



Community Justice Centre

Annual Report

2013-14

**Report to the Attorney-General under section 39 of the
*Community Justice Centre Act***

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1. Access to CJC services

General inquiries freecall:	1800 000 473
Email:	cjc@nt.gov.au
Web:	www.cjc.nt.gov.au
Facsimile:	08 8999 6226
Visit in person at:	1st floor, Zone B Darwin Magistrates Court Nichols Place, Darwin
Postal address:	GPO Box 1722, Darwin NT 0801

Interpreter services



The Northern Territory Government is committed to providing accessible services to Territorians from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the annual report, you can contact us on 1800 000 473 and we will arrange an interpreter to effectively communicate the report to you.

2. Background to the CJC

The Northern Territory's Community Justice Centre (CJC), operating since 2003, provides mediation and conflict resolution services. These include the facilitation of mediation conferences, training, community education, professional development, accreditation services and advice on conflict management at a strategic level. The CJC provides services to Territorians relating to a broad range of issues and to diverse populations and geographical locations throughout the Northern Territory

The CJC is a statutory body created pursuant to the Community Justice Centre Act 2005 (NT). It is situated within the Northern Territory's Department of Attorney-General and Justice. The CJC has developed their 5 Year Strategic Plan 2014-19 to align with that of the Department's Strategic Plan 2013 – 2016.

3. CJC Strategic Goals

CJC's vision

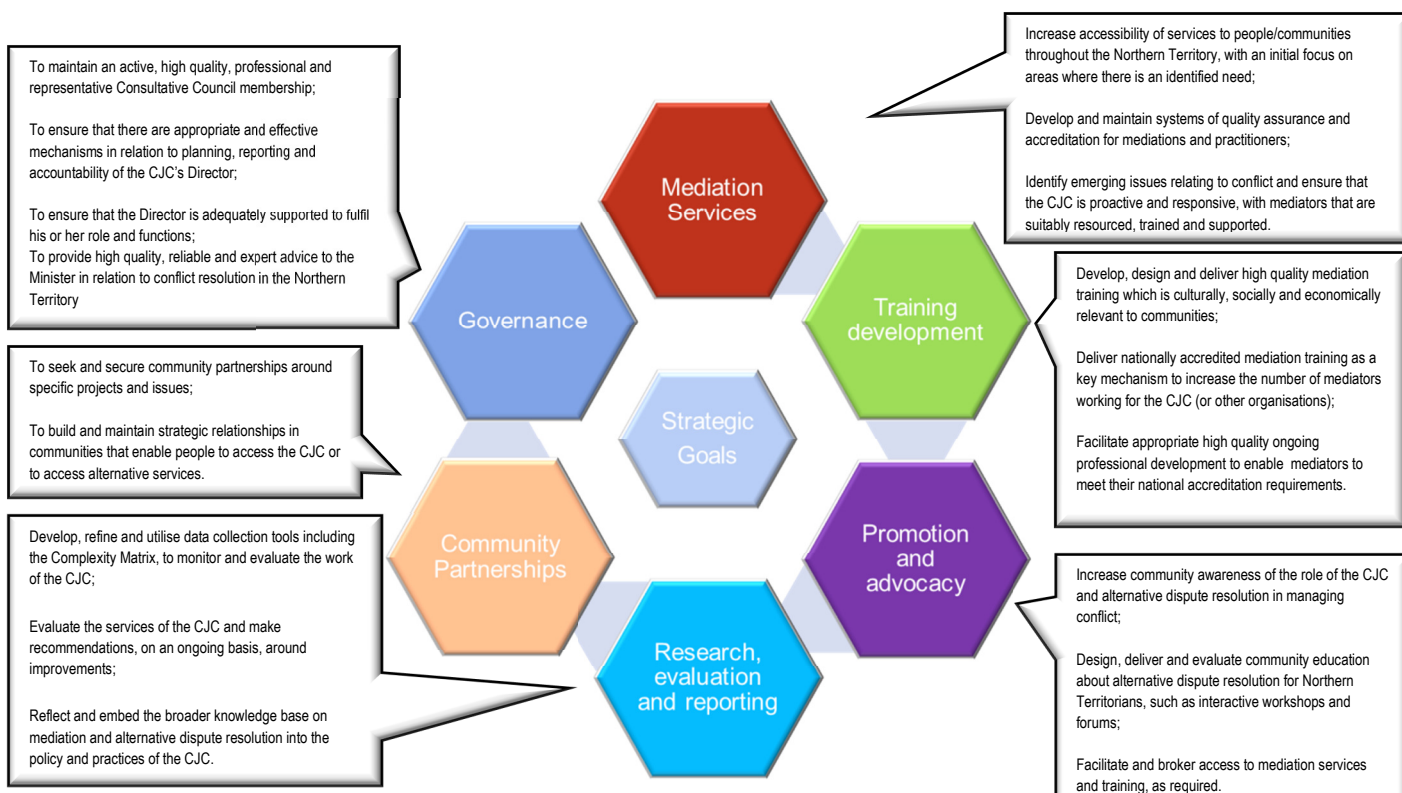
The CJC's vision is for Northern Territory communities to find healthy ways of negotiating and managing conflict or disputes to reach and maintain peace.

The CJC's mission

The mission of the CJC is to provide an alternative dispute resolution service

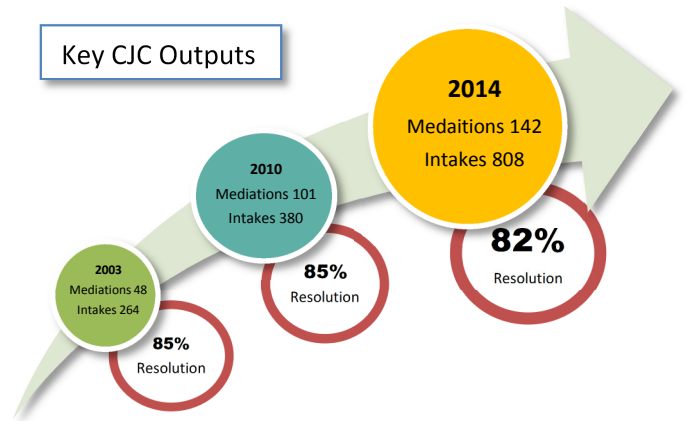
The CJC's values

The CJC values: Trust; Honesty; Integrity; Respect; Impartiality; Transparency the CJC's vision is for Northern Territory communities to find healthy ways of negotiating and managing conflict or disputes to reach and maintain peace.



4. Community Justice Centre Highlights 2013-14

- 808 Mediation Advice (Intake files created)
- 82% mediation agreement rate
- CJC mediation training awarded 2014 Australian Crime & Violence Prevention Awards.
- Central Australian mediations rated far more complex than experienced in the Top End:
 - Central Australia rated 12.6
 - Top End rated 4.7
- 14% Increase referrals from Central Australian police; following new SupportLink referral pathways.



Major Referrals to the CJC



Courts
11%



Police
21%



Government Agencies
11%



Community Legal Services
8%



Councils
7%



Self-refer
12%

How did we perform?

CJC Training on Tiwi Island recognised at the Australian Crime & Violence Prevention Awards

100% CJC mediators qualified with National Accreditation.

14% increase in referrals in Central Australia following enhanced police referral pathways Supportlink



92% indicated very satisfied or satisfied with CJC service (post-mediation survey)

0% Complaints raised regarding CJC service.

32 completed the mediation intensive workshop in Darwin and Alice Springs
18 new accredited mediators

21% CJC mediations from the Central Australian region

5. From the Director

The Community Justice Centre continues to be extremely fortunate to have so many supporters and friends who help make a difference across the Territory. With the support of the mediators, our Consultative Council the dedicated staff the CJC focused their energy to ensure accessible, quick mediation services to Territorians across a wide range of community needs.

Now in its 11th year since the pilot program that led to the enactment of the *CJC Act* in 2005; the CJC continues to see a respectable resolution rate with over 8 out of 10 matters resolved at mediation and potentially diffusing a situation that could have escalated to become a burden on the justice system.

As the figures in this report show, the CJC's business model has served well over the years, with evidence of strong outputs and positive reputation in the community for its services despite the structure that has remained unchanged since inception. Much of healthy growth can be attributed to the CJC's panel of mediators who are now all accredited under the National Mediation Accreditation System that underpins quality mediation practice, consistency and effectiveness.

The CJC also continues to be sensitive to societal shifts and transformations within the Territory. To that end, the CJC trains and maintains an increasingly diverse group of mediators to reflect the demography and appears to be dealing with increasingly complex range of disputes that come for mediation at the CJC.

During the year, the CJC continued to strengthen partnerships with many organisations throughout the Territory to better serve urban and non-urban communities. The efforts were particular noted in Central Australia where collaborative approaches to support professional development of community based mediators has resulted in a significant efforts to maintain peace in Yuendumu for almost 2 years and on the Tiwi Islands where the CJC mediation training was awarded by the Australian Crime and Violence Prevention Awards much to the delight of the proud 'Ponki' mediators who continue to volunteer their time promote non-violent conflict resolution in their community.

I am personally very proud to be part of this service and the CJC mediators who have been strong in promoting mediations in a lively and collegiate way, for which I am grateful. In a similar vein, the hard work of the CJC staff and the dedication they have shown to the growth and improvement of the CJC is creditable to them. With increase in demand I know that they have had to struggle with increasing pressures to provide timely and responsive services to clients and to support the contract mediators in their work. Again, it is timely to express my gratitude.

Ippei Okazaki
Director

6. Consultative Council

Section 25 of the *CJC Act* sets out functions of the Consultative Council including:

- a. developing guidelines under section 26;
- b. dealing with complaints made under section 27;
- c. revising policies and procedures; and
- d. reporting to, and making recommendations on, any matters the Consultative Council considers appropriate, to the Minister.

On 30 June 2014 members of the Consultative Council, were as follows:

- Michael O'Donnell
- Olga Havnen
- Louise Samways
- Catherine Holmes
- Linx MacPherson
- 1 x Vacant
- Ippei Okazaki (ex-officio)

No complaints were made under section 27 *CJC Act*.

7. National Mediator Accreditation System

The National Mediator Accreditation System (NMAS) commenced on 1 January 2008. The CJC maintained Recognised Mediation Accreditation Body (RMAB) status and membership to the National Mediator Standards Body (MSB)¹ that underpins the Approvals Standards and Practice Standards (the Standards).

To date; most Courts, Tribunals, Bar Associations and Law Societies across Australia have been approved by the MSB to attain RMAB. Currently, the CJC is the only RMAB permanently based in the Territory and as such, actively promotes and educates NMAS to the community and the importance of using accredited mediators across the Territory.

All mediators contracted to the CJC (including the CJC Director) are NMAS Accredited to ensure quality assurance, measurable competence, compliance with the *CJC Act* and guidelines. Furthermore, it provides consumer confidence for participants at CJC training and attending mediations that CJC mediators are benchmarked against recognised standards.

¹ Mediation Standards Board www.msb.org.au also maintains the authoritative list of NMAS Accredited mediators

8. Regional Highlights

Top End

The NT Police continues remain the largest referrer to the CJC, with the majority of matters relating to nuisance and behaviour related matters between neighbours. The CJC continued to provide referral information sessions at induction workshops for police auxiliary who are often the front line referrers at the suburban police stations and the call centres dealing with members of the community in dispute.

56% of mediations involved Community disputes over Noise, Trees, Fence, Dogs and Small Claims

The CJC accepted and processed 100% of the referrals under Part 6 of the *Justices Act* from the Magistrates Court where parties are provided an opportunity to resolve their issues before the Personal Violence Restraining Order application is set for a Court hearing. 76% of the matters mediated resulted in an agreement.²

This reporting period continued to see a steady increase in referrals from agencies and Legal practitioners regarding Special interest Groups/Associations (committee disputes), Building Advisory Services (water damage, fences) and neighbours (noise, dogs, parking).

The CJC saw an increase in the Top End region for assistance to resolve disputes involving families in conflict over where their relative should be buried.

This category mediation can be highly complex due to high emotional sensitivities that often involve cultural values. Unlike most mediation where mediators can assist both parties to walk away with an achievable outcome, burial mediations almost invariably involve one family having to concede their positions and often require more time and multiple sessions to achieve an agreed outcome..

Overview of Top End programs

- Delivery of the 5 day intensive Mediation workshops in Darwin in November to meet the demand for mediation training and to diversify the CJC panel.
~ 26 participants including Legal Practitioners, Educators, CDU Staff, Senior Administration Offices and Psychologists attended the Darwin workshop in March. 4 participants travelled from Yuendumu to attend the training
- The CJC 'Ponki' Mediator Training Project Tiwi Island was recognised and awarded by the Australian Crime & Violence Prevention Awards³. The aim of the project is to build capacity on the Tiwi Islands to reduce the risk of violent conflict and trauma through peace-making skills that provides a corresponding reduction in interaction with the criminal and civil justice system, health and child protection systems. The outcomes include promoting a safer community, reduction in recidivism and developing culturally effective mediation practices.

² page 26 Personal Violence Restraining Order mediation

³ http://www.aic.gov.au/crime_community/acvpa/2013.html

Central Australia

During the reporting period, the complexity matrix⁴ identified that the average mediation delivered in Central Australia attained a complexity score more than double recorded in the Top End⁵ it specifically identified:

- High volatility, numbers of parties, geographic dispersion, language and capacity issues between the parties
- Need to appoint expert mediators with advanced knowledge, skills and ethical understandings to create a physically, emotionally and culturally safe place for the parties (and themselves) in the absence of a permanent office in Alice Springs.
- Need for high level of understanding of
 - cultural knowledge on kinship structure and cultural obligations,
 - historical profiles, including lateral violence⁶ matters affecting the parties such as social media abuse,
 - possible legal matters, incarceration of extended family that affect the situation,
 - barriers to communication including travel logistics
 - need for multi-agency collaboration.
- Higher cost due to remoteness and distance from Darwin office.

This reporting period saw the introduction of Supportlink police referral system that saw a 14% spike in demand for mediations surrounding Alice Springs with the majority of conflict involving behaviour and unwelcome visitors at town camps.

Following overall success of the initial Supportlink trial for 6 months, the service has now expanded and extends beyond Alice Springs all the way to the Barkley regions that have included police referrals from Ali Curung, Kintore and Hermannsburg and Laramba communities.



Overview of Central Australian Programs

The CJC continues to provide strategic advice and training to peacemaking initiatives involving extended Warlpiri family members dispersed over a large geographic area including Alice Springs Town Camps, Lajamanu, Willowra, Ali Curung, Tennant Creek, Nyirappi, Katherine, prisoners in the Alice Springs Correctional Centre and interstate.

In keeping with the community owned, community driven features that provide strength to local peacemaking initiatives; the CJC has trained 16 participants from the

⁴ Page 21 Complexity Matrix

⁵ Page 23 Comparison of Complexity between regions

⁶ Chapter 3 and 4 Social Justice Report 2011, Australian Human Rights Commission <http://www.humanrights.gov.au/publications/social-justice-report-2011>

Yuendumu Mediation and Family Violence mediation team (funded by the Central Desert Regional Council) and continues to work collaboratively with community elders, police, Courts, Corrections, legal practitioners and Government and non-government organisations in Central Australia and beyond.

The capacity building and strategic support the CJC provided local mediators at the Yuendumu Family Violence and Mediation service resulted in strengthening the local, grass roots mediators group that restored and maintained peace over 24 months.

In collaboration with Central Desert Regional Council CJC has been invited to continue to provide training for the Yuendumu mediators and for the newly formed peacemaking group in neighbouring Willowra through to the next financial year.

In September the CJC provided mediation training for the Directors of the Waltja Tjutanku Palyapayi Aboriginal Corporation in Alice Springs who are all Aboriginal women, with the aim gaining skills to manage conflict between for families without violence.

9. Summary of CJC activities

a. Marketing

1. Presentations

The CJC conducted 35 presentations during this reporting period. Presentations were made to a range of different audiences including community groups, police, schools, NGO's and law students at Charles Darwin University. Presentations are made with the aim of promoting the work of the CJC and increasing community awareness of mediation as a form of dispute resolution and to establish referral pathways.

2. Mail outs

The CJC continued to maintain an extensive mailing and emailing list to various stakeholders, community groups and organisations. Items enclosed may include the following:

- (1) CJC brochures;
- (2) Posters;
"Preparing for Mediation"; resource to better prepare parties to resolve disputes;
- (3) CJC Fact Sheets which outline:
 - (i) the mediation process;
 - (ii) what to expect when attending a mediation;
 - (iii) the CJC's process in organising mediations; and
 - (iv) case studies.

The mail outs also invite services to contact CJC and arrange for CJC to deliver presentations and workshops about CJC services, mediation training and associated skill sets.

Mail outs have been sent to police stations, sporting and social clubs, neighbourhood watch, multicultural groups and special interest organisations, law firms, real estate agents, residential body corporate managers, schools, electorate offices, councils, local government and child care centres.

b. CJC mediator panel

Detailed below are the number, experience and location of mediators currently on the CJC mediator panel. The transient nature of the Territory population impacts the panel numbers:

	Darwin	Katherine	Alice Springs	Other Non Urban	Total
Experienced	35	6	8	6	55
Trained*	88	8	15	11	132

**Trained* - those trained in mediation but not assessed /accredited.

c. Committees

The CJC continues to be involved on several committees involving mediation or incorporate alternative dispute resolution processes where the CJC is able to provide expertise. They are:

- National Dispute Resolution Network consisting of all Government and non-Government State and Territory based peak community mediation organisations;
- National Mediator Standards Board.
- Member of the Youth Justice Frame Work in the area of Court processes where Youth Justice Conferencing options have been strongly promoted
- Contribution to Elders Visiting Forum conferences conducted in Darwin and Alice Springs
- Member of the Youth Justice Coalition that involves key organisations involved in the delivery of professional services for young people in Darwin

d. Education and training

Intensive Mediation Training Workshops

CJC delivered 2 Intensive Mediation Training workshops in Alice Springs and Darwin this reporting period.

The CJC training was developed to ensure compliance with the National Mediator Accreditation Approval Standards that sets out the competencies in regards to training and assessment requirements.

Origin & rationale for mediation training across the Territory

Community Mediation is defined by the National Alternative Dispute Resolution Advisory Council (NADRAC) as a "*mediation of a community issue*" accordingly; disputes between neighbours, friends, associations and family members make up the bulk of the caseload at the CJC. To respond to the almost limitless variety of disputes that can arise in the community; the CJC maintains a panel Community Mediators as defined by NADRAC "*a mediator chosen from a panel representative of the community in general*" from a wide variety of professional, cultural, social backgrounds, utilises the co-mediation model and may consider concerns such as gender and age to create a sense of balance at mediation. One of the difficulties maintaining a steady number of CJC panels of mediators is the transient nature of the population and mediators allowing their accreditation lapse due to missing out on professional development opportunities and practice hours due to competing professional/personal priorities.

Despite the above challenges; as the only Recognised Mediator Accreditation Body in the Territory the CJC is regularly approached by police, Government agencies, legal service providers, community members and individuals for training across the Territory. The CJC endeavours to respond by providing training and part-scholarships to the Darwin and Alice Springs workshops and offer local training where it can be delivered cost effectively.

There have been several studies and reports outlining the benefits of increased mediation, dispute/conflict resolution skills training in Indigenous communities recommending the development, delivery and evaluation of such activities. These are briefly outlined below:

The National Alternative Dispute Resolution Advisory Council (NADRAC) published a report in January 2006 on Indigenous Dispute Resolution and Conflict Management.⁷ The report recognised a need for local dispute resolution services that can be flexible, take account of local needs and would be more likely to be utilised than mainstream services provided by non-Indigenous people.

The Federal Court of Australia's '*Solid Work You Mob are Doing*' report⁸ examined case studies of Indigenous dispute resolution and conflict management services and the mainstream services that run alongside them. The report recognised that effective dispute management needs to be able to reflect the local circumstances to '*match the unique characteristics of each situation*' and that as a result dispute management will necessarily vary between different cultures, including within different Indigenous cultures and communities. Considering this need for local

⁷ http://www.nadrac.gov.au/about_NADRAC/NADRACProjects/Pages/IndigenousDisputeResolution.aspx

⁸ <http://www.nadrac.gov.au/publications/PublicationsByDate/Pages/'SolidWorkyouMobareDoing'Report.aspx>

knowledge and understanding the report called for the training of *'regional panels of Indigenous practitioners' who are appropriate peacemakers in their community*'.

The AIATSIS Indigenous Facilitation and Mediation Project (IFaMP)⁹ which was carried out 2003–06 published a series of reports and research discussion papers on Indigenous facilitation and mediation. The IFaMP recommended the creation of a *'...national fully supported and accredited network of Indigenous facilitators, mediators and negotiators to provide prompt and timely local assistance.'* These 'process practitioners' as they are referred to, would need to be highly trained, skilled, monitored and mentored. The IFaMP referred to the creation of such a network as *'the missing piece of infrastructure in Indigenous agreement-making processes'*.

In this sense, mediation training occurs within the wider context of fostering capacity for local decision making and community management processes that provide communities with increased ownership over their decisions provided that they are not inconsistent with key human rights and legal obligations.

CJC mediation training for the Ponki Mediation Group on the Tiwi Island was awarded by the 2014 Australian Crime and Violence Prevention Awards committee



The CJC continues to pioneer innovative training packages for Indigenous Australians in the non-urban context and provides advice to the National Mediation Standards Board that maintains the registration of NMAS mediators and maintains the National Mediator Approval and Practice Standards.

Promoting NMAS accreditation

NADRAC promotes the NMAS accreditation system to address the following objectives:

- enhance the quality and ethical practice
- protect consumers using mediation services
- cross recognition of competencies, and
- build the capacity and coherence of the mediation field.

As a Recognised Mediation Accreditation Body the CJC adopts NMAS training and assessment criteria part of curriculum and assessment. The CJC only employs NMAS accredited mediators also provides access to monthly ongoing professional development opportunities.

Whilst there are challenges in developing new curriculum and assessment materials that are culturally relevant and appropriate, whilst satisfying the requirements for

⁹ <http://www.aiatsis.gov.au/ntru/ifamp.html>

NMAS accreditation; there is strong demand for the training to meet NMAS Accreditations. Accordingly, the CJC has developed innovative training packages that are robust and flexible to accredit Territorians under NMAS from CALD backgrounds that exceed the minimum standards.

Quality Assurance

CJC continues to facilitate professional development workshops designed to offer support, networking and training hours through Continuing Mediation Development (CMD) Workshops and Group Practice Sessions (GPS) in Darwin, Alice Springs, Katherine and Tennant Creek to satisfy professional development requirements under NMAS Accreditation.

Continuing Mediator Development (CMD) Workshops

CJC CMD's are an approved activity for Accredited Mediators to ensure ongoing practice experience with National Accreditation (20 hours per two year cycle) and are an approved activity for ongoing legal practitioner CPD requirements. Group practice sessions (GPS) are conducted as an effective way of enhancing mediation skills through simulated role plays that includes written feedback from experienced mediators who coach the sessions.

The CJC maintains a panel of 55 NMAS Accredited mediators
CJC delivered 31 Professional Development Activities with over 250 people attending this financial year

Workshops are streamed via video conferencing providing access for participants from both Alice Springs and Darwin to share their knowledge and interact with fellow practitioners across the Territory.

Date	Venue	Topic
4 June 2013	Charles Darwin University, Casuarina Campus Darwin	Group Practice Session
18 June 2013	ACICA Room, Magistrates Court Darwin Court House, Alice Springs	Youth, Social Media and Dispute Resolution
19 June 2013	Community Justice Centre Darwin	Group Practice Session
16 July 2013	ACICA Room, Magistrates Court Darwin Belvedere House, Alice Springs	Shuttle Mediation
23 July 2013	Community Justice Centre Darwin	Group Practice Session
24 July 2013	Godinymayin Yjard Rivers Arts and Culture Centre Katherine	Mediation Refresher
25 July 2013	Godinymayin Yjard Rivers	

	Arts and Culture Centre Katherine	Video Assessment
23 August 2013	Community Justice Centre Darwin	Group Practice Session
25 September 2013	Youth Hub, Alice Springs	Mediation Refresher
26 September 2013	Community Justice Centre Darwin	Group Practice Session
3 October 2013	Community Justice Centre Darwin	NMAS Assessment
25 October 2013	Community Justice Centre Darwin	Group Practice Session
6 November 2013	ACICA Room, Magistrates Court Darwin Belvedere House, Alice Springs	Personal Violence Restraining Order (PVRO)
11 – 15 November 2013	Charles Darwin University, Darwin	5 Day Training
18 – 22 November 2013	Alice Springs	5 Day Training
22 November 2013	Community Justice Centre Darwin	Group Practice Session
26, 27 November 2013	Community Justice Centre Darwin	NMAS Assessment
5, 6 December 2013	Alice Springs	NMAS Assessment
7 Feb 2014	Community Justice Centre Darwin	Conducting Issue Explorations
14 Feb 2014	Community Justice Centre Darwin	Making the most of Private Sessions
21 Feb 2014	Community Justice Centre Darwin	NMAS Assessment
13	Tiwi Is	Ponki Mediator Development
14	Community Justice Centre Darwin	Youth Justice Conferencing
21 March 2014	Community Justice Centre Darwin	GPS Creating 'balance' in mediation. Managing Confidentiality.
28 March 2014	Community Justice Centre Darwin	NMAS Assessment
4 April 2014	Community Justice Centre Darwin	Mediation Refresher Focus on High Conflict Parties
14 April 2014	Community Justice Centre Darwin	NMAS Assessment
9 May 2014	Community Justice Centre Darwin	PVRO Mediations
16 May 2014	Community Justice Centre Darwin	Advanced Mediator Workshop
23 May 2014	Community Justice Centre Darwin	GPS Focus on Agenda setting and shuttle mediations
30 May 2014	Community Justice Centre Darwin	NMAS Assessment

d. Culturally Effective Mediation (CEM)

CJC continues to embrace the following Culturally Effective Mediation (CEM) strategies to develop best practice mediation services that are both effective and sensitive to Indigenous people and community's needs:

1. Researching and utilising local knowledge/strengths and building collaborative relations with the community to ensure CJC is invited to assist and mutual expectations are clear.
2. Provide strategic advice to design mediations in ways that are congruent with the communities cultural values, strengths, priorities, existing service providers and governance structures – including kinship protocols, respect for Elders and traditional owners, use of ceremony, approaches to gender and alternatives to behaviour that can escalate violence
3. Design approaches to:
 - a. better account for the broad range of interests and needs in multi-party, multi-disciplinary, multi-agent setting;
 - b. conduct evaluation of practices, case studies and identify complexities and practice gaps across the Territory;
 - c. offer strategic advice and training that includes Indigenous practitioners or acceptable non-Indigenous practitioners with respect to kinship, gender, cultural background, transferrable skills/knowledge and other exiting factors unique to the community; and
 - d. provide local practitioners with professional development opportunities, debriefing, networking opportunities with their peers and opportunities to contribute their experience to the broader community.
4. Evolve processes and services in response to local needs and issues whilst ensuring physically, emotionally and culturally safe places in which people feel comfortable to express their issues, including venting of strong emotions without violence.

It is expected that the CJC will continue see a demand for an increasing number of Indigenous community groups wishing to start their own community mediation groups. With this in mind the CJC will commission a community mediation survey in the next financial year.

f. Correctional Centre Conferencing Mediation Serious Offenders and their Families Mediation Project (CCC)

The CJC continues to deliver this project, based on a prisoner reintegration Memorandum of Understanding between Larrakia Nation Aboriginal Corporation and Northern Territory Correctional Services (NTCS), which aims to assist people who have been incarcerated to return to their home communities.

The program is designed for offenders who have committed serious crimes, including murder, manslaughter and dangerous act causing death, and the victim and/or family of the victim.

The program is targeted at Indigenous clients and incorporates Culturally Effective Mediation principles including use of appropriate language, thorough understanding of the kinship and obligations and other cultural elements as an essential part of the program.

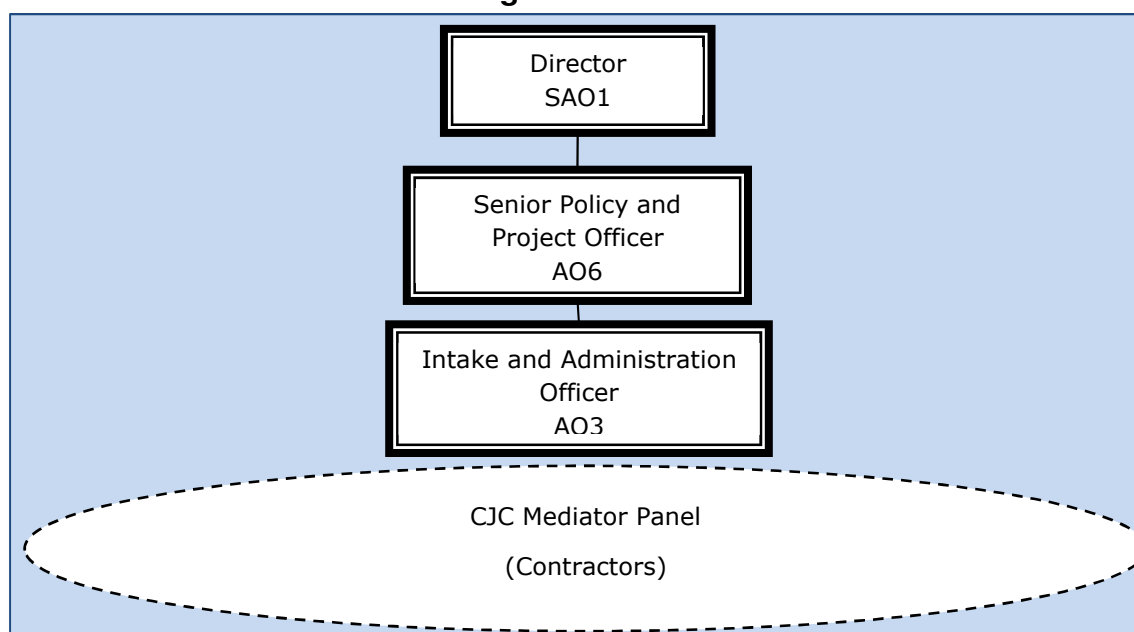
h. Staffing

As at 30 June 2014, the CJC staffing remained unchanged since inception in 2003 with a staff of three full-time employees:

- Director;
- Senior Project and Policy Officer;
- Intake/Administration Officer.

CJC also supported a Certificate III in Business Candidate as part in the Department of Education. Most mediation matters are delivered by CJC mediation panel members located across the Territory.

CJC Organisational Chart



10. Guidelines, policies and procedures

Guidelines, policies and procedures in relation to arranging and conducting mediations continue to be revisited by the Community Justice Council to keep abreast of national trends and regional needs and keep in line with the CJC's key objectives and mission statement. During this reporting period the complaints handling guidelines were updated and made available on the CJC website.

11. Statistics

During this reporting period Legal policy division has commenced the review of the CJC Act on behalf of the CEO, pursuant to section 32 of the CJC Act that requires:

- the operation and effectiveness of the Act;
- the operation and effectiveness of the Community Justice Centre (CJC);
- the operation and effectiveness of the Community Justice Consultative Council (the Council); and
- any other matters arising from the operation of any provision in the Act that the Chief Executive thinks should be subject to a review.

The Chief Executive has not given a direction under section 32(1)(d) Dr Catherine Holmes has been appointed to conducting a service evaluation of the CJC which will form part of the ultimate Review Report to be prepared by AGD in the next financial year.

a. Operating Performance Measures

Measure	Figure	Target	% to Target
Mediation Advice (Intake files)*	808	500	160%
Mediations**	142	150	95%
Presentations	35	30	116%
Stakeholder Satisfaction#	92%	85%	
Timeliness##	95%	95%	

* CJC has no control over the volume of files opened as Mediation advice (also known as Intake files)

**The CJC continues to experience a substantial increase in court referred mediations following amendments to the *Justices Act* that resulted in a substantial increase in mediation numbers in the last reporting year.

See customer satisfaction table below

##Timeliness is measured as the percentage of mediations available to parties within seven working days of agreement to mediation from both parties.

b. Client Satisfaction

Client satisfaction survey is provided to all parties at the conclusion of the mediation and provides a way the CJC office can track to see whether the mediations services meet their expectations and delivered.

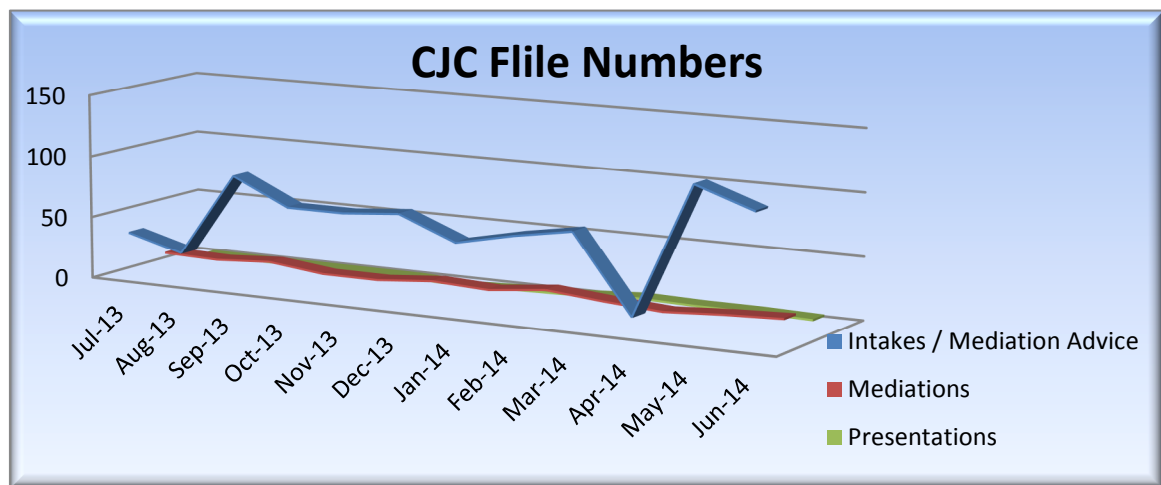
Information on how to make a complaint is provided to parties as part of the CJC mediation sessions. Complaints not related to the outcome of the mediation are forwarded to Consultative Council pursuant to the *CJC Act*. No complaints were raised this financial year.

96% clients (either strongly agreed or agreed) satisfied with the overall CJC service

Client Satisfaction	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
Was the CJC easy for you to contact and get to?	82%	9%	9%	0%	0%
Were you treated fairly by the CJC?	93%	7%	0%	0%	0%
Were you satisfied with the timeliness of the service (initial contact, mediation and referral) provided?	81%	6%	11%	0%	0%
If a friend was in a similar situation as you, would you advise them to use the CJC?	94%	6%	0%	0%	0%
Were the mediators professional?	91%	9%	0%	0%	0%
Were the mediators neutral?	99%	1%	0%	0%	0%

c. Mediation file numbers

	Jul 13 actual	Aug 1 actual	Sep 13 actual	Oct 13 actual	Nov 13 actual	Dec 13 actual	Jan 14 actual	Feb 14 actual	Mar 14 actual	Apr 14 actual	May 14 actual	Jun 14 actual	total
Intake files/ Mediation Advice	37	25	92	71	71	75	57	67	75	14	120	104	808
Mediations	12	11	14	9	9	13	11	16	12	9	12	14	142
Presentations	2	2	2	2	2	0	2	3	6	5	5	4	35



d. Complexity Matrix

During this reporting period the CJC collected data that broadly illustrates the complexities of the operations of the CJC. This overcomes the fact that whilst some files require a certain level of expertise.

The complexity Matrix provides for each category of Who, When, Where, Volatility and Time hence providing a maximum score out of 20. The complexity Matrix captures data for the matters that do not progress to mediation and can measure how the CJC service may have assisted the client to resolve their own disputes.

Applying the complexity matrix, an example:

Mediation in a non-urban community in relation to a 'burial dispute' (2 family groups in conflict over where the deceased should be laid to rest) that can paralyse the whole community may require appointment of "expert" mediators, who is acceptable to the parties has the knowledge, skills, experience:

- to manage multiparty situations with cultural sensitivities,
- to gather people together in a safe environment, manage potential volatility
- to deliver in remote location where there is little in the way of infrastructure or mobile coverage

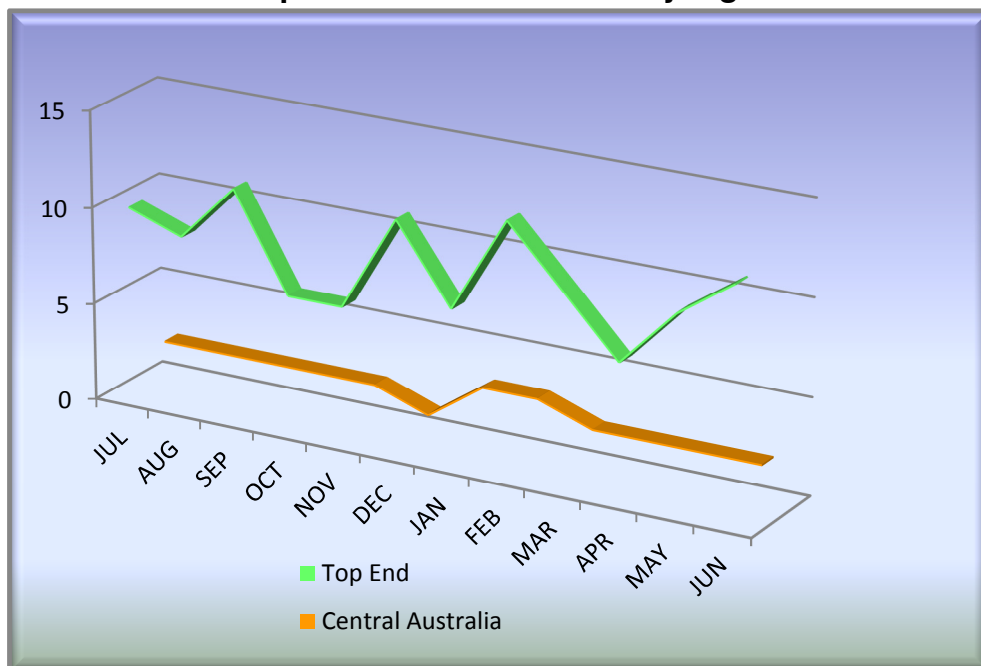
Would rank as very highly by applying the complexity matrix as opposed to neighbourhood mediation over barking dogs in the CBD.

		LEVEL OF COMPLEXITY			
BROAD CATEGORIES	Variables Matrix (CJC to find, provide, consider for the purposes of the mediation)	1 Standard All variables can be comfortably dealt with by CJC Intake Officer	2 Moderate All variables can be dealt with by an experienced CJC Intake officer	3 Advanced Most variables can be dealt with Intake Officer with senior CJC Officer	4 Expert To be assigned to Senior CJC Officer with the approval of the Director
WHO	Number of Parties	2 only	more than 2 people involved	Range from multiple persons (More than 10 parties) Range in locations Less than 20 people involved	Over 20 people involved
	Support persons required	no	Yes support persons required	Level 1 support person / Civil Justice Required multiple support persons required	More than 20 people involved
	Appointment of Mediator	Standard Initial support	Standard level 2 Six 20 person mediators appointed	Six 20 person mediators - direct appointment by CJC Director Mediators referred to external mediation company	More than 20 people (including cultural) appointed/mediators - direct appointment by CJC Director
	Cultural/racial considerations	Nil	Interpreter required for one or both parties Cultural and social issues required	Interpreter required for multiple parties Cultural issues required Mediators referred to external knowledge	Inter-generational trauma Lateral violence High level specialist cultural knowledge Cases with social underpinning of dispute Cultural issues resolution processes Management of history non-resolution process (religious, political, marital)
REFERRAL (TO)	Referral	Nil	Self-referrals Unilateral referrals Multiple referrals from community mediation required Self-referrals not required	Need for referral for dispute resolution Timing of mediation involves cross-jurisdictional mediator More than 20 people involved	Need for referral for dispute resolution
WHEN	Difficulty in finding time to bring parties together	setup within 7 days	Multiple sessions required Self-referrals not required	Timing of mediation involves cross-jurisdictional mediator More than 20 people involved	
WHERE	Venue location and travel	Local (within 10km) for mediator and parties	Mediator must travel to mediation site Party must travel to mediation	Range from multiple communities and mediator must travel Identify culturally appropriate venue (cost < \$200)	Range from multiple remote communities and mediator must travel
			Cross-jurisdictional Outside CBD and ASP Venue under \$200	Beyond 200km with Transport and/or car (AVC)	No facilities to support process (no mobile coverage)
			Assess travel arrangements for parties and/or CJC	Travel arrangements for parties and/or CJC	Range required to travel from multiple non-urban communities
VOLATILITY	Safety Risk	Argument Harassment	PHD Aggressive behaviour	Threat of violence including suicide Risky management Subsequent group threat issues Conditional Centre Conferencing, Civil Justice Conferencing, Youth Justice Conferencing	Actual history of violence Police and/or court involvement
TIME		<60mins	60 - 140mins	180 - 240mins	>200mins

i. Mediation Complexity by total Volume

Northern Territory Total	Actual Mediation Score	Intake Score	Total Score (NT)	Mediation numbers (NT)	Intake file numbers	Average NT Mediation File	Average NT Intake File	Mediation Numbers Top End	Mediation numbers Central Australia
JUL	192	41	233	12	37	5	1	49	3
AUG	166	40	206	11	25	7	2	45	6
SEP	133	83	216	14	92	1	1	58	2
OCT	183	69	252	9	71	3	1	38	8
NOV	181	72	253	9	71	3	1	68	8
DEC	184	77	261	13	75	2	1	46	1
JAN	139	54	193	11	57	2	1	61	2
FEB	139	70	209	16	67	2	1	59	10
MAR	74	70	144	12	75	1	1	71	8
APR	66	7	73	9	12	6	1	51	10
MAY	156	138	294	12	120	1	1	49	6
JUN	161	102	263	14	104	2	1	55	12
Total	1774 (1365)	823 (957)	2322	142	808				

Comparison of file numbers by region



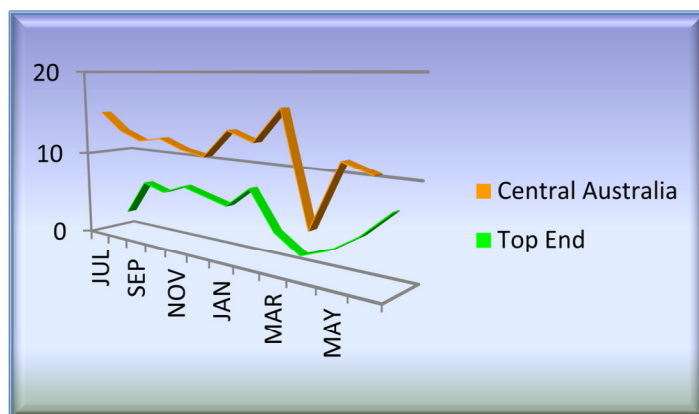
ii. Complexity of the Mediations by region

Central Australia	Actual Mediation	Intake Score	Complexity Score Central Australia	Mediation numbers	Intake file numbers	Average Score Central Australia Mediation File	Average Score Central Australia Intake File
JUL	30	20	50	2	2	15	10
AUG	26	55	81	2	6	13	9
SEP	24	0	24	2	0	12	0
OCT	25	43	68	2	8	12.5	5
NOV	23	66	89	2	8	11.5	8
DEC	11	12	23	1	1	11	12
JAN	42	14	56	3	2	14	7
FEB	39	44	83	3	8	13	6
MAR	33	61	94	2	8	16.5	8
APR	20	102	122	2	10	10	10
MAY	24	33	57	2	6	12	6
JUN	22	124	146	2	12	11	10
Av						12.6	8

Top End	Actual Mediation	Intake Score	Complexity Score Top End	Mediation numbers	Intake file numbers	Average Score Top End Mediation File	Average Score Top End Intake File
JUL	92	50	142	10	35	2.0	1.4
AUG	55	30	85	9	19	6.1	1.6
SEP	64	45	109	12	92	5.3	0.5
OCT	45	70	115	7	63	6.4	1.1
NOV	40	52	92	7	63	5.7	0.8
DEC	60	101	161	12	74	5.0	1.4
JAN	59	24	83	8	55	7.4	0.4
FEB	40	41	81	13	59	3.1	0.7
MAR	11	10	21	10	67	1.1	0.1
APR	16	6	22	7	2	2.3	3.0
MAY	43	56	99	10	114	4.3	0.5
JUN	86	41	127	12	92	7.2	0.4
Av						4.7	1

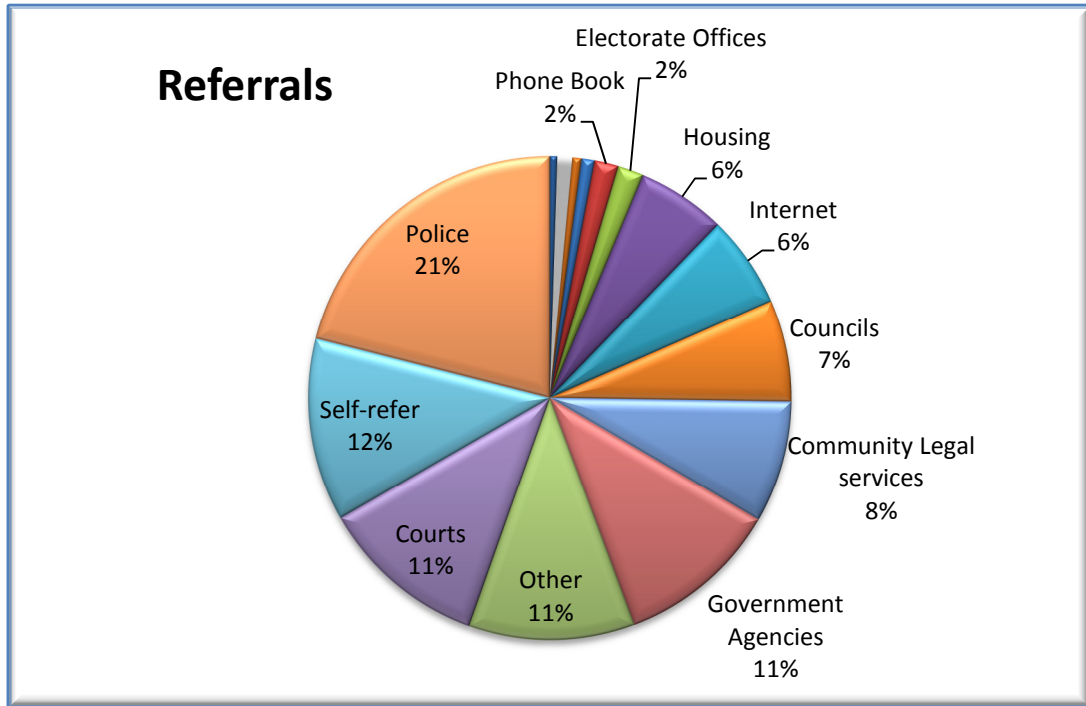
Comparison of complexities by regions

Whilst Central Australian mediation matters comprise 21% of the CJC mediation files. The average complexity score for mediations delivered in Central Australia (12.6) is more than double the complexity of mediations delivered the Top End (4.7)



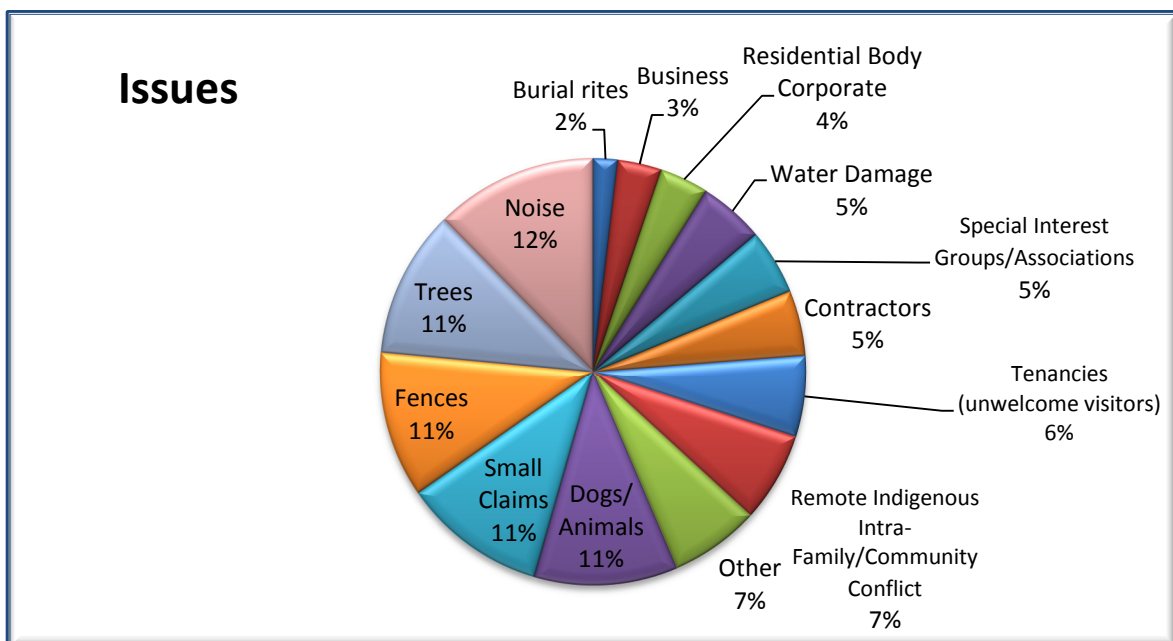
e. Source of referrals

The NT Police continues to be the major source of referral for clients. However, other sources of referral include the following (some referrals are a combination of several referrers):



f. Dispute types

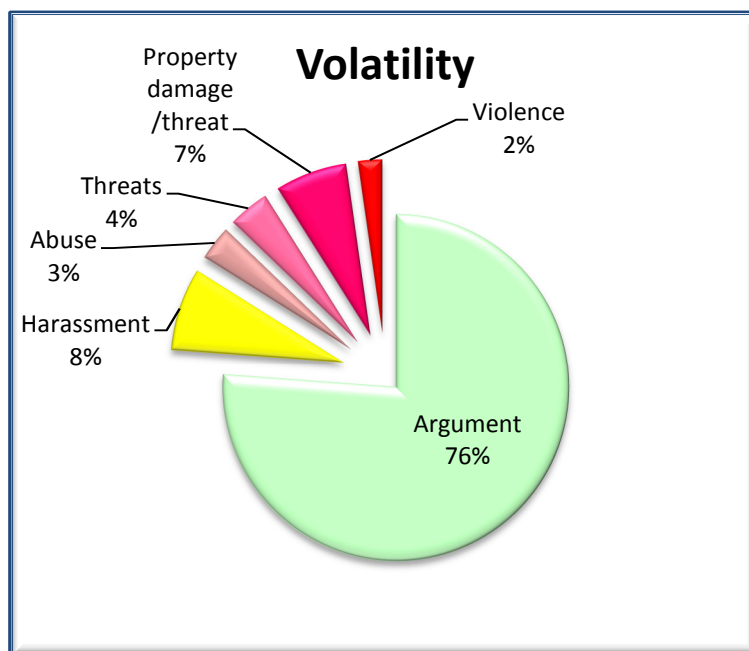
Communities experience a wide range of disputes and although not all are suitable or appropriate for mediation, they can include the following issues:



g. Intensity of mediated matters

For consistency CJC uses categories developed and used by CJC (NSW).

Category 1 Argument	Parties are unable to reach agreement or unable to communicate	374
Category 2 Harassment	Involves repeated attempts to embarrass /annoy	38
Category 3 Abuse	Includes heated and repeated arguments ending in insults or written abuse	16
Category 4 Threats	Includes threats of violence or property damage, threats of legal action	19
Category 5 Property damage / theft	Includes deliberate damage to property / alleged theft, accidental damage with no intention to repair	33
Category 6 Violence	There has been a violent act against a person / Correctional Centre Conferencing (prison mediations)	11



h. Presentations

Presentations and workshops were delivered to the following agencies/organisations.

- Police
 - ~Auxiliary Squads
 - ~Stations
 - ~Neighbourhood Watch
- Charles Darwin University
- Anglicare / Resolve NT
- Territory Housing / Affordable Housing / Public Housing Safety Officers
- Private and public legal service providers
- School Principals
- Consumer Affairs
- Special Interest Groups / Sporting Clubs and Associations
- Local Councils
- Court Staff
- MLA and Electorate Office Staff
- Body Corporate Agencies
- Youth Justice Unit
- Somerville

i. Personal Violence Restraining Order (PVRO) Mediations

PVRO mediations are referred to the CJC pursuant to s86 *Justices Act* where a Magistrate may refer the matter before it is set down for a hearing. An outcome report is provided to the Court following the referral and is provided back to the Court before the next mention date. All PVRO mediations are dealt with ensuring physical safety for the parties and the mediators in mind and where necessary 'shuttle mediation' may be used to conduct the mediations.

This reporting period saw a significant increase in the filing fees for PVRO that has had an impact on the numbers. CJC processed 100% of 55 the referrals and provided an outcome report with in the required time frame back to the Court.

Of the 21 matters that progressed to mediation 76% reached an agreement.

j. Youth Justice (Pre-sentencing) Conference

The CJC received five referrals of matters for Conferencing under section 84 of the *Youth Justice Act 2005*. Four proceeded to Conferencing, with one no-show. Of these two were conducted at the Don Dale youth detention centre, and two at the CJC office.

Each of the conferences was attended by victims and various support people including; legal representatives, police, prosecutions, youth workers and family and community members.

Feedback provided at the end of each conference indicates a high level of satisfaction by the victims, young people and the other participants with both the process and outcomes. Reports on each of the Conferences were provided to the Courts for consideration in sentencing.

k. Promoting Research and Development

The CJC is committed to enhancing better community quality and knowledge of ADR and to that extent contributes to data collection, research, evaluation, presentations to academia and feedback to authors preparing journals to promote innovative mediation and dispute resolution practices globally.

CJC contributions to global innovation to mediation and dispute resolution this financial year included:

- National Mediation Standards Board Review (CJC Director is a board member)
- Productivity Commission Draft Report into Access to Justice Arrangements
- Thomson Routes Australasian Dispute Resolution Online (Professor Tania Soudin)

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- Evaluation design of the Mornington Is Restorative Justice Program (Queensland Attorney General and Justice – Colmar Brunton)
 - Indigenous Mediation research Monash University’s Australian Centre for Justice Innovation
 - International Mediation Institute review of standards
 - Guest presentations at CDU Law School, Darwin High School
 - Coaching at Leading Edge Alternative Dispute Resolution workshops
 - Winnunga Health Services Dispute Resolution Planning
 - Family Relationships Services Australia (FRSA) National Conference Darwin 24 January 2013
 - Submission to the new Youth Justice Framework
 - Relationships Australia School conflict management workshops
 - Office of Youth Affairs, Chief Minister Youth Round Table – Peer Court project.