

**Community Justice Centre
2020-21 ANNUAL REPORT**



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Dear Attorney-General

COMMUNITY JUSTICE CENTRE 2020-21 ANNUAL REPORT

I am pleased to provide you with the Annual Report of the Community Justice Centre for 2020-21, in accordance with section 39 of the *Community Justice Centre Act 2005*.

Section 39(3) of the Act requires that you table a copy of this Annual Report in the Legislative Assembly within six (6) sitting days after you have received the report.

Yours sincerely



Gemma Lake
Acting Chief Executive Officer

28 September 2021

Acknowledgement of Country

The Community Justice Centre (NT) acknowledges the Larrakia people as the Traditional Owners of the Darwin region in which the Centre operates, and pays respect to Elders past, present and emerging from across the Northern Territory. The Community Justice Centre stands alongside Aboriginal Elders, leaders and mediators who are working for peace in their families and communities.

Interpreter Services

The Northern Territory Government is committed to providing accessible services for Territorians. If language is a barrier to understanding this annual report, you can contact us on 1800 000 473 and we will arrange an interpreter to assist you.

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Director's Foreword

I am pleased to present the Annual Report of the Community Justice Centre (CJC, or "the Centre") for the year ended 30 June 2021.

The 2020-21 reporting period may have been most challenging in the CJC's 18-year history. Characterised by change and uncertainty, the year saw a high turnover in Centre leadership and extended periods without a Director. There also came a decision to reduce the functions of the CJC to only mediating referrals under section 14 of the *Personal Violence Restraining Orders Act 2016*, which would see the Centre close and operate out of the Darwin Local Court. Fortunately, this decision is now on hold with a review underway to determine the CJC's future.

Despite the instability, the CJC has remained committed to providing Territorians with an effective alternative to litigation, and a safe space to negotiate matters of concern. I am proud to report that the CJC maintained a strong agreement rate for mediated matters, and managed an increased caseload alongside a steady demand for dispute assistance. As the report details, the CJC responded to wide-ranging issues and often provided an entry point into broader service support for Territorians experiencing hardship or crisis.

Other highlights include the CJC's first online delivery of the Practical Mediation Skills course during the June 2021 COVID-19 lockdown in Darwin. Determined to provide continuity of service, the team rapidly adapted the five-day intensive workshop to a virtual platform with participants joining from their homes and hotel rooms. The CJC also began reconnecting with key stakeholders, and established and explored organisational partnerships to deliver culturally safe and responsive mediation services.

I would like to sincerely thank and commend the work of the CJC practitioner panel who have provided service stability and continued to deliver high quality mediation services amid the transitions; and commend our staff, current and past, who have worked hard to assist our clients and maintain 'business as usual' despite an unknown future. I also wish to acknowledge Justine Davis who has assisted the CJC as lead trainer and mediator, and who the CJC engaged briefly to provide specialist oversight during a change in Centre leadership. Justine's belief in the transformative power of mediation and in the importance of the work of the CJC has been unwavering and inspiring. Finally, I would like to take the opportunity to thank all the individuals and organisations who continue to recognise and value the history, contributions and potential of the CJC.

Along with the Centre's broad base of supporters, I remain hopeful that the CJC will continue to serve our diverse community, and reclaim its role as the Territory's leader in community-based alternative dispute resolution.

Yours sincerely,



Melinda Tew
Acting Director

The Community Justice Centre

The CJC provides mediation, training and accreditation services across the Northern Territory. Since commencing as a pilot program in 2003, the Centre has promoted and provided mediation services as a cost effective means of resolving disputes without legal action.

The CJC is as a statutory body pursuant to the *Community Justice Centre Act 2005 (NT)*, and a Recognised Mediator Accreditation Body under the National Mediator Accreditation System (NMAS). The Centre is a funded output within the Northern Territory Department of the Attorney-General and Justice budget. In 2020-21, the allocation was \$565,000.

A small administrative team manage the day-to-day operations and engage a panel of expert practitioners to provide mediation and training services. The Centre is located in Casuarina.

Community Justice Centre Services

The CJC's mission is to provide fair, accessible and effective dispute resolution services that meet the diverse needs of Territorians. The Centre's scope of services includes:

- facilitative mediation across a range of civil dispute environments;
- court-referred mediation pursuant to the *Personal Violence Restraining Orders Act 2016*;
- practical training, assessment and accreditation of mediators in accordance with the national standards;
- culturally responsive peacemaking processes delivered in partnership with place-based mediation programs;
- restorative conferencing for victims, offenders and their families¹; and
- adjudication pursuant to the *Construction Contracts (Security of Payments) Act 2004 (NT)*.

Corporate Planning

The CJC contributes to the planning processes of the Department of the Attorney-General and Justice, including the development and implementation of strategic and risk management plans. Usually there is an annual business plan developed to guide CJC operations; however, the flux in Centre leadership and the decision to reduce the CJC's scope of services prevented this. The CJC Business Plan 2019-20 concentrated on the need to improve internal processes and procedures, and increase staff numbers to meet continuing service demands. These priorities remained relevant for the current reporting period.

Achievements 2020-2021

The CJC continued to provide effective alternative dispute resolution (ADR) services throughout the reporting period. Highlights include:

¹ Restorative conferencing has not been offered over recent years, but remains within the CJC's overarching operational framework.

- achieved an overall agreement rate of 69% for all matters that progressed to mediation;
- maintained a 75% agreement rate for civil matters and 65% agreement rate for court-annexed matters;
- achieved a 91% client satisfaction score from mediation participants;
- managed a 48% increase in the number of mediation cases to the previous year, with a marked increase in case complexity;
- established a partnership with Aboriginal Resource and Development Services (ARDS Aboriginal Corporation) Mediation and Dispute Resolution Service to provide culturally responsive peacemaking processes in the Gove Peninsula; and
- provided uninterrupted training services during the June 2021 lockdown through agile online delivery.

Service Limitations

Over recent years, the CJC's profile and capacity to deliver its full scope of services has been limited by multiple and often sudden changes in leadership and strategic approach, and extended periods without a Director in place. There were also months that were understaffed, with only one staff member at the Centre at several points of the year.

While there was continued demand for CJC services, the instability weakened the Centre's service framework and relationships. Recognising that even minimal promotional activity would attract an influx of referrals, there was a decision to wait until internal systems, staff and strategic partnerships were in place before stimulating referral pathways. Focus turned to reviewing and updating policies, procedures and resources to lay the necessary foundations. Unfortunately, the circumstances made it difficult to make quick progress, or to rebuild services such as restorative conferencing that has been a valued service stream for much of the CJC's history. Services implemented over recent years such as conflict coaching also dropped off, as incoming staff do not hold the required coaching qualification, and it was not appropriate to dedicate training funds when the service may not continue.

COVID-19 Response

Maintaining mediation services during the COVID-19 pandemic remained an important priority. Referrals to the CJC increased, along with the complexity in client presentations. The CJC receives enquiries about wide-ranging issues, and often from Territorians who are vulnerable and in crisis. The CJC responded to this increasing need by improving staff knowledge of NT support services, and building the Centre's practice in making referrals to counselling and mental health services.

Consistent with others in the field, mediation services have adapted well to virtual platforms and teleconferences. While there have been some limitations with the video conferencing system it did not prevent continuous service provision, including switching the CJC Practical Mediation Skills course to online delivery when it coincided with the June 2020 lockdown in Darwin.

Performance

The following section provides an overview of service performance.

Referrals

The CJC receives referrals from the NT Local Court, NT Police, local councils, legal services and a range of government departments and community organisations. Clients also self-refer.

Dispute Assistance

The CJC manages enquiries through a helpline, emails and a drop-in centre. People have often attempted to resolve their matter in other ways and contact the CJC following a referral from another agency. During these initial contacts, Centre staff provide an overview of mediation and the process of approaching the other party to the dispute. The team assist people to navigate the justice system and consider options for early resolution of the conflict.

Table 1. Enquiries by referral source

Referral source	2020-21
NT Police	34
Courts and Tribunals	2
Local Council	22
Legal Services	5
Government Departments	17
Not Identified	33
Total	113

In addition to the NT Police referrals cited in the table above, the CJC received and responded to seventy-two (72) police referrals via SupportLink. On receiving the referral, the CJC reaches out to the client to discuss the dispute and determine their interest in initiating a mediation process.

Table 2. NT Police referrals via SupportLink

Referral outcome	2020-21
Established Contact	45
Attempted Contact – closed after 3 attempts	27
Total	72

Of the referrals and contact calls above, forty-two (42) converted to open cases.

Mediation Services

The CJC delivers two distinct streams of mediation services; court-annexed and general civil mediation services. Mediation in both streams is voluntary, confidential and impartial. Services are free.

Court-Annexed Mediation

The Community Justice Centre provides mediation in accordance with section 14 of the *Personal Violence Restraining Orders (PVRO) Act 2016*. These matters are especially complex,

with many clients presenting in distress and with a dispute that is often affecting multiple or all life domains. The referral to mediation provides an important opportunity for service intervention, with referrals to counselling and other social services commonly made during the intake and pre-mediation stages. Mandatory notifications and crisis interventions have also been required.

The CJC continues to provide access to shuttle mediation as well as teleconferencing and video conferencing to reduce risk, address power imbalances and increase confidence among participants. A CJC team member also attends the Darwin Local Court each week to receive referrals in person, obtain client contact details and provide preliminary information about mediation. Attending the Court helps to establish early rapport with new clients and reduce their anxiety about engaging in the process.

Case Management

Over the reporting period, the Centre managed a 48% increase in cases, with 151 open cases up from 102 in 2019-20. Of these, 70 were for court-annexed mediation services and 81 were for general civil disputes. The table below shows a breakdown of these cases by referral source².

Table 3. Opened cases by referral source

Referral source	2020-21
NT Police	18
Courts and Tribunals ³	74
Local Council	6
Legal Practitioners	6
Government Departments	3
Self-Referred	39
Other	5
Total	151

Notably, 26% of opened cases were self-referred, demonstrating that community demand for CJC services remains strong, even without advertising.

Dispute Types

The following table highlights the scope of matters accepted by the Centre.

Table 4. All cases by dispute type

Dispute types	2020-21
Antisocial Behaviour / Bullying (Schools)	5%
Court Annexed	46%

² Referral data includes referrals received via the referring agency, and from participants who received advice from the referring agency to contact the CJC directly.

³ The CJC received 98 referrals under the *PVRO Act 2016*; however, only 70 cases were opened as 28 referrals were either cross-applications or for a related matter. Four (4) were referred under other legislation or as a general matter from the Court or Northern Territory Civil and Administrative Tribunal and became open cases.

Family	2%
Business/Consumer	3%
Minor Civil Disputes	5%
Neighbourhood / Community	24%
Organisational / Association / Service Provider / Schools	3%
Remote Indigenous Intra-Family/Community Conflict	3%
Workplace / Contractors	2%
Tenancy/Body Corporate	7%

The table below shows a breakdown of court-annexed mediation disputes by sub-type.

Table 5. Court annexed dispute sub-types

Dispute types	2020-21
Antisocial Behaviour / Bullying (Schools)	27%
Family	10%
Business/Consumer	4%
Minor Civil Disputes	3%
Neighbourhood	21%
Organisational / Association / Service Provider	3%
Remote Indigenous Intra-Family/Community Conflict	2%
Workplace / Contractors	24%
Tenancy/Body Corporate	6%

Neighbourhood disputes represent 24% of all matters handled by the CJC, and just over 20% of personal violence matters. The following table provides a further breakdown of this dispute type.

Table 6. Neighbourhood dispute sub-types

Dispute sub-type	2020-21
Dogs / Animals	22%
Fence / Boundary	19%
Noise	32%
Nuisance	11%
Trees / Overhanging Branches	8%
Water / Drainage	8%

Regions

Although the CJC is a Territory-wide service, the majority of cases managed by the Centre were from Darwin. While the CJC re-established some service networks outside of Darwin, the holding pattern that the Centre was in for much of the reporting period prevented active service promotion across the Territory.

Table 7. All cases by NT region

Region	2020-21
Alice Springs	11%
Central Australia	1%
Darwin	76%
Katherine	6%
Tennant Creek	1%
Top End	5%

Facilitative Mediations

Sixty (61) cases progressed to mediation with sixty-eight (68) mediation sessions held. The Centre achieved an agreement rate of 69% for all mediated matters. Notably, the rate of agreement in both mediation streams has improved over recent years.

Table 8. Three-year comparison of mediation agreement rates

Case type	Facilitative mediations	Agreement rate 2020-21	Variance 2019-21	Variance 2018-19
Civil Mediation	21	75%	0%	+9%
Court Annexed	47	65%	-1%	+19%

While the split between civil mediation and court-annexed cases was fairly even throughout 2020-21, twice as many court-annexed matters progressed to mediation. There are two main factors likely to underscore the difference; namely, the context of the referral and the need to uphold legislative requirements.

Firstly, mediation under the *CJC Act 2005* is voluntary and relies on an agreement to participate by both or all participants. While participation in mediation remains voluntary when referred under the *PVRO Act 2016*, participants are aware that the Court has referred them and must consider the legal context and potential implications of declining. For parties in the civil mediation stream, they may not have prior knowledge of the referral and are under no obligation to respond.

The second factor is that under section 14(5) of the *PVRO Act 2016*, the Director of the CJC must accept referrals for mediation. It therefore became necessary to prioritise these matters during periods without a full complement of staff.

Table 9. All case outcomes

Case type	Mediated cases ⁴	Centre assisted	Unable to assist	Currently open	No response	Declined	Withdrawn	Scheduling issues	Total
Civil Mediation	19	3	3	2	31	11	10	2	81
Court Annexed	42	1	-	-	10	8	6	3	70

⁴ The number of mediated cases is different to the number of facilitative mediations presented in Table 8 as some cases involved more than one mediation session.

Thirty-seven (37) of these cases had progressed beyond the initial intake and were in the advanced stages of preparation for mediation, but did not proceed.

Case Time

While the CJC team strives to provide a timely service to intervene early and prevent further escalation of conflict, the staffing level limits the number of cases that are processed. Previous reports included case timeliness as an output measure; however, the data for 2020-21 is unreliable due to data entry and system errors. Work is underway to rectify these issues for reporting in 2021-22.

The time involved in managing cases that do not progress to mediation has been a largely unreported aspect of the CJC's work, yet is both substantial and of value. On receiving a referral that contains contact details for all parties to a dispute, the team open a case and prepare letters to activate the request to mediate process. When there is no response, the Centre makes a second approach either by letter, text, or in some cases, cold calling. The team maintains contact with the referring party and explore options for resolving the dispute, as well as make proactive referrals to other services. Analysis of the more complex cases that did not progress to mediation suggest staff spend five or more hours with clients to ensure there is a plan in place before closing the file. Measuring the time spent has commenced for reporting in future.

Case Complexity

The CJC assesses each case against a range of criteria to determine a complexity score. Criteria include factors such as the volatility among parties, the need for support person or interpreters and the number of people involved in the dispute. This score allows the CJC to implement the most appropriate case management plan, and to allocate sufficient resources to action cases effectively and safely.

Table 10. Complexity of opened cases

Level of complexity	2020-21
Minor	52%
Moderate	45%
Complex	3%

Adjudication

Section 11(A) of the *Construction Contracts (Security of Payments) Act 2004* interacts with Part 4 of the *CJC Act 2005* that provides for adjudication of a payment dispute by written application to the Director of the CJC. There were no applications in the reporting period.

Client Satisfaction

The CJC strives to provide high quality mediation services, and seeks feedback through client surveys provided at mediation sessions. In 2020-21, the Centre received 42 surveys and achieved an overall client satisfaction score of 91%.

Among the most highly ranked indicators were that staff were helpful, easy to contact and proficient at explaining the steps of mediation. Importantly, 100% of respondents strongly agreed or agreed that the mediators were impartial. Around 60% strongly agreed and 30% agreed that they would recommend the service to others with a similar issue, or would return if another issue arose.

Of the areas highlighted for improvement, locating the Centre was the primary issue. Although the CJC provides participants with a mud map when confirming the appointment, signage is limited and needs addressing. Moving forward, work has commenced to refine the survey questions and data collection approach with the aim of increasing the response rate and enabling deeper interrogation of the data.

Table 11. Client survey outcomes

Survey questions 2020-21	Strongly Agree (%)	Agree (%)	Neutral (%)	Disagree (%)
The staff were helpful in processing my dispute	71	29		
The CJC was easy to contact	71	24	5	
The CJC was easy to locate	31	38	17	14
I was treated fairly throughout the process	69	31		
My dispute was processed in a timely manner	50	43	7	
The staff were proficient at explaining the steps of mediation	71	29		
The service has been beneficial for me	60	28	7	5
The mediators were impartial	74	26		
I would recommend this service to others who have a similar issue	60	35	5	
I am now aware of the process of raising a dispute with the CJC	62	29	9	
I will be in contact with the CJC is any other issues arise	62	29	7	2

Complaints

There were no formal complaints received during the reporting period.

Community Peacemaking

The CJC has worked closely with Aboriginal Territorians to co-design and deliver mediation and peacemaking processes for well over a decade. During the reporting period, the CJC established a partnership with ARDS Aboriginal Corporation to deliver culturally safe and responsive mediation services in the Gove Peninsula following numerous police referrals via SupportLink. The partnership facilitates two-way learning and supports Yolŋu mediators to grow their practice according to cultural protocols and expectations, while navigating the western system overlay. CJC mediators defer to the ARDS team for cultural leadership and determine the roles each service is to take on a case-by-case basis. The partnership with ARDS also allows for mediation and pre-mediation work to be conducted in Yolŋu Matha, allowing participants to engage in their first language.

Discussions regarding the training, accreditation and mentorship of Aboriginal mediators in other communities also resumed in early 2021, but stalled following the news of the service reduction that would close down this stream of work. Responding to the demand for mediation in remote communities requires strong collaboration and partnerships that support Aboriginal peacemakers. The CJC remains firmly committed to this pursuit.

National Mediator Training, Accreditation and Professional Pathways

The CJC is a Recognised Mediator Accreditation Body (RMAB) and delivers nationally recognised training and accreditation for mediators in accordance with the National Mediator Accreditation System (NMAS). The Centre has a long and proud history as a hub for ADR practitioners, and of equipping the Territory with skilled mediators from diverse sectors of the community.

Mediation Training

The Practical Mediation Skills (PMS) course is an intensive five-day program that blends the theory and practice of mediation. Participants develop foundational knowledge, skills and tools for managing and actively resolving conflict in a range of dispute contexts, and qualify for accreditation assessment.

Delivered by the CJC for most of its history, the PMS course has a legacy that attracts participants. In 2020-21, the Centre received over 80 enquiries despite there being no promotion for most of the year. While staffing instability affected the CJC's ability to develop the annual training calendar, the Centre offered one PMS course at the end of June 2021 in an effort to meet the demand for this service. As reported above, the COVID-19 lockdown in Darwin saw the training team shift the course online overnight, with ten of twelve registered participants electing to continue in the virtual mode.



Participant feedback was positive and triggered consideration of future online options. While screen fatigue was noted, the delivery overall was reported as warm, engaging, supportive and thorough. Participants came from a range of community organisations and areas of government and noted their intention to use their mediator skills within their workplaces and communities. The CJC has remained committed to increasing the peacemaking and mediation skills of people throughout the Territory, enabling them to resolve their own disputes and strengthen community relationships.

In 2020-21, the CJC's revenue target increased from \$30,000 to \$80,000; however, the Centre generated just over 5% of this given the only course offered required additional overheads to move online. The increase in the target this reporting period relates to the revenue raised in previous years when the Centre offered a full training calendar, and points to the potential in future.

Ongoing Professional Development

In the late stage of the reporting period, the CJC developed a Continuing Professional Development (CPD) Program for mediators in line with the national standards, but was unable to implement it due to staffing shortages at the time. Delivery of the CPD Program will now be in 2021-22. The next period will also see the CJC host the Top End Peacemaker Community of Practice (a network of people working in mediation, restorative justice, conflict management and peacemaking). A program of regular group supervision

for panel members and staff is also due to commence to improve access to clinical supervision, debriefing and support.

Assessment of Candidates for National Accreditation

In late 2020, the CJC provided assessment and accreditation services for participants of an intercultural mediation course delivered by the Charles Darwin University and Mawul Rom Peacemaking Indigenous Corporation in partnership with the College of Indigenous Futures, Education, Arts and Society (CDU).

The CJC coordinated the assessment of seven (7) candidates for national accreditation during the reporting period, and offered free practice sessions in the weeks prior. External assessors found all candidates competent and eligible for accreditation.

National Accreditation

As an RMAB, the CJC assesses applicants for accreditation and reaccreditation under the NMAS Approval Standards, and maintains an internal register of accredited mediators. As part of the service, the CJC oversees the accreditation status of registered mediators and reaches out near the expiry of their accreditation period to ensure they meet the requirements for renewal.

Table 12. Number of accreditations by application type

Application type	2020-21
New Accreditation	6
Reaccreditation	7
Existing (not due for renewal in reporting period)	18
Total as at 30 June 2021	31

Practitioner Panel

The CJC engages a panel of sessional mediators to deliver high quality mediation services, and provides an employment pathway for mediators entering the field. During 2020-21, two newly accredited mediators commenced under a co-mediation model that provides mentorship by experienced panel members. The Centre also reappointed four skilled mediators with prior history on the CJC panel; however, one mediator later moved interstate.

Currently all CJC practitioners are Darwin-based. Looking ahead there are plans to broaden the panel to include mediators from across the Territory.

Table 13. CJC Practitioner Panel

Status	2020-21
Appointed in 2020-21	5
Existing	4
Total as at 30 June 2021	9

NMAS Review

As one of the founding members of the National Mediator Accreditation Committee that developed the national standards, the CJC has a history of actively helping to advance mediation practice in Australia. In 2020-21, a review of the NMAS commenced and involved a thorough consultation process that the CJC contributed to in its capacity as an RMAB. With a particular interest in the compatibility of the NMAS with ADR in Aboriginal communities, the CJC initiated further contact with the NMAS review team to explore options for enhancing the cultural relevance of the standards. This work will continue in 2021-22.

Organisational Structure and Staffing

The CJC is a business unit within the Department of the Attorney-General and Justice Courts and Tribunals Division. The organisational structure and staffing level at the Centre as at 30 June 2021 was as follows:

Figure 1. Organisational chart (CJC)

