJC

‘I work on the basis that if we can get each relationship right – if I trust you and you trust me – we can resolve any problem. Each solution is based on the sum of us, our whole community, our journey together.’

(Hieng Lim, NJC)

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3.1 Australia’s First Community Justice Centre

The NJC, the first and only CJC in Australia, opened as a pilot in Collingwood, Victoria in 2007. Working with a Community Liaison Committee, the Victorian Labor Government wanted the Centre to tackle ‘the underlying causes of offending’ and closely involve the community.  

The Centre, like other examples worldwide, has taken on its own form in combining social welfare services and crime prevention activities with a single-member Magistrate Court. It includes a broad range of services including corrective services; legal services; housing; mental health; drug and alcohol counselling; financial counselling; family violence and migrant supports. These professionals actively embrace the values and approach of the NJC while staying connected to their principal organisations.

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41 Lee et al, above n 27, 2.
As the Centre has developed, more agencies have chosen to co-locate at the Centre’s premises.

**Neighbourhood Justice Centre Organisational Chart**

The Court has legislative support in the *Magistrates’ Court Act 1989* (Vic) as the ‘Neighbourhood Justice Division’ and has a broad multifaceted jurisdiction (including the Magistrates’ Court, children’s criminal matters, Victorian Civil and Administrative Tribunal and Victims of Crime Assistance Tribunal and includes a special family violence list and associated triage process) and hears approximately 4,000 matters per year where:

- the accused resides in the City of Yarra (which has a population of around 93,380 people and a population density of 47.8 people/ha);
- an Aboriginal or Torres Strait Islander has a close connection with the area; or
- a homeless person has committed an offence in, or is living in, the area.

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42 Correspondence with Ann Strunks, Community Engagement and Communications Coordinator Innovations Exchange, Neighbourhood Justice Centre, 15 December 2017.
43 *Magistrates’ Court Act 1989* (Vic), s 4M.
45 *Magistrates’ Court Act 1989* (Vic), s 4O.
The NJC describes one of its key guiding aspects as ‘places, not just cases’. It seeks to engage and work with the local community to help address the causes of crime and improve community wellbeing. Residents can access the Centre’s support services without coming before the Court, while the co-located services allow offenders the chance to engage with a range of supports.

Embedded in legislation is the requirement that the recruitment of a Magistrate to the Neighbourhood Justice Division be guided by the ‘Magistrate’s knowledge of, or experience in the application of, the principles of therapeutic jurisprudence and restorative justice’. Further, in the sentencing process, the Magistrate can be informed about an individual’s needs from a broad range of services including community or health service providers and the ‘Neighbourhood Justice Officer’. While the Magistrate is part of a multi-agency centre, the Magistrate does not speak about clients to the other members of the multidisciplinary team outside the courtroom, so that legitimacy and independence is maintained.

Sentencing of offenders is often deferred to enable linkage with the Client Services team members such as mental health clinicians, drug and alcohol clinicians, housing workers, financial counsellors and others. This adjournment allows for assessment but also time for a person to address ongoing problems in their life before being sentenced, such as through a community based order. As Magistrate Fanning explains:

A middle aged Vietnamese woman charged with and pleaded guilty to drug trafficking. She has a prior offence for drug trafficking for which she received an eighteen-month sentence in the County Court. She was paroled and on release committed this new drug trafficking offence while on parole. So she was in deep trouble. You might expect that in another court that she’d probably be sentenced to a further term of imprisonment for her drug trafficking. However, it seems to me that if that was to take place, she’d serve her sentence, come out and commit another offence. That’s because, if she doesn’t have an intellectual disability, she certainly has diminished function. So what we’re trying to do is actually break that cycle. We go through a process of endeavouring to look at ways we can help – both with her intellectual disability and her disconnect from family.
To facilitate this, the person engages with the social welfare services co-located within the Centre and is assessed and linked into the support they need with a “wrap-around” service delivery model.\textsuperscript{50} It is recognised that most people coming before the court have had a connection with some support services in the past but have disengaged for a variety of reasons. The place-based approach ensures that a person appearing before the court is able to be connected into services promptly. Post-sentence monitoring can also be used to keep offenders engaged and connected as they complete their sentence.

The NJC also has a staff member, contemplated by its legislation, known as the ‘Neighbourhood Justice Officer’. This is a role integrated within the Centre,\textsuperscript{51} assisting people pre- or post-court hearings, supporting the Client Services team and facilitating ‘problem-solving’ meetings which are informed by restorative practices. The purpose of these problem-solving meetings is to bring together the parties to a dispute or legal matter to find practical ways to address conflict or offending behaviour. Where appropriate, the outcomes of these meetings are reported back to the Magistrate for the purposes of sentencing and monitoring. From the perspective of a person coming before the Court, this process:

...seeks to enable accused persons to engage as equal participants in developing strategies to address the causes of their offending rather than casting them in the role of subjects of others’ help and judgement. Critically, this occurs in the context of a discussion that is protective of their rights and conducted in plain language. It can, and has, acted as a “circuit breaker” to assist people shift out of patterns of behaviour and towards making better choices. The Problem Solving Process promotes a person’s engagement with services, and assists to restore relationships between them, their workers, and family members when those relationships have broken down. It models problem solving and decision making as practical tools that are supported by good communication, shared responsibility, unity and consistency among parties to the process.\textsuperscript{52}

The NJC Program Innovation team finds proactive ways to engage with the diverse City of Yarra community to improve local relationships and address trouble spots in the neighbourhood. For

\textsuperscript{50} Victorian Auditor-General, \textit{Managing Community Correction Orders} (2017), 33.
\textsuperscript{51} \textit{Magistrates’ Court Act 1989 (Vic), ss 3(1), 4Q(2)(a)}.
instance, it collaborated with the community in setting up the Smith Street Working Group, which worked with Aboriginal Elders, local businesses and Victorian police to develop the highly successful annual community music event, the Smith Street Dreaming Festival.\(^{53}\) This initiative built confidence between Aboriginal and Torres Strait Islander Peoples and local police, bridging gaps between cultures and empowering the community. The NJC has also supported the Collingwood All Stars Soccer Program for which ‘soccer was the “hook” but the real aim was to give participants a safe, supportive way to meet peers, police, NJC staff and community agency workers and learn about local support services, education, and employment pathways’.\(^{54}\) Similarly, it has held ‘Collingwood Conversations’ to engage and partner with residents of the local housing estates to workshop ways to better understand and plan activities for the families and communities living nearby.\(^{55}\)

The physical location and architecture of the NJC building is both well planned and executed. The Centre is found in a part of Collingwood that is dominated by a skyline of several high-rise public housing estates which are home to many people accessing the Centre. It represented an ideal location due to the combination of the high rates of crime (the crime rate in the City of Yarra in 2007-2008 was 18,000/100,000 people as compared with the state-wide rate of 7,000/100,000\(^{56}\)), service availability, public transport accessibility and a grassroots campaign that developed a community willingness to experiment with the NJC model.

The Court and building design has played a pivotal role in balancing the need for security with respect and dignity for Centre users.\(^{57}\) Placed in a refurbished and re-designed TAFE building, the physical space in the Centre is welcoming and non-threatening and lacks security screening on entry. It is a contrast to traditional court buildings in re-thinking how people engage with justice environments.\(^{58}\) For example, the court is on the second floor of the building and includes an outside balcony area where people can smoke. The Centre includes a child play area, community-run cafe (offering a free hot meal, tea, coffee and Milo to people coming before the court) and safe spaces for people experiencing family violence.


\(^{57}\) Lee, above n 27, 184.

The NJC has been the subject of extensive and continued evaluation since it opened its doors in 2007. It has been found to have brought about the biggest crime reduction across Melbourne over the last decade with a 31% decline\textsuperscript{59} and with:\textsuperscript{60}

- Savings from avoided prison days amounting to $4.56 million/year.
- Recidivism rates within a 2 year period 17% lower at the NJC than at mainstream courts in Victoria.
- NJC justice and support costs $167 less (per offender) than in other courts.
- Community Based Orders from the NJC 1.47 times more likely to be completed.
- 77% of community work orders successfully completed compared with 68% in like courts in Victoria.

\begin{itemize}
\item The Magistrates’ Court of Victoria, \textit{Annual Report 2014-2015} (2015) 72
\item Victorian Auditor-General, \textit{Managing Community Correction Orders} (2017), 33. For other evaluations see also Stuart Ross, Mark Halsey, David Bamford, Nadine Cameron and Anthony King, \textit{Evaluation of the Neighbourhood Justice Centre, City of Yarra- Final Report} (December 2009); Ross, \textit{Evaluating Neighbourhood Justice}, above n 56.
\end{itemize}
Further Ross et al found in an early evaluation that the Centre was perceived positively by Court users:

There is strong evidence that there are higher levels of confidence by justice system participants at the NJC and that this in turn generates higher levels of meaningful involvement in justice processes. NJC court users report very high levels of satisfaction across a range of measures of court performance and contrast their experiences at the NJC favourably with their experiences at other court venues. Confidence is notably higher in first time users of the court, who might be expected to find the process more confusing and intimidating. Observations show that defendants, applicants, respondents and their supporters are more directly involved in court proceedings at the NJC than at other court venues.61

More recent evaluations by Ross have also noted the significant success that the NJC has had particularly with order completion in higher end offending compared with other court models.62 Further, reduced recidivism levels of NJC participants on an ongoing basis are a clear point of comparison.63 As Magistrate Fanning has explained, ‘We’re not successful in every case. I’m not Pollyanna or starry eyed, but it is very evident that a lot of people have had their lives changed by their association with the NJC’.64

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63 Ibid 7.
64 Neighbourhood Justice Centre, *Reflections on Practice*, above n 46, 34.
4.0 **HOW MIGHT A COMMUNITY JUSTICE CENTRE BENEFIT WA?**

The CJC model has the potential to bring a range of benefits to WA which can be fed into the new WA Justice Pipeline Modelling. ²⁵

4.1 **Cost savings across the criminal justice system** ²⁶

Cost-benefit savings can be achieved at various stages through the justice pathway including reductions in prison days, trial time in court and re-offending. There are also wider societal savings from decreasing rates of criminality, victimisation and incarceration as well as saved costs from reduced recidivism. The other intersecting and often hidden costs of incarceration also need to be factored in. These can include the impact of someone being taken out of their family, employment and social circle which can result in unquantifiable social and cultural impacts as well the engagement of government agencies such as child protection, aged care services and social security.

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One early cost benefit analysis undertaken after the first 2 years of operation of the NJC by PricewaterhouseCoopers put Centre running costs up against direct ‘avoided costs’ and found savings as follows:

- higher rates of guilty pleas: $9,792;
- better completion rates: $111,094;
- reduced recidivism and breaches: $203,467;
- rise in community work: $188,796; and
- reduced custodial expenses from an 18% reduction in incarceration: $252,906.

Further, based on the contribution of organisations partnering with and co-locating at the NJC, there was estimated to be a ‘leveraged’ contribution of $5.66 for each $1 put into NJC programs.67

Similar studies of the Red Hook Community Justice Center estimated that, over the 2008 financial year, the benefits from community service and the ‘costs avoided’ from lower ‘victimization’ rates and reductions in incarcerations amounted to US$14,316,527 (and US$4,459.98/arraignment).68 Other US evaluations have estimated that the return over 5 years from reduced victimization and court diversion is approximately US$13,284/participant (or US$3.56/$1 spent).69

Detailed cost-benefit or social return on investments modelling for CJCs in WA are case-specific70 and will depend on the ultimate form, jurisdiction, service provision and location identified for the CJC demonstration project/s. However, the likelihood of reductions in recidivism will help offset the cost of projects. Using available estimations of the cost of service provision (2011-12) at the NJC ($1848/referral and $2888/per engaged referral71), if the number of repeat offences is reduced, such costs are likely to be recovered when the cost of WA Police investigating a new offence is estimated to be around $2637/offence.72 Added to this will be reduced prison days, avoided victimization costs and savings from related services and the intersecting governmental, cultural, economic and social costs of crime.

4.2 Service integration and co-location

The ‘wrap-around’ integrated service model ensures that supports are appropriate and that there is higher engagement by clients. This avoids service fragmentation and also allows a matching of services with the needs of the community. At the NJC, the Client Services team sees clients on either the same day the person appears before the court or the following day. The team also has the capacity to work with offenders for longer periods to ensure maximum benefit from the supports. Efficiency savings and ‘higher engagement rates’ are brought about from the co-location of the services and the speed at which information can be shared between team members.73 The NJC experience has shown that many agencies choose to locate at the NJC because of the proximity it gives to their client base and the integration it offers with other service providers.

68 Lee et al, above n 27, 169-170.
73 Morgan and Brown, above n 71, 10.
The therapeutic benefits for individuals and their families of this co-location model cannot be underestimated. The suite of services are available to attendees of the CJC court, but can also be accessed by other community members, regardless of whether they have a court matter. This ease of access to services in a ‘one-stop’ environment facilitates prompt engagement. For the court, the co-location of services offers a deeper understanding of the needs of individuals coming before the court.

Depending on the form, jurisdiction and location of CJC demonstration project/s in WA, the co-design process will determine the specific service needs of the community and the likely suite of service providers. For example, a children’s jurisdiction may require the inclusion of representatives from the education department as well as organisations that can address the unique needs of children and families. Similarly, an adult jurisdiction that included family violence matters within its scope would require services to support families and ensure the protection of victims as well as perpetrators. Ongoing engagement and collaboration with these service providers will then be essential to ensure an effective integrated inter-agency model.

4.3 **Recognition of and responsiveness to intersecting systems**

The CJC model provides the opportunity to liaise with government, private and not-for-profit organisations that intersect with justice, such as health, disability services, child protection, housing, employment and education. For instance, a person with a matter before the court may have significant mental health or drug and alcohol issues which is impacting on their financial situation, their ability to secure and retain stable housing, as well as their employability and dependence on their family and community. By engaging with mental health and drug and alcohol counsellors within the CJC they can begin to get help with these intersecting issues.

The prevalence of mental health and physical health problems amongst those in custody in the United States has resulted in prisons being labeled “hospitals of last resort” for those unable to access healthcare services in the community. In Australia, the intersectionality of justice with health, disability and other related issues is striking. In 2015, 49% of people entering prison had been told by a health professional that they had a mental health disorder (including alcohol/drug related), with 27% taking medication, and 67% having used drugs in the previous 12 months. Additionally, 74% of prison entrants smoke; 30% report having a restrictive long-term health condition or disability; 25% report having one or more chronic health conditions; and 39% report consuming high levels of alcohol. In the juvenile justice system in WA, a recent study showed that over a third of detainees in Banksia Hill Detention Centre had Foetal Alcohol Spectrum Disorder and 89% had ‘severe neurodevelopmental impairment’.

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74 David Cloud et al, ‘At the Intersection of Health and Justice’ (2014) 11(Winter) Perspectives in Health Information Management 1c.


76 *Ibid* 96.

77 *Ibid* 86.

78 *Ibid* 80.


4.4 Collaborative and culturally safer justice experiences for Aboriginal and Torres Strait Islander Peoples

In partnering with Aboriginal and Torres Strait Islander Peoples, justice responses can be co-designed to better establish culturally secure environments and processes.

**Culturally appropriate environment**

The physical environment of a traditional court has been recognised as ‘culturally alienating, isolating and unwelcoming to community and family groups’. The CJC model provides an opportunity to co-design a bespoke or refurbished building to house a CJC to create a more inclusive and welcoming justice environment.

**On-site support services responsive to the needs of the community**

This can include any number of on-site services and Aboriginal controlled and delivered programs that can work with families to provide trauma-informed strength-based supports. As submitted to the ALRC Report No 133, the National Aboriginal and Torres Strait Islander Legal Services (NASTILS) stated:

"...co-locating disability and legal services is an important avenue to improve access to justice. Aboriginal and Torres Strait Islander clients with a cognitive impairment or mental illness could be provided with a range of supports by disability support workers embedded within ATSILS including communication assistance, referrals, family assistance and emotional support. Disability support workers are also in a position to assist lawyers to recognise a client’s support needs, model good communication, and develop support packages that assist a client as they interact with police, prosecution services and the courts, ‘in order to reduce the risk of reoffending’.

**Aboriginal and Torres Strait Islander support staff**

The NJC employs a Koori Liaison Officer who provides information and support to Aboriginal and Torres Strait Islander people and also facilitates referrals to services both within the Centre and in the community. In addition to this, the Centre as a whole seeks to work with the Aboriginal and Torres Strait Islander community to improve the experience of living in the City of Yarra. This focus ensures ongoing commitment, partnership and responsiveness to the needs of the community.

**Access to appropriate legal services**

In discussing ways of addressing the disproportionate rates of Aboriginal and Torres Strait Islander people in custody, submissions to the ALRC *Pathways to Justice Report* identified that ‘...access to civil or family law assistance may help reduce rates of incarceration’. They also recognised the ‘...role of integrated, holistic wraparound services, and the value of co-locating legal services with other support

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83 Ibid 327.
services... The ability to tailor co-located legal services to ensure the needs of Aboriginal and Torres Strait Islander Peoples are met, creates an opportunity to have a positive impact on addressing incarceration rates.

*Culturally responsive court processes*

In relation to court processes, it may be determined through the co-design process that specific Aboriginal Hearing Days are appropriate. These could, for example, entail Aboriginal Elders sitting with the Magistrate. However, it is crucial that Aboriginal and Torres Strait Islander Peoples and organisations play a central role in the design, implementation and evaluation of any such initiatives.

**4.5 A 'lab' for justice innovation**

CJCs provide an isolated environment for trialing and evaluating justice reforms. The NJC has become a veritable Victorian justice innovation lab with many of its security and family violence processes being recommended more broadly across Victorian courts. For example, the NJC created Victoria’s first online family violence intervention order application and an online guilty plea system for traffic/public transport charges. In partnership with Victorian universities, students run Legal Clinics at the NJC. The NJC has also worked with the Victorian Commercial Teachers’ Association to insert community justice into the school curriculum in Victoria.

Like the Sustainable Health Review of the WA health system currently being undertaken, the future of our justice system requires initiatives that promote healthier individuals, families and communities, partnerships across sectors and value for money. A WA CJC justice innovation ‘lab’ presents an opportunity to partner with governments, universities, NGOs and key stakeholders in the research, development and trial of forward-thinking justice initiatives to ensure justice system sustainability.

**4.6 Improvement in the public’s perception of safety and of the justice system**

An improvement in the perception of community safety is likely to be a key benefit of a CJC along with greater satisfaction with the court process. By co-designing a CJC with a community, a spotlight is shone on local issues. Residents, businesses, schools and other members of the community are invited to turn their local concerns into solution-focused and place-based initiatives. This increase in the justice literacy of the community is likely to have a positive effect on public perception of safety and community empowerment.

**4.7 Increased compliance with court orders**

The CJC model is based on the premise of supporting people to overcome the problems that are bringing them before the courts. Consultations indicated a need for longer periods of deferral or diversion than are currently available through the WA court system to allow for sufficient engagement with support services, assessment and treatment to address often complex life circumstances. The CJC model allows for extended periods of sentencing deferral to put them in a better position to

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86 Ibid.
87 See, eg, Ibid, Recommendation 10-2, 328.
92 Section 6 of the *Sentencing Act 1995 (WA)* currently only allows deferral of sentence for 6 months.
successfully undertake community orders. Restorative justice practices such as problem-solving meetings can also be provided to ensure offenders and their families are better supported and connected. As one NJC client explained in a feedback video: ‘they want you to better your life for yourself to make you a better person so you don’t end up back where you were’.93

4.8 Community empowerment and rejuvenation

Community buy-in and participation in ongoing co-design of a CJC has the potential to change the experience of living in a particular area and give residents, businesses, agencies and schools a sense of ownership of a CJC. As a CJC is a community centre as well as a court, everyone in the community can access its services and meeting spaces. This creates a place of belonging, connection and social cohesion for a community. It also means that supportive relationships can continue after an individual’s association with the court and corrective services has concluded. There is the potential for successful CJC court participants to become peer workers, mentoring and motivating others with similar personal challenges to engage with the Centre and take positive steps to stop offending behaviours.

4.9 Recidivism and crime reduction

Directly attributing crime reduction to a sole cause is never easy, however the NJC has contributed to a change in the criminal profile of the City of Yarra. As Ross explains:

...the City of Yarra has the highest crime rate of any Victorian Local Government Area (LGA) other than the City of Melbourne, with an aggregate crime rate in 2007–08 of around 18,000 per 100,000 population. By comparison, the crime rate for the state as a whole for that year was just over 7,000 per 100,000 population. Yarra had two and half times the rate of property crime as the state as a whole (14,500 versus 5,400 per 100,000) and three and a half times the rate of drug-related crime (980 versus 270 per 100,000). In the period after the NJC was established, crime rates in Yarra have fallen, with a 31 percent decline in total crime... largely as the result of a 40 percent decline in property crime. Crime rates have generally fallen in Victoria over the same period (again, largely as the result of reductions in property crime) but the decline in Yarra is greater than that observed in comparable inner urban LGAs.94

While the crime reduction in the City of Yarra is a positive outcome, it must be acknowledged that using recidivism and crime reduction rates to measure the success or failure of a CJC offers a limited analysis and is not a true reflection of success or failure if measured in isolation. This is especially true for evaluations over a short period of Centre operation. There are many benefits of a CJC that are less tangible and more difficult to quantify but are no less important, such as:

- community engagement and involvement in the justice system;
- increased justice literacy;
- improved social cohesion;
- increased court attendance rates and the provision of better and more culturally relevant sentencing processes;95
- community rejuvenation; and
- improved perceptions of community safety.

The value of these benefits to a community and the power of a CJC to facilitate them should not be underestimated when evaluating Centre outcomes.

94 Ross, Evaluating Neighbourhood Justice, above n 56, 3.
95 Paul Bennett, Specialist Courts for Sentencing Aboriginal Offenders—Aboriginal Courts in Australia (Federation Press, 2016) 1.
POTENTIAL BENEFITS OF A CJC FOR WESTERN AUSTRALIA

- Increased compliance with court orders
- Recidivism and crime reduction
- Community empowerment and rejuvenation
- Service integration and co-location
- Improved public perceptions
- Cost savings
- Recognition of and responsiveness to intersecting systems
- A culturally safer justice experience
- Justice Innovation Lab
- Increased compliance with court orders
- Community empowerment and rejuvenation
- Cost savings

CJC Demonstration Project
5.0 CO-DESIGN, CONSULTATION AND GOVERNANCE

It is crucial that a ‘CJC model’ not be transplanted or thrust upon a particular community. For its success, an inclusive ‘place-based’ community consultation strategy is required. If embedded in best practice, appropriately designed and implemented early-on, such a strategy will ensure the appropriateness of a CJC and community readiness for it. This will also empower parties and create a model for continued community cooperation and collaboration. The NJC emerged from a long process of consultation with a Collingwood-based Community Liaison Committee which helped design and shape it. Similarly, the Red Hook Community Justice Center involved extensive planning, focus groups, trust building and community engagement, including the community going on a bus tour to select the building to house the Center.97

What is clear is that the consultation process needs to be dynamic and tailored to the unique needs of the community being engaged and with a suitable budget allocated across the 3 stages:

Stage 1 – Establish the CJC governance team and initial community engagement

The first stage in the consultation process will be forming a CJC governance team for each CJC demonstration project. It is envisaged that this team would include representatives from across government, Legal Aid, the Aboriginal Legal Service of Western Australia, the Community Legal Centres Association, academics, the WA Police and other key community stakeholders or leaders. In particular, this leadership team should include Aboriginal and Torres Strait Islander Peoples and Aboriginal community controlled organisations with a governing role. The role of the governance team will be to direct and facilitate the CJC consultation, the co-design process and the implementation and ongoing operation of the CJC.

Once formed, the team will need to:
- have a clear understanding of the nature of the consultation, available funding, terms of reference and a governance framework;
- select appropriate methods of consultation (workshops, one-on-one consultations and/or small focus groups);
- identify groups and individuals to engage and partner with, ensuring that representatives can speak for the group that they represent and that key stakeholders or community leaders are not sidelined;
- obtain relevant justice information and court load data to understand the local justice profile; and
- partner with Aboriginal and Torres Strait Islander Peoples (Elders, peak bodies, agencies and corporations) reflecting the diversity of the community and the groups within it. Where appropriate, participants should be remunerated for their time and commitment to the co-design process.

One of the challenges with co-designing a CJC is that at the outset there is a broad model seeking to be implemented. While it needs a clear government commitment, the consultation strategy must suspend preconceptions as to what the CJC would look like for the community. It is also important that stakeholders engaged in the consultation understand the process and feel that consultation is genuine and transparent with built-in feedback loops.

Specifically, consultations and needs assessments must involve open conversations with stakeholders, businesses and community members around issues including:
- what their local area does well?
- what their local area could do better?
- what people like/don’t like about living where they do?
- what a justice response looks like to participants and what they would want it to look like?
- where people like ‘hanging out’ in the neighbourhood and where they feel less safe?
- what services are available and what service gaps exist?
- whether there is an appetite for tackling local problems and whether there is interest in exploring the potential of a CJC?

All responses from consultations should be assessed and considered to determine current community needs and community readiness and interest in the possibility of a CJC demonstration project. It may be that feedback does not directly relate to a CJC and instead highlights the need for alternative initiatives. It might be that there are other social issues or justice priorities or that the time is ripe for ‘community capacity-building’ before a CJC can be considered.98 In such cases, the CJC consultation strategy may need to be suspended to enable the community to address these issues and to resource these avenues in the interim.

Stage 2 – The co-design of a bespoke CJC

This stage of the consultation strategy will entail the co-design of a bespoke CJC by the community, for the community. There is not necessarily going to be agreement on all aspects of the design and this will require careful and respectful negotiation with all stakeholders and the CJC governance team.

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98 WACOSS, above n 96, 40.
Here, a range of key issues need to be determined including:

- the key objectives of the CJC;
- a precise location of the CJC (see 6.1 below);
- whether the CJC building will be purpose built or a re-fit of an existing building;
- court jurisdiction and CJC boundaries;
- the services and facilities the CJC should provide; and
- mechanisms for ongoing community involvement and community partnerships.

Co-design at this stage must ensure an equal partnership with Aboriginal and Torres Strait Islander Peoples and community representatives in exploring appropriate and culturally safe processes and any court innovations or mechanisms which Elders and community representatives may wish to explore.

**Stage 3 - Implementation**

While the WA Government will be closely involved in Stage 3, it is vital that the community not be sidelined in the implementation phase and that they have an ongoing role through the governance framework in ensuring that the objectives of the CJC are being met and that they remain appropriate for the community.

In the implementation stage, the CJC governance team needs to ensure the technical and operational elements are in place including:

- the chosen site is fitted out appropriately;
- contracts with key service providers and financial responsibilities are resolved;
- mechanisms for community involvement and partnering;
- evaluation mechanisms for the CJC and agreed-upon KPIs; and
- continuous community consultation and feedback and reviewed needs assessments.

### 6.0 CHALLENGES AND CONSIDERATIONS

There are a range of challenges associated with any justice initiative, some of particular relevance to a CJC in Western Australia are discussed below.

#### 6.1 Location

- Established community and sufficient population density
- High crime rate and social need
- Proximity of services and public transport
- Local support for pilot
- Neutral site within locality

Criteria for locating a pilot CJC
The CJC experience internationally demonstrates that location or ‘place’ is pivotal to the success of a CJC.\(^99\) The selection of a precise location within a region or suburb would be dependent on an in-depth consultative process with communities. In proceeding with a demonstration project there are a range of priorities to consider in selecting a locality, however, key criteria should be high crime rates, high rates of incarceration of Aboriginal and Torres Strait Islander Peoples, accessible public transport, high levels of social disadvantage and the proximity to social and community services.

Ultimately, the selection of a location/s will depend on a broad range of considerations including demographics, population density, social disadvantage, current crime data and court loads, existing service availability\(^100\) and community buy-in. An array of factors need to be assessed as crime data alone does not tell the full story and is shaped by reporting practices and methods of data collection. Entrenched community perceptions of past experiences in an area may also impact on the effectiveness of community engagement, participation and relationship building. This is a particular reality for some Aboriginal communities in WA. The importance of a local community’s interest in and appetite for a CJC cannot be downplayed, as its absence would make the success of any pilot project unlikely. There are obvious benefits from selecting a municipality with a clear community or neighbourhood. As Berman has recognised, this can make establishing the CJC easier as well as evaluating its success.\(^101\)

Across the course of the study, the south-east corridor (covering Armadale, Gosnells and Serpentine-Jarrahdale)\(^102\) was frequently suggested to the Project Team with named sites including Armadale,\(^103\) Midland, Belmont, Gosnells, Fremantle (potentially encompassing the City of Cockburn),\(^104\) Rockingham/Kwinana, Cannington, Balga and Northbridge. Regional areas suggested include Bunbury, Geraldton, Broome or Kalgoorlie/Goldfields.

While some considered areas may not have attempted to tackle local justice issues before, others may already have existing justice strategic plans in place which the CJC governance team could work alongside. It emerged from our consultations that a CJC located in Armadale with a Children’s Court jurisdiction, for example, would be in line with the existing Youth Partnership Project, which aims to make systemic change for vulnerable youth in the south-east corridor of Perth.\(^105\) Given 1 in 4 young people in Banksia Hill Detention Centre are from the south-east corridor and 58% are of Aboriginal and Torres Strait Islander descent,\(^106\) the State Government’s Target 120 Plan to Target Juvenile Crime\(^107\) would also align with a CJC demonstration pilot project within this corridor. However, the absence of existing justice initiatives in an area should not preclude the consideration of a CJC in a locality.

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\(^{100}\) See, for example, the Youth Partnership Project, \textit{Change the Story Report} (2017) http://www.youthpartnershipproject.org.au/uploads/files/publications/CHANGE%20THE%20STORY.pdf, which mapped services for young people (including ‘place-based’ services) across the south-east corridor.

\(^{101}\) Berman, \textit{Red Hook Diary}, above n 97, 2.


\(^{103}\) Found to have the greatest ‘educational disengagement and youth justice contact’ across ‘South East Corridor’: Youth Partnership Project, above n 100, 33.


\(^{105}\) Ibid 16.

A CJC does not need to be in an existing court building. In fact, there can be merit in selecting a non-court site and, in effect, allowing the community to re-fashion its experience of justice through the CJC. If a selected area already has a Magistrates Court (such as Armadale, Midland, Fremantle or Joondalup) there would need to be discussions as to whether the existing court-building would be used or whether a different site was selected, with decisions as to how the courts’ jurisdictions in that area would be allocated. For instance, some consultations raised the possibility of having a building fitted out in the same locality as an existing Magistrates Court but looking to limit the CJC Court’s jurisdiction to particular offences or, depending on the area, confining the CJC to a youth jurisdiction. Of relevance to such a decision is the particular success that the NJC has had in the City of Yarra with high-end/serious offences and what offences in that particular community are best allocated to the CJC court and what should remain within the mainstream jurisdiction.

City of Yarra
5km from CBD
19.5km²
93,380 residents
47.8 people/ha:

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6.2 Mixing models

While learning from the Victorian NJC as well as Red Hook, Midtown and other CJC around the world is essential in the consideration of a model for WA, it is imperative that a future CJC is not a carbon copy of these experiences.\(^{109}\) Instead, any prototype for WA will require careful consideration, planning, consultation and understanding of the unique needs of the community.

Given the high numbers of Aboriginal and Torres Strait Islander Peoples coming before the courts in WA (approximately 31.8% of matters finalised in the Magistrates Court and 61.7% of matters finalised in the Children’s Court\(^{110}\)), it is essential that a CJC experience in WA is supported, driven, designed and implemented through a sustainable partnership with respected leaders, organisations and communities. Possible models that could be explored with Indigenous groups and potentially incorporated into the design of a WA CJC include some of the initiatives in the table below. What is crucial, however, is that the designing of court processes comes after strong relationships have been built and there is mutual understanding and trust.\(^{111}\) Reforms need to be designed together with Indigenous groups and be continually re-visited by local reference groups to ensure they are working appropriately and meeting current community needs. For instance, consultations with the Aboriginal Legal Service of Western Australia (ALSWA) brought up the importance of CJC services being equipped and trained to work with Indigenous families and not just individuals in providing support and assistance.

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<table>
<thead>
<tr>
<th>Model</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal Hearing Days</td>
<td>Both the Collingwood NJC and the Heidelberg Magistrates Court have “Aboriginal Hearing Days” at which Indigenous offenders can choose to attend whether they plead guilty or not. Koori Justice Workers and relevant support agencies attend.</td>
</tr>
<tr>
<td>Barndimalgu Family Violence Court - Geraldton</td>
<td>A weekly court list at which community members sit with a Magistrate who monitors offenders completion of a cultural appropriate family violence program at the pre-sentencing stage. Advice on cultural matters is provided by community members.</td>
</tr>
<tr>
<td>Indigenous Sentencing Courts such as the Kalgoorlie-Boulder Community Court and Norseman Community Court Program</td>
<td>Sentencing is conducted by a Magistrate sitting with respected Elders or members of Aboriginal communities. Proceedings are conducted in a culturally appropriate way and encourage input from community and family members. Indigenous Liaison Officer attends and supports offender.</td>
</tr>
<tr>
<td>ALSWA Youth Engagement Program</td>
<td>A pilot project which co-locates Aboriginal Diversion Officers in the Children’s Court to provide a range of assistance to offenders.</td>
</tr>
</tbody>
</table>

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\(^{111}\) Ibid 6. For a discussion of the genesis of the Aboriginal Hearing Day at the NJC see: Delia O’Donohue, Aboriginal Hearing Day - Study of the Partnership between the Aboriginal Community and the Heidelberg Magistrate’s Court that led to the formation of the Aboriginal Hearing Day, (2014) http://assets.justice.vic.gov.au/njc/resources/74040519-7cc4-4649-8b03-05c90a6572e0/aboriginal+hearing+day++heidelberg+magistrates+court.pdf, Neighbourhood Justice Centre, Reflections on Practice, above n 46, 34; Bassett and Clark, above n 84.
6.3 Jurisdiction

Another issue relevant to the form that any CJC pilot takes is the scope of its Court’s jurisdiction. This includes whether to include adult and/or youth jurisdictions along with a range of matters such as residential tenancy disputes, guardianship or dispute resolution. Some consultations supported a single focus upon adult or youth rather than merging the two, or clear jurisdictional separation across different hearing days. If it is to be confined to a youth jurisdiction it should also encompass child protection issues with co-located services tailored accordingly. Similarly, the types of offending behaviours to be dealt with by the Court, whether not guilty pleas would be transferred to a mainstream court and whether the Court has special hearing days for particular issues such as family violence matters, will depend on court loads, relevant social issues and the community being served.

To bring clarity and predictability to the functioning of a CJC, a firm legislative foundation would be beneficial. This has been shown in the Victorian experience with the legislatively prescribed ‘Neighbourhood Justice Division’ in the Magistrates’ Court Act 1989 (Vic). This would give any pilot a clear statutory grounding as well as legislative legitimacy.

6.4 Other Justice Alternatives

The focus of this study is upon the CJC model and is not intended to preclude other whole-of-system justice reforms. For instance the 2009 WA Law Reform Commission Final Report on Court Intervention Programs (‘programs that use the authority of the court in partnership with other agencies to address the underlying causes of offending behavior and encourage rehabilitation’112) highlighted the need for a range of reforms such as:

- the establishment of a Court Intervention Programs Unit (Recommendation 1);
- the setting up of a general court intervention program with pilots across the Perth Magistrates, Children’s Court and one regional court (Recommendation 37);
- court-intervention focused legislative amendments (Recommendation 2); and
- amendments to WA pre-sentencing orders and sentencing deferral arrangements (Recommendations 5-15).

Similarly, there are a range of innovative courts and projects in WA currently in operation which could be broadened or made more permanent through legislative reforms and certainty of funding.

The Law Reform Commission’s recommendation for mainstreaming court-intervention has clear parallels with programs such as the Court Integration Services Program (CISP) operating in Victoria across the Melbourne, Sunshine, LaTrobe Valley and Mildura Magistrates’ Courts and in Queensland. CISP provides short-term (the length varies depending on degree of need) case managers to support individuals coming before the court, whether or not they plead guilty, by linking them with relevant community services near where they live. It is, however, quite different to the CJC model which can provide much longer term case management through a co-located service team and also partner with the community in managing the CJC, through crime prevention programs and engagement with local residents, businesses and schools. It also means that people can access support long after their involvement with the justice system has concluded.

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112 Law Reform Commission of Western Australia, above n 16, 5.
6.5 Costs

Set-up and ongoing operational costs of this justice initiative will require careful calculation and consideration to satisfy potential funding bodies and stakeholders of the benefits of investment while also considering community benefits. Set-up costs can be particularly significant depending on the model and design.\textsuperscript{113} For instance, the costs of refurbishing a current court building may be lower than fitting out a non-justice space, but the nature of the community and its particular needs must be fed into any such cost assessments. The NJC pilot was funded for 4 years. The funding included $9 million in refurbishment and court set-up costs and then $4 million/year in Centre running costs. Its annual operating budget (excluding the judicial officer and tribunal member salary) across 2011-12 was $4.9 million (Court costs: $1.06 million, Client Services team: $1.654 million and Program Innovation Team: $2.187 million).\textsuperscript{114}

Victorian-based studies have estimated that the cost per concluded criminal case is around $58 higher than in the standard Magistrates’ Court, potentially due to the additional time and support provided or possibly contractual and funding differences in the standalone court model.\textsuperscript{115} This cost was also offset by $12 lower judicial officer salary/matter in the NJC model due to a greater number of matters being concluded.\textsuperscript{116} While the cost per NJC referral was estimated to be around $1848 (CISP was $1489), as compared with similar court integrated models (namely CISP) the NJC was ‘more efficient in the processing of criminal matters’,\textsuperscript{117} per engaged referral and the referral can operate over a much longer period\textsuperscript{118} and with ‘better collaboration between service providers and better integration between the court and client services’.\textsuperscript{119} Overall, this meant that ‘average expenditure per engaged referral’ was 3% less within the NJC model than with the CISP model over the studied period.\textsuperscript{120}

While it is likely that the CJC would cost more per completed matter than current Magistrate Court matters, these costs are recoverable in the benefits the model generates, particularly in terms of reduced recidivism and crime reduction. As a comparison, the Perth Drug Court has been found to be more ‘cost-effective’ than ‘community-based orders’ and imprisonment when the drop in re-offending is considered.\textsuperscript{121} With total expenditure on WA prisons amounting to $583 million over 2016-2017,\textsuperscript{122} reduced recidivism and reductions in jail-time served means that a CJC may be justified on a cost-benefit basis alone. Precise calculations will however depend on the particular form that demonstration projects take.

Along with numerous studies worldwide,\textsuperscript{123} evaluations of the Victorian NJC provide promising economic arguments to support the establishment of a CJC in WA. The NJC has been shown to bring about a range of justice efficiencies including saved court time (from guilty pleas etc), crimes avoided, improved order completion and the benefits of community work.\textsuperscript{124} One early evaluation suggested that such savings would provide $2,487,125 in benefits in the Centre’s first 5 years.\textsuperscript{125} Further, Magistrate Fanning has explained that many of the ‘co-locat[ed]’ services at the Centre which previously

\textsuperscript{113} See, eg, Swaner, above n 37, 414.
\textsuperscript{114} Morgan and Brown, above n 71, 4.
\textsuperscript{115} Ibid 9.
\textsuperscript{116} Ibid 8.
\textsuperscript{117} Ibid 11.
\textsuperscript{118} Ibid 9-10.
\textsuperscript{119} Ibid 10.
\textsuperscript{120} Ibid.
\textsuperscript{121} Law Reform Commission of Western Australia, Court Intervention Programs: Consultation Paper, above n 29, 53.
\textsuperscript{122} Productivity Commission, above n 5, Page 1 of Table 8A.1.
\textsuperscript{124} Ross et al, Evaluation of the Neighbourhood Justice Centre, above n 60, Ch 9.
\textsuperscript{125} Ibid 166.
operated within the vicinity have chosen to locate there without being funded from the Centre’s budget. As discussed at section 4 of this Report, this has meant that for every dollar spent on NJC ‘programs’, this has been matched by $5.66 in service contributions.

While many of the benefits of a CJC will be able to be quantified, others will not be as easy to measure, although they are just as important in terms of their outcomes. For example, the CJC model has great potential to improve neighbourhood safety and increase the overall wellbeing of communities and individuals within it, through innovative community engagement activities and partnerships with local police and service providers. While this wellbeing may not be able to be measured initially, its effects can emerge over time throughout the justice and welfare systems. Studies of the Red Hook Community Justice Center, for example, have found significant cost savings from a drop in recidivism, including a reduction in the numbers of victims of crime.

It must be emphasised that while funding for justice initiatives in WA are not limitless, it is the intention of the Project Team that CJCs be explored as models of justice alongside those currently operating in WA. For example, initiatives such as the adult and juvenile Drug Courts, the Start Court, ALSWA Youth Engagement Program as well as essential legal services offered by the Community Legal Centre community, provide valuable services, which should not be negatively affected by the funding of CJCs.

### 6.6 Risks

There are a range of risks which any WA CJC would need to carefully evaluate and monitor across its pilot period, including:

**Perceptions that CJCs are ‘Soft’ on Crime?**

One of the most commonly noted risks of a CJC is that it has the potential to be perceived as a ‘soft option’. However, as Magistrate Fanning explains:

> It’s really a misnomer and quite false to say that it’s soft on crime. In fact I have the same dispositions and the same approach to sentencing overall as any other court does...[Imprisonment is] not the first option, but it’s part of the repertoire, part of the sentencing options that are available. But really, the emphasis here is to try and redress those underlying causes rather than simply delivering a sentence from on high, be it a fine, or imprisonment term, but rather, as I say, to deal with those underlying causes to try and redress those underlying causes. But it's not a soft option, and it's not an option that excludes imprisonment in appropriate cases.

Following an adjournment of a matter to allow time for an individual to be assessed and engage with services, the Magistrate in sentencing the offender takes into account their level of engagement and motivation. However if the person chooses not to engage, the usual suite of sentencing options are available to the Magistrate.

This model asks people who have significant personal and legal challenges to be open to addressing these complex issues with support and judicial monitoring. This requires a person to take responsibility

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128 Lee et al, above n 27, 17.

for their actions and revisit often traumatic life circumstances and experiences. This can be a hard, rather than a ‘soft’ path, for people who are entrapped in the justice system through social disadvantage, trauma and intergenerational marginalisation.

The High Bar of Expectation

While CJC’s present an exciting justice innovation there is also the risk that they will oversell or overpromise to the community, government or other relevant stakeholders. As Assoc/Prof Murray has indicated elsewhere:

Communities need to appreciate that there may be limitations on a neighbourhood centre’s ability to deliver justice and that not all expectations can necessarily be realised. Part of the process of collaboration will involve an alignment of expectations and priorities. One of the most obvious constraints is likely to be fiscal. Clearly, the extent to which strict budgets are introduced will restrict the number of residents that the centres can assist and over what timeframe. Additionally, neighbourhood centres are likely to be subject to performance indicators and evaluations before financial resources become more readily available. This is likely to shape the types of justice projects which can be undertaken as part of the community model and may require more experimental projects to be put on hold.130

Expectations of any pilot WA CJC need to be carefully managed and communicated and re-assessed over the life of a Centre as these can and are likely to change along with the community it serves. It is also necessary that expectations are realistic, given the timeline of a pilot for a Centre. Establishing a functioning CJC and relationships of trust with the community takes time, as does community consultation and partnering, to bring about local rejuvenation and justice improvement.

Evaluating Success and Failure

One of the key risks with the CJC model, particularly over short pilot periods, is finding ways to demonstrate that the model ‘works’ across a range of points of interaction with the justice system using traditional criminal justice evaluation tools or finding ways to supplement these to explain the richness of Centre experiences. This is particularly pertinent in the face of scarce justice funds131 and the need to be able to demonstrate that the investments are resulting in community benefit and reductions in local crime and recidivism.

Much can be learnt from the Australian and overseas experience. Failures with data recording practices and ongoing self-evaluation contributed to the closure of the North Liverpool Community Justice Centre when it became more and more difficult for it to show that it was making a demonstrable benefit to the local area.132 It is also important that ‘success stories’ are collated and showcased by a Centre not only to government but also to the local community.133 This is something that any WA pilot could learn from the NJC which has been aware of the need to constantly promote and celebrate its successes and community activities. Its website for example notes:

The Age [a newspaper] ran a story in which one of our clients called the Neighbourhood Justice Centre her ‘home away from home’. She was referring to both the treatment she receives from our multi-disciplinary Client Services team, and our court’s problem-solving practices that combine to help turn around her life. Few if any other Australian court receives such praise and our client neatly defined the power inherent in

130 Murray, ‘Keeping it in the Neighbourhood?’ above n 58, 91-2.
131 Swaner, above n 37, 415.
133 Mair and Millings, above n 99, ibid 63-4, 94, 96.
combining problem-solving and community justice to tackle crime. Tales like this and many others make us proud of our revolutionary new services, and makes us strive to keep evolving our work.  

**Personalities**

Like any community organisation or institution, it is the people that are vital to the success of a CJC. It is the staff that interact with the community on a daily basis and influence whether residents, welfare services, local police and businesses affirm the work of the Centre and contribute to its ongoing legitimacy and sustainability.

The selection of a Magistrate for the Centre’s court is also of particular importance. It is the Magistrate who will set the tone for the court’s operations and the message that is sent to the community about the court’s role. The Magistrate needs to have the community’s trust and respect and be sufficiently knowledgeable and connected with the local area while still retaining the appropriate level of independence and perceived impartiality. This can also make it particularly important that any departures or new appointments are very carefully chosen and handled to preserve the CJC’s relationship with the community.

### 7.0 RECOMMENDATIONS

#### 7.1 Community Justice Centre

The notion of a CJC demonstration project in a metropolitan and a regional/remote area received widespread support across the course of the study. Participants emphasized the need for any WA Centre to meet the unique needs of the local community while also learning from the experiences of others, particularly the Collingwood NJC. It would need to be located in an area with a sufficiently high justice need. The community needs to ‘buy-in’ to the CJC model and work together to craft a bespoke Centre that belongs to and services that community, including meeting the needs of Aboriginal and Torres Strait Islander Peoples.

Any demonstration project would ideally run for at least three to five years to enable it to establish itself and provide a sufficient period for evaluation. Like the NJC, it would be beneficial for it to house a Magistrates Court with a single judicial officer and a co-located service/support team as well as a crime prevention and community engagement division to work with the local community, businesses and police to reduce local crime hot-spots and address community issues. It also has the potential to be an incubator for new court and community justice innovations.

A legislative basis for any CJC projects would bestow it with legal stability and legitimacy and provide clarity around jurisdictional, procedural approaches and the governance framework. The success of the project is more likely if the judicial officer, court personnel and service team are certain of their roles and can also give the community the confidence to ‘invest’ in the CJC.

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135 Murray, ‘Keeping it in the Neighbourhood’, above n 58, 92.
Any CJC would be a place of community support and connection and would be shaped by a community’s current needs, demographics and justice profile. Subject to the outcomes of the community engagement strategy and co-design process, it could also include attached sport facilities and activity areas, such as a basketball court, ping-pong table, computer room or fitness space. Its governance framework could provide a platform for partnering with the community to co-design culturally safer processes which reflect the diversity of the neighbourhood and which are recommended by local community members and stakeholders.

This study recommends as follows:

**Recommendation 1:**
That a CJC Community Consultation Strategy be developed and implemented to partner with and co-design two CJC demonstration projects in one WA metropolitan community and one WA rural/remote community.

**Recommendation 2:**
Following the formation of appropriate CJC governance teams, that the metropolitan and rural/remote CJC demonstration projects be co-designed and implemented, incorporating governance frameworks to ensure ongoing community involvement in the planning, management and direction of the demonstration projects.

**Recommendation 3:**
That subject to appropriate evaluations of the CJC demonstration projects, the rolling out of CJC justice innovations across other communities and regions of WA be explored, including the potential for mainstreaming some of the benefits into the Perth Magistrates Court and the Children’s Court.

### 7.2 Models

There are a range of ways that the CJC demonstration projects could be structured. Much would depend on the needs of the community, the proximity to other courts and available government funding. However, it is recommended that at least one demonstration project be set up in a metropolitan location and one in a regional/remote location.

Jurisdictional considerations are likely to be influenced by the selected site, however, ‘wrap-around’ family violence jurisdiction, a Children’s Court jurisdiction and Aboriginal court models were frequently raised in consultations with stakeholders.
Metropolitan and Rural/Remote CJC Demonstration Projects

The consultations showed there was considerable support for a CJC demonstration project in the Perth metropolitan area with a single judicial member Magistrates Court and the co-location of key community and support services and a crime prevention team. It was evident that stakeholders believed that the project would need to have a sufficiently long duration to give it time to ‘work’ and have an impact on the community.

Subject to local interest and an extensive co-design process, stakeholders were also supportive of the possibility of a regional or remote location with areas named including Bunbury, Kalgoorlie/Goldfields, the Kimberley and Geraldton. There are a range of different forms that a rural project could take depending on the community, local facilities and available budget. The financial and resourcing costs associated with a remote location was a point that was raised in the consultations. Geraldton already has a Barndimalgu family violence court which could provide a useful starting point for discussions with community members as to the potential for experimenting with further innovative court models. Broome and the Goldfields were also mentioned as sites with a good breadth of service provision.

As discussed at 6.1, the selection of a location will raise a broad range of considerations. A CJC could be housed in an existing court building or a re-purposed building within the chosen community. While using a new or re-purposed building may impose additional costs, this is not necessarily the case as even an existing courthouse would need a potential re-fit to accommodate support services, community spaces and facilities. There may be entrenched community perceptions of past justice experiences which an existing court building might prove difficult to overcome.

If the court building were currently being used as a mainstream court, thought would have to be given as to how many courtrooms would be retained, the catchment area for the court and how its jurisdiction might change.
In consultations with stakeholders there was discussion around the possibility of a CJC demonstration project being located in a re-purposed building, and possibly nearby to an existing court, but having confined jurisdiction to tackle offences prevalent within that community and which occupy the majority of police and court time. The capacity of a CJC to process people held in custody would need to be considered, as video-conferencing and holding cell accommodation as well as additional security personnel would be required to facilitate the hearing of such matters.

7.3 Achieving Success

There are many factors that would feed into the success of any CJC demonstration project, including:

Co-design and consultation

The essential components of local buy-in, co-design and ongoing consultation/collaboration with the community, including a sustainable partnership with key stakeholders, are essential to the success of any CJC. This would require the development and implementation of the Community Consultation Strategy with a wrap-around governance framework as discussed in section 5 of this Report.

Demonstration project length

Any demonstration project needs to be of sufficient longevity so it can show its quantitative and qualitative impact on individuals, families, the community and the justice system as a whole. A pilot period of at least 3-5 years is required to ensure this.

Adequate funding

Sufficient funding is essential for the development and implementation of the Community Consultation Strategy, the eventual fit out of an existing court building or re-purposed building, the set up and ongoing operational costs of the CJC and ongoing evaluations and data collection of the CJC.

Consistency of Judicial Officer

Best practice examples from international CJCAs as well as the NJC in Victoria demonstrate the benefits of having a single Magistrate dedicated to the CJC. From the process of recruitment through to the development of effective working relationships with CJC staff and co-located service providers, the Magistrate becomes part of, and trusted by, the community.

Multidisciplinary, multi-agency integrative teamwork

Depending on the needs of the community, identified through the co-design and consultation process, service providers would need to be co-located within the CJC building. This multidisciplinary, multi-agency team would need to work together (while retaining their professional responsibilities to their principal organisations) to achieve therapeutic and restorative justice, positive clinical engagement and social welfare outcomes for people coming before the court and other community members utilising the CJC.
**Linkages with community-based service provision**

The multidisciplinary, multi-agency team (including legal, health and social welfare service providers) would be required not only to assess people becoming before the court and other CJC users in terms of their needs, but link them into other community-based services for ongoing, longer term engagement, treatment, support and monitoring. The success of this would necessarily depend on the development of sustainable positive partnerships and working relationships between community service providers and the CJC co-located service providers and other staff.

**Legislative Support**

Supporting legislation would be beneficial to ensure the certainty and sustainability of the CJC.

**Clear jurisdictional boundaries**

Jurisdictional boundaries in terms of the scope of offences to be dealt with by the court as well as geographical, cultural and social criteria for access to the CJC would need to be determined through the co-design and consultation process.

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**Figure 1 Achieving Success**

Co-design and consultation

Supporting legislation

Adequate funding

Adequate CJC pilot length

Clear jurisdictional boundaries

Links to local community services providers

Multi-discipline & multi-agency teamwork

Judicial monitoring & motivational interviewing

Consistent judicial officer
8.0 CONCLUSION

The focus of this study is upon the CJC model and its feasibility for WA. This focus is not intended to foreclose or preclude other whole of system justice reforms but is about looking at community-based solutions that have the potential to benefit WA, reduce rates of incarceration (particularly amongst Aboriginal and Torres Strait Islander communities) and create more cohesive and safer neighbourhoods. It recommends that a CJC Community Strategy be developed to co-design both a metropolitan and a rural/remote demonstration project which would incorporate suitable governance frameworks to ensure ongoing community involvement in the planning and management of the projects.
ACKNOWLEDGEMENTS

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The Project Team is grateful to Magistrate David Fanning and the dedicated staff of the Neighbourhood Justice Centre for offering their time, experience and expertise both during our visit in May 2017 and throughout the study period. They welcomed our questions, inquiries and observations and were invaluable in their support for this proposal for a second CJC in Australia.

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