

2019-2020

ANNUAL REPORT

Community Justice Centre



The Hon Selena Uibo MLA
Attorney-General and Minister for Justice
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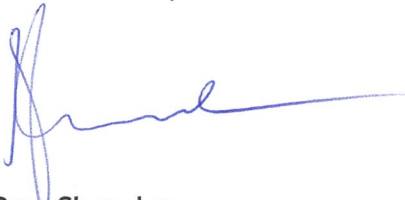
Dear Attorney-General

ANNUAL REPORT - COMMUNITY JUSTICE CENTRE


In accordance with section 39 of the *Community Justice Centre Act*, I submit this Report on the operations of the Community Justice Centre for the year ended 30 June 2020.

Section 39(3) of the *Community Justice Centre Act* requires that you table a copy of the report in the Legislative Assembly within 6 sitting days after it is received.

Yours sincerely



Greg Shanahan
Chief Executive Officer

 September 2020

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Overview by the Director

I am pleased to present the Annual Report of the Community Justice Centre ("the Centre") of the Northern Territory for the year ended 30 June 2020.

This year has presented a unique set of challenges to the Centre and more widely to the provision of mediation processes throughout Australia. Compounding this challenge is the increased demand for mediation services by Northern Territorians facing disputes arising from the unique scenarios created by COVID-19.

Despite this, the Centre has maintained stability throughout the 2019-2020 year and achieved a range of positive outcomes over the reporting period. Throughout the lockdown period the Centre continued to provide socially distanced mediation through a virtual platform, accessible to clients from any location.

Post COVID-19 restrictions, the Centre has continued to utilise this platform to increase remote community access to mediations. We have also focused on strengthening business continuity and consistency of services to mitigate against any further risks to the delivery of effective and timely alternative dispute resolution services to the Territory.

Earlier in the year the Centre continued to work closely with people from remote locations through our community-led partnerships to develop peacemaking services.

We also worked hard to deliver on our continuing commitment to promote the nationally recognised training and accreditation of mediators as an RMAB.

The Centres achievements would not be possible without our dedicated staff and talented members of the mediator panel who consistently show their commitment to raising the profile of the Centre and of mediation more broadly. We also thank our valued stakeholders for their continued support in helping the Centre to promote the value of mediation and to de-escalate and resolve conflict across a wide range of dispute environments in the Northern Territory.

Yours sincerely



Jasmine Patterson
Director

16 September 2020

The Community Justice Centre

The Community Justice Centre is a statutory body established pursuant to the *Community Justice Centre Act 2005* (NT). The Centre is funded as an output within the Northern Territory Department of Attorney-General and Justice budget.

While the Community Justice Centre staff undertake most of the day-to-day services, the Centre relies on a panel of expert practitioners to provide alternative dispute resolution services.

Community Justice Centre Services

The Community Justice Centre:

- provides conflict resolution processes for the early resolution of disputes;
- engages in community-led initiatives to develop and implement culturally responsive peacemaking processes;
- conducts adjudication processes pursuant to the *Construction Contracts (Security of Payments) Act 2004* (NT);
- empowers clients to identify and actively resolve conflict across a range of dispute environments;
- promotes the National Mediator Accreditation Standards through dispute management training and accreditation services; and
- maintains the register of accredited mediators.

The aim of the Centre is to provide Territorians with a confidential, timely and cost-effective means of addressing conflict away from a more formal legal process.

Corporate Planning

The Community Justice Centre contributes to the corporate planning processes of the Northern Territory Department of Attorney-General and Justice, including development and implementation of strategic and risk management plans. The Centre develops a comprehensive business plan each fiscal year to guide its operations.

The Community Justice Centre Business Plan 2019-2020 concentrates on the Centre's need to increase staff numbers to improve capacity for the Centre to meet continuing service demands. The plan also prioritises improvement to process and protocols to ensure robust business continuity despite external influences.

Achievements 2019-2020

- Achieved a rate of agreement for civil mediations of 75% for those matters progressed to mediation.
- Achieved a rate of agreement for Court annexed mediation of 66% for those matters progressed to mediation.

- Supported remote communities to develop and implement culturally responsive and locally nuanced peacemaking processes.
- Continued to provide uninterrupted mediation services throughout the COVID-19 pandemic.
- Achieved 162% of the revenue target through the provision of nationally accredited mediator training.

COVID-19 Response

In the second half of 2019-2020, the Centre experienced challenges to traditional delivery of face-to-face mediation services due to the COVID-19 pandemic. During this time access to general mediation services remained an important priority due to the closure and reduction of other services in the Northern Territory. Court referrals in accordance with section 14 of the *Personal Violence Restraining Orders Act 2016* remained steady throughout this time. The Centre also received a number of enquiries about disputes which were a result of, or were exacerbated by the COVID-19 pandemic.

In response to the challenge of providing a safe mediation process during the pandemic, the Centre established remote mediation services for clients via virtual mediation rooms. Since restrictions have lifted in the Northern Territory, the Centre continues to utilise both face-to-face and virtual platforms for mediations.

Increased virtual mediation capability has also allowed the Centre to provide a more comfortable experience to vulnerable parties, where mediation can be undertaken from their own home. Additionally, virtual mediations have allowed for increased services to remote regions in the Northern Territory where access is challenging or the Centre is not resourced to facilitate mediator travel.

Like any form of alternative dispute resolution, delivery of mediation services through virtual platforms have their own unique barriers to achieving successful outcomes for clients. However, the Centre continues to adapt and improve this service by working collaboratively with its mediators, and constantly refining processes to ensure that Territorians have access to the highest quality mediation services, regardless of physical location.

Performance

The following indicators represent an overview of the service outputs of the Centre in carrying out its core functions.

Complaints

The Community Justice Centre received one formal complaint during the reporting period, which was addressed and resolved within 24 hours.

Preventative Dispute Management

Last year the Community Justice Centre trialled a new individualised dispute management process for the preventative management of disputes. This process was called conflict coaching.

Conflict coaching aims to assist an individual to navigate a position of conflict by focussing on self-awareness, ownership and goal setting. Ultimately, the client is supported to understand their conflict, determine appropriate actions to aid resolution, and develop a workable plan to enact those actions.

The Centre continued to utilise this method of dispute resolution with a total of 8 referrals diverted through this method from 2019-2020.

Civil Mediation

The Community Justice Centre provides a voluntary and confidential mediation and dispute resolution service to people of the Northern Territory. Mediation in this context is predominantly free-of-charge.

In 2019-2020 the Centre managed 66 new civil mediation referrals, achieving a rate of agreement of 75% for those disputes progressed to a mediation process.

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

Dispute Types	2019-20
Antisocial Behaviour	2%
Construction Contract (Security of Payments)	1%
Court Annexed	39%
Family	3%
Interpersonal	2%
Minor Civil Disputes	14%
Neighbourhood / Community	28%
Organisational / Association	2%
Remote Indigenous Intra-Family/Community Conflict	2%
Special Interest Groups / Associations	1%
Workplace / Employment	4%
Youth Related	2%

The following table highlights the breakdown of dispute types for matters relating to neighbour conflict.

Dispute Types	2019-20
Dogs / Animals	12%
Fence / Boundary	21%

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Noise	18%
Nuisance	23%
Trees / Overhanging Branches	23%
Water / Drainage	3%

The following table highlights the breakdown of dispute types for matters relating to minor civil disputes.

Dispute Types	2019-2020
Damage to Property	16%
Faulty Workmanship	16%
Money Owed	36%
Motor Vehicle Accident	32%

Community Peacemaking

In 2018-19 the Centre was invited to partner with the Anindilyakwa Land Council to develop and support the establishment of the Umbakumba Peacemakers.

Training focused on building understanding of how peacemaking could support the people of Umbakumba to resolve conflict in a timelier and culturally appropriate way. The Centre continued to provide support for the Peacemakers over 2019-2020. It is envisaged projects such as these will be a priority for the Centre in the coming year.

Court-Annexed Mediation

The Community Justice Centre provides mediation in accordance with section 14 of the *Personal Violence Restraining Orders Act*. During 2019-2020 the Centre managed 36 new referrals from the Local Court for personal violence matters, achieving a rate of agreement of 66% for those disputes which progressed to a mediation session.

These matters are especially complex with clients often experiencing challenges that impact on their ability to freely engage, discuss and negotiate matters of concern. The Centre continues to refine and develop its intake procedures to suit the specific needs of clients referred by the Local Court under the *Personal Violence Restraining Orders Act 2016*. A tailored approach includes the provision of extra time during the intake process and access to shuttle or video conferencing formats to assist in mitigating against the potential power imbalance between parties.

The social and financial benefits of preventative and early resolution dispute management processes are particularly important in this aspect of the Centres work. Personal violence matters resolved through mediation divert parties away from a lengthy court process, which is both costly and time intensive to parties and the Local Court.

Case Timeliness

The Community Justice Centre provides a timely dispute resolution service to the Northern Territory community.

Timeliness of Matters	2019-20
% of matters finalised in 0 to 7 days	7%
% of matters finalised in 8 to 14 days	7%
% of matters finalised in 15 to 30 days	36%
% of matters finalised in more than 31 days	50%

Throughout 2019-2020 the average time taken to finalise a case has improved with the previous reporting period. Timeliness over the two periods has been impacted by low staffing numbers and the capacity of frontline staff to proactively progress cases.

Case Complexity

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

Complexity	2018-19
% of matters considered minor in nature	72%
% of matters considered moderate in nature	17%
% of matters considered complex in nature	1%

Mediator Training and Accreditation

The Community Justice Centre provides nationally recognised training and accreditation for mediators in accordance with the National Mediator Accreditation Standards.

Prior to COVID-19 the Centre was still able to provide the entry-level training program in 2019-2020; with the further development and accreditation component also being delivered. The courses have received exceptional feedback from participants. This highlights the appreciation for the expert knowledge forming the content, the supportive way in which the content is presented and the range of practical learning opportunities. The Centre achieved 162% of its revenue target in 2019-2020 through the delivery of mediation training.

Mediator Accreditation and Employment

The Community Justice Centre maintains a professional panel of sessional mediators proficient in conducting dispute resolution processes in accordance with legislative frameworks and the National Mediator Accreditation Standards.

The Community Justice Centre is also a Recognised Mediator Accreditation Body responsible for the training and accreditation of mediators to the National Mediator Accreditation Standards.

Mediator Category	2019-20
Community Justice Centre Sessional Mediators	8
Accredited Mediators under the National Mediator Accreditation Standards	33

Staffing Structure

The staffing structure of the Community Justice Centre as of 30 June 2020 consists of the positions:

