

2018-19
ANNUAL REPORT
Community Justice Centre



The Hon Natasha Fyles MLA
Attorney-General and Minister for Justice
Parliament House
State Square
DARWIN NT 0800

Building 2B1
CASCOM Centre
13 Scaturchio Street
Casuarina NT 0810

Postal Address
PO Box 41964
Casuarina NT 0810

T 1800 000 473
E cjc@nt.gov.au

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 2019.

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

27 September 2019

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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 2019.

The Centre has achieved a range of positive outcomes over the reporting period, with a focus being placed on increasing training and improving efficiency and effectiveness of general neighbourhood dispute management.

During the year the Centre commenced a 7 month trial of assisting clients through a preventative dispute management process; namely conflict coaching. The process was designed to support those people seeking third-party assistance but not necessarily requiring a more formal mediation process. On commencing the trial it was determined that 5% of all dispute assistance requests could reasonably be diverted to the new process. By trial end a total of 9% of all requests had been diverted, achieving a rate of settlement of 100%.

Further, the Centre has enjoyed opportunities to work more closely with people from remote locations through our community-led partnerships to develop peacemaking services. The early outcomes from these initiatives have highlighted the importance of promoting empowerment, ownership and local decision making.

The Centre has worked hard to deliver on our continuing commitment to promote the nationally recognised training and accreditation of mediators. In total, 11 courses were presented throughout the year.

I would like to sincerely thank staff, dispute resolution practitioners and our valued stakeholders for their continued support in helping the Centre promote both preventative and early resolution processes for the de-escalation of conflict across a variety of dispute environments in the Territory.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Troy Degenhardt'. The signature is fluid and cursive, with a large initial 'T' and 'D'.

Troy Degenhardt
Director

27 September 2019

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 dispute resolution practitioners for the provision of mediation, restorative conferencing, and adjudication 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;
- seeks to restore harm through the facilitation of re-integrative restorative justice processes for offenders, and their families /or victims;
- 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 the more formal justice system.

Community Justice Consultative Council

Section 25 of the *Community Justice Centre Act* sets out functions of the Consultative Council, including:

- to make Guidelines under section 26;
- to deal with a complaint under section 27;
- make reports and recommendations to the Minister on any of the following matters the Council considers appropriate:
 - (i) the operation of the Centre;
 - (ii) any matter that may be the subject of a review under section 32(1);
 - (iii) any other matter arising from the operation of this Act.

As part of a review of statutory bodies organised by the Department of the Chief Minister, it was decided in April 2017 that the Community Justice Consultative Council would be abolished. Following this decision positions on the Council have not been filled.

The abolition of the Council aligns the strategic and administrative framework of the Community Justice Centre with other like services across Australia and work continues on this.

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 2019-20 concentrates on the Centre's need to increase staff numbers and improve capacity for the Centre to meet continuing service demands.

Achievements 2018-19

- Achieved a rate of agreement for community mediations exceeding 66%.
- Supported remote communities to develop and implement culturally responsive and locally nuanced peacemaking processes.
- Successfully trialled the delivery of a new preventative dispute management process, achieving a 100% rate of settlement.
- Achieved 267% of revenue target through the provision of nationally accredited mediator training.
- Finalised the relocation of the Community Justice Centre to Casuarina in August 2018.

Service Limitations

The Community Justice Centre continues to experience immense pressure to provide accessible, professional and timely dispute resolution service across the Territory. The current financial and human resource constraints of Government have impacted the Centre's ability to provide timely service during the reporting period.

The Centre has experienced a negative, and often frustrated response from the general public and stakeholders regarding the inaccessibility of Centre services.

The social, and fiscal benefits of preventative and early resolution dispute management processes has been well documented; giving the Centre a strong platform to continue to advocate for increased resources to support the delivery of appropriate dispute resolution in the Northern Territory.

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 nil formal complaints during the reporting period.

Preventative Dispute Management

The Community Justice Centre has trialled a new individualised dispute management process for the preventative management of disputes. This process is 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.

Over the trial period 9% of all dispute assistance requests were diverted to conflict coaching; achieving a rate of settlement of 100%. A rate of settlement was defined as the client being prepared to establish a plan and attest in a follow-up discussion that the plan had worked, or had not worked.

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; however, larger organisations and associations may be subject to a fee.

In 2018-19 the Centre managed 105 new civil mediation referrals, representing a 10% increase compared to the previous reporting period, achieving a rate of agreement in excess of 66%.

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

Dispute Types	2018-19
Antisocial Behaviour	1%
Construction Contract (Security of Payments)	1%
Court Annexed	27%
Criminal	3%
Family	7%
Interpersonal	3%
Minor Civil Disputes	10%
Neighbourhood / Community	36%
Organisational / Association	4%
Remote Indigenous Intra-Family/Community Conflict	1%

Special Interest Groups / Associations	1%
Tenancy	3%
Workplace / Employment	2%
Youth Related	2%

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

Dispute Types	2018-19
Dogs / Animals	10%
Fence / Boundary	21%
Noise	12%
Nuisance	23%
Tenants in Common	6%
Trees / Overhanging Branches	19%
Water / Drainage	10%

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

Dispute Types	2018-19
Damage to Property	7%
Faulty Workmanship	7%
Money Owed	53%
Motor Vehicle Accident	33%

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. Through the consultation period it was highlighted there existed a strong desire for peacemakers to be trained in accordance with the National Mediator Accreditation Standards.

The initial training focused on building understanding of how peacemaking could support the people of Umbakumba to resolve conflict in a more timely and culturally appropriate way. Over time, rules for peacemaking were established, community peacemakers were identified and dedicated training was delivered.

The Centre continues to provide support for the Peacemakers and has now commenced the process of determining the most appropriate way to engage Peacemakers under a formal agreement.

In 2019-20, the Centre will undertake a similar engagement with the people of Angurugu to establish the Angurugu Peacemakers.

Court-Annexed Mediation

The Community Justice Centre provides mediation in accordance with section 14 of the *Personal Violence Restraining Orders Act*. During 2018-19 the Centre managed 39 new referrals from the Local Court for personal violence matters; achieving a rate of agreement in excess of 46%.

This result has identified the complex nature of personal violence matters presented at the Centre; with clients often experiencing challenges that impact on their ability to freely engage, discuss and negotiate matters of concern.

Work has commenced to change the way Personal Violence Restraining Order Conferences are provided with a dedicated triage system to be introduced early in 2019-20 to support clients to more appropriately engage in the process.

Case Timeliness

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

Timeliness of Matters	2018-19
% of matters finalised in 0 to 7 days	5%
% of matters finalised in 8 to 14 days	5%
% of matters finalised in 15 to 30 days	32%
% of matters finalised in more than 31 days	58%

It has been observed throughout 2018-19 that the average time taken to finalise a case has remained consistent 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. 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	76%
% of matters considered moderate in nature	21%
% of matters considered complex in nature	3%

Mediator Training and Accreditation

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

The entry-level training program has been delivered 5 times in 2018-19; with the further development and accreditation component also being delivered 5 times. 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.

Further, the Centre was successful in delivering the first restorative justice conferencing training program in 2018-19. This program will now be added to the regular training calendar providing an opportunity for people interested in restorative practices to access this training locally.

The Centre has achieved 267% of revenue target in 2018-19 by establishing itself as a leader in dispute resolution training and development in the Northern Territory.

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	2018-19
Community Justice Centre Sessional Mediators	11
Accredited Mediators under the National Mediator Accreditation Standards	35

Staffing Structure

The staffing structure of the Community Justice Centre as of 30 June 2019 consists of the positions:

