

The Hon. Marilyn Warren AC
Chief Justice of Victoria, Australia
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Doing Justice Locally and Globally

There is much room for us, as the judiciary, to grow and expand in our endeavours for better ways to deliver 'justice'. The idea of reducing recidivism and making communities safer are not new concepts, but the approach of engaging with the community we serve and responding in an integrated way is.

The challenge is to find solutions which are workable, affordable and can help address the underlying causes of crime. The Neighbourhood Justice Centre in Collingwood, local justice initiatives such as the Fitzroy Learning Network, the Social Studio, the Sudanese Lost Boys Association and the recent Victorian three year action plan addressing violence against women and children, are to name just a few of the initiatives driving model based change.

It is this growing momentum around community courts, community centres and community 'ownership' operating as part of broader justice initiatives which is repositioning "the

relationship between the community and the justice system".¹ Such an approach is consistent with the broader interest in less-adversarial, problem oriented² and experimental justice initiatives around Australia in recent years including Drug Courts, Family Violence Courts and Indigenous Courts.³

No doubt you do not need to hear it from me that Magistrates confront on a daily basis the human consequences of the socio-economic inequalities in our society or the flow on effects from zero tolerance policies or tough policing campaigns. Conventionally, a Magistrates major interaction with social services will be in relation to sentencing and bail decisions in the criminal list. The ability of Magistrates to direct structural social change is often circumscribed by the very structure of our legal system.

Yet, it is the ability of the judiciary to focus solely on a local community with the appropriate support services that address the causes of the criminal behaviour that can really make the law work. The Neighbourhood Justice Centre of Collingwood

¹ Murray, Sarah. "Keeping it in the Neighbourhood? Neighbourhood Courts in the Australian Context" (2009) 35(1) *Melbourne University Law Review* 74.

² Note the Law Reform Commission of Western Australia's preference for the adoption of the slightly broader term 'court intervention programs': see Law Reform Commission of Western Australia, *Court Intervention Programs – Consultation Paper* (2008) 175-6.

³ Freiberg, Arie, "Problem-oriented Courts: Innovative Solutions to Intractable Problems?" (2001) 11 *Journal of Judicial Administration* 8.

("NCJ") represents such reform and in my opinion will help uncover the drivers of neighbourhood court solutions both here in Australia and overseas.

Neighbourhood Justice Centre

The Neighbourhood Justice Centre of Collingwood is premised on the principle of restorative justice – actively involving parties affected by crime or conflict in a safe dialogue to resolve the crime or conflict and its impact.

This centre is effectively a one-stop shop that houses on site services for victims, civil litigants and community facilities, where offences can be considered at the same time, presided over by a single magistrate, David Fanning. Magistrate Fanning hears every matter that has an impact on the local City of Yarra community whilst regularly seeing every person sentenced, to complete an order in the community that monitors their progress.

The multi-jurisdictional court sits as a Magistrate's Court, a Children's Court (Criminal Division), a Victims of Crime Assistance Tribunal, and a Victorian Civil and Administrative Tribunal ("VCAT"). Victorian Legal Aid and the Fitzroy Legal Aid Service provide free legal advice and representation in all matters.

Yet it is the holistic and integrated basis that really sets this centre apart. The police prosecutors of the NJC are in a unique position to deal with a case from start to finish. By maintaining strong connections with the community and each of the police stations in the City of Yarra, they are ideally positioned to help tackle issues of justice at a local level.

Ultimately, it is the notion of making the court one aspect of an integrated community meeting place that gives the potential for individuals to take an active role in their community and participate in local justice.

One of the ways that the Neighbourhood Justice Centre ("NJC") works locally is through the Community Justice Advisory Group ("CJAG").

The Community Justice Advisory Group comprises 15 people including residents, traders, police, council, and local government. Besides providing knowledge, advice and information on local crime and safety issues, the group is involved in decision-making and defining the future directions of the Centre.

The advisory group also facilitates the Community Justice Grants, which encourage and support local not for profit organisations.

Neighbourhood Justice Centre's Community Justice Grants Scheme

The grants scheme places real emphasis not just on being a valued citizen within the community, but in providing support structures that can address some of the underlying causes of crime.

This grants scheme maintains associations such as the Social Studio which provides hospitality placements for young people from refugee backgrounds, and the Fitzroy Learning Network which promotes community human rights education in the City of Yarra to name but a few.

Sudanese 'Lost Boys' Association of Australia

The Sudanese 'Lost Boys' Association is another example of the type of solution based organisations that are becoming more prevalent in our society. This association works with Sudanese and Australian communities in an effort to build relationships and promote cultural awareness. One of their central objectives is to overcome the social disconnection and isolation faced by the young Sudanese.

Addressing Violence against Women and their Children

Such a grassroots response can also be seen in the Victorian governments' three year Action Plan to address all forms of violence against women and their children.

The short term goal is focussed on increased education and intervention with recommendations for specialised police and prosecutorial units and specialised courts.

Protection orders have become the major avenue in addressing family violence in Australia and has placed a significant strain on the Magistrates' Court. For many women, their first point of contact with the family violence system is at court on the day of the first mention hearing for their application for a protection order.

Therefore it is imperative that the court should become a focus point for the provision of support services and adequate referral services. Services that can aid with housing, finances and psychological help need to be provided within the court in a similar vein to the NJC.

Conclusion

Obviously, there will always be a degree of tension between a justice centre as a criminal justice agency on the one hand and

a general community resource on the other. Yet, it the potential of the Magistrate to focus solely on a local community with the appropriate services that can help address the causes of criminal behaviour that may provide real ability for individuals and the community to access and experience justice. Problem-oriented courts are leading the way for justice reform.

Would you join me in welcoming to our podium, the Honourable Justice Jennifer Coate, the State Coroner for Victoria.