



# **Community Justice Centre**

## **Annual Report**

### **2014-15**

**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](mailto:cjc@nt.gov.au)  
Web: [www.cjc.nt.gov.au](http://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), has provided mediation and conflict resolution services since 2003. The CJC provides services to Territorians relating to a broad range of issues and to diverse populations and geographical locations throughout the Northern Territory including the conducting of mediation sessions for disputes, training accreditation services, community education, professional development and strategic advice on conflict management.

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 the Attorney-General and Justice. The CJC has developed their 5 Year Strategic Plan 2014-19 to align with that of the Department of the Attorney-General and Justice Strategic Plan 2013- 2016.

## 3. CJC Strategic Goals

### CJC's vision

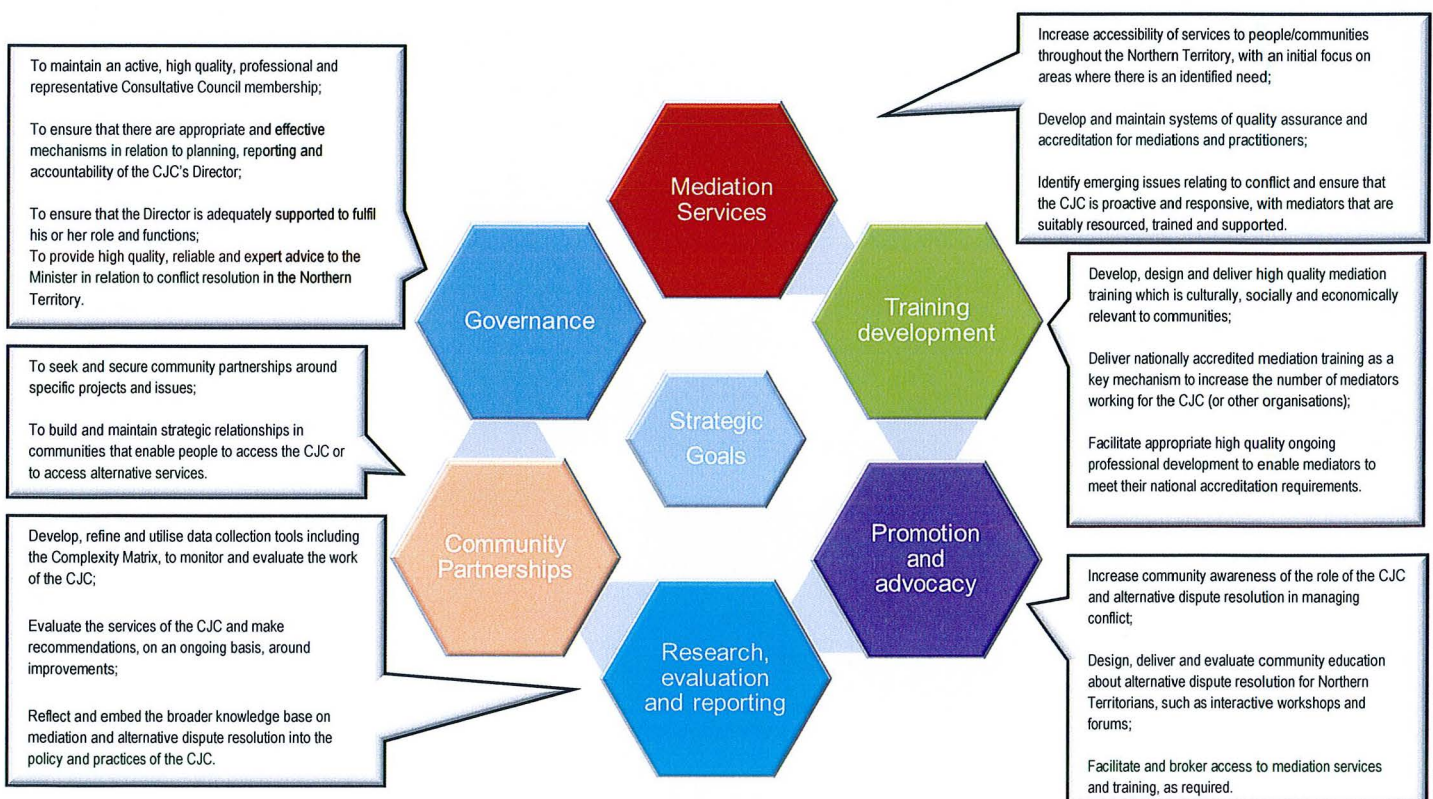
The CJC's vision is for Northern Territory communities to find healthy ways of negotiating and managing conflict or disputes to reach and maintain peace.

### The CJC's mission

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

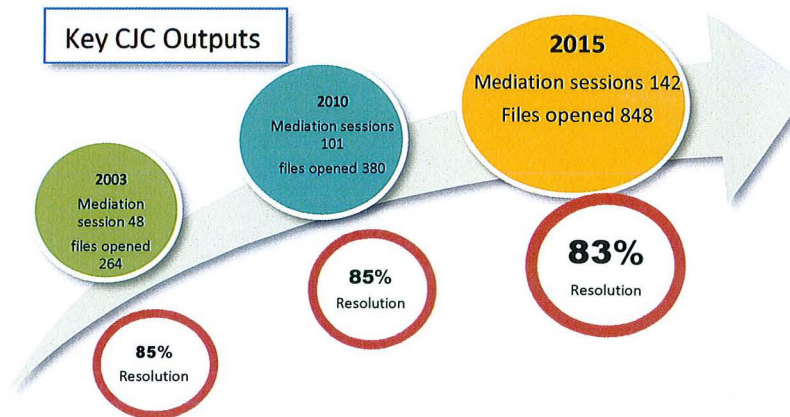
### The CJC's values

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 2014-15

- 848 files opened
- 83% mediation resolution rate



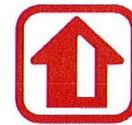
#### Major Referrals to the CJC



**Courts**  
10%



**Police**  
17%



**Government Agencies**  
8%



**Community Legal Services**  
8%



**Councils**  
19%



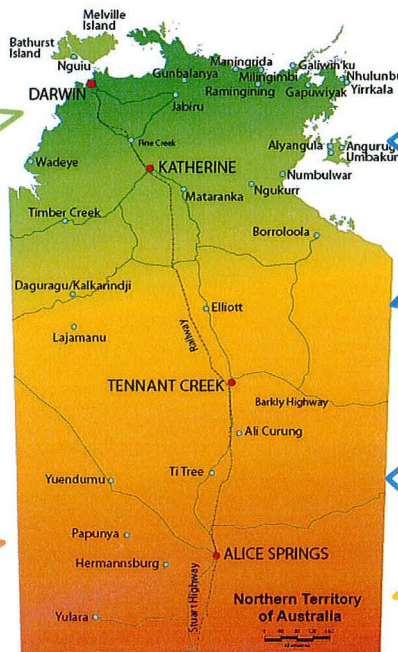
**Self-refer**  
10%

#### How did we perform?

Increase referrals from Darwin City Council and Palmerston City Council overtaking police as the largest referral body

100% CJC mediators qualified with National Accreditation.

Graduates of the CJC training in Yuendumu awarded by the Australian Crime prevention awards



98% indicated very satisfied or satisfied with CJC service (post-mediation survey)

0% Complaints raised regarding CJC service.

29 completed the mediation intensive workshop in Darwin and Alice Springs  
12 new accredited mediators

16% CJC mediations sessions delivered in Central Australian

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## 5. From the Director

The Community Justice Centre continues to contribute to de-escalation of conflict from costly burden to the justice system across a wide spectrum of community conflicts across the Territory.

Whilst CJC's business model, including staffing and resource structure, has remained unchanged since inception and has stretched capacity; the CJC to continue receive positive feedback from the community and stakeholders.

The quality of the CJC service can be attributed to the CJC's panel of mediators who are now all accredited under the National Mediation Accreditation System that provides consumer confidence that the mediation service provided is consistent and effective.

During the year, the CJC continued to maintain and strengthen partnerships with a number of organisations throughout the Territory to collaboratively promote de-escalation of conflict. The efforts were recognised in Central Australia where collaboration with the Councils, Police and the community to support and develop local mediators in Yuendumu community has resulted in restoring stability and harmony, and a significant reduction in violent incidents that in turn has provided a cost-benefit to the community of \$4.30 return for every \$1 invested in mediation programs<sup>1</sup>. The graduates of the CJC training program received national recognition at the Australian Crime and Violence Prevention Awards.

The CJC underwent significant enhancements to administrative, case management and mediator database system that was successfully completed this financial year with the new Resolve case management system expected to go live from next reporting year.

Again, it is timely to express my gratitude the staff, mediators and supporters of the CJC service as the service progresses to future proofing the operations of the CJC as we continue to expect increase in the demand for a solid mediation service across the Territory.

**Ippei Okazaki**  
Director

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<sup>1</sup>[http://centraldesert.nt.gov.au/sites/centraldesert.nt.gov.au/files/attachments/ymjc\\_cost\\_benefit\\_analysis\\_summary.pdf](http://centraldesert.nt.gov.au/sites/centraldesert.nt.gov.au/files/attachments/ymjc_cost_benefit_analysis_summary.pdf)

## 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 2015 members of the Consultative Council, were as follows:

- Michael O'Donnell
- Louise Samways
- Catherine Holmes
- Linx MacPherson
- Maureen Abbott
- Philip Brown
- 1 x Vacant

No complaints were received this financial year.

## 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)<sup>2</sup> that underpins the Approvals Standards and Practice Standards (the Standards).

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

All mediators contracted to the CJC 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.

The MSB conducted a thorough review of the standards this year throughout which CJC provided advice and feedback on the new version of NMAS that is come into effect 1 July 2015.

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<sup>2</sup> Mediation Standards Board [www.msb.org.au](http://www.msb.org.au) also maintains the authoritative list of NMAS Accredited mediators

## 8. Regional Highlights

### Top End

This year experienced an increase in referrals from Darwin and Palmerston City Council that resulted in overtaking of NT Police as the largest referrer to the CJC, with the majority of matters relating to fence, trees and animal nuisance matters between neighbours.

62% issues involved disputes over Noise, Trees, Fences, and Dogs in the community

The CJC accepted and provided outcome report to 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. 62% of such matters mediated resulted in an agreement.<sup>3</sup>

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 burial disputes.

#### Case study – Sporting Club

A dispute between captain and coach was undermining team harmony and was in danger of escalating to formal litigation. The dispute was consuming a significant amount of time and energy of the parents whose best intended interventions were further flaming the dispute. The dispute originally started over a disagreement over a team selection process 18 months ago. The dispute was settled within 3 weeks from first contact with the CJC.

## Central Australia

Since introducing the complexity matrix<sup>4</sup> the average mediation delivered in Central Australia continues to attain a complexity score higher than recorded in the Top End<sup>5</sup>. 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 violence<sup>6</sup> matters affecting the parties such as social media abuse,

<sup>3</sup> page 26 Personal Violence Restraining Order mediation

<sup>4</sup> Page 21 Complexity Matrix

<sup>5</sup> Page 23 Comparison of Complexity between regions

- 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 travel from Darwin office.

This reporting period saw the expansion of the Supportlink client referral program across the Northern Territory that has expanded the referral zone from Central Australia where it was originally piloted through to the rest of the Territory.



## 9. Summary of CJC activities

### a. Promotion

#### 1. Presentations

The CJC conducted 31 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.

CJC was also involved with the Supreme Court open day, National Neighbourhood Day and co presented at Neighbourhood watch and other community events organised by NT Police promoting community safety.

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;
3. Fridge magnets
4. Pens
5. CJC Fact Sheets which outline:
  - a. the mediation process;
  - b. "Preparing for Mediation"; resource to better prepare parties to resolve disputes;
  - c. 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 and location of mediators currently on the CJC mediator panel. The CJC also conducted mediation via teleconference and video conference. The transient nature of the Territory population impacts the fluctuation panel numbers:

	<b>Darwin</b>	<b>Katherine</b>	<b>Alice Springs</b>	<b>Other Non Urban</b>	<b>Total</b>
<b>CJC Panel mediators</b>	28	4	10	2	44

## **c. Committees**

The CJC continues to be involved on several committees involving mediation or incorporating 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;
- Palmerston City Council Community Safety Working Group.

## **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 comply with the National Mediator Accreditation Standards (NMAS) that sets out the competencies in regards to training and assessment requirements. 10 graduates of the training are currently active on the CJC panel of mediators

### **Promoting NMAS accreditation**

NMAS accreditation addresses the following objectives:

- need to enhance the quality and ethical practice
- need to protect consumers accessing 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 as part of curriculum and assessment. The CJC only employs NMAS accredited mediators also provides access to monthly ongoing professional development opportunities.

### **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 and Katherine opportunities for professional development to meet 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 41 NMAS Accredited mediators  
CJC delivered 31 Professional Development Activities with over 220 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.

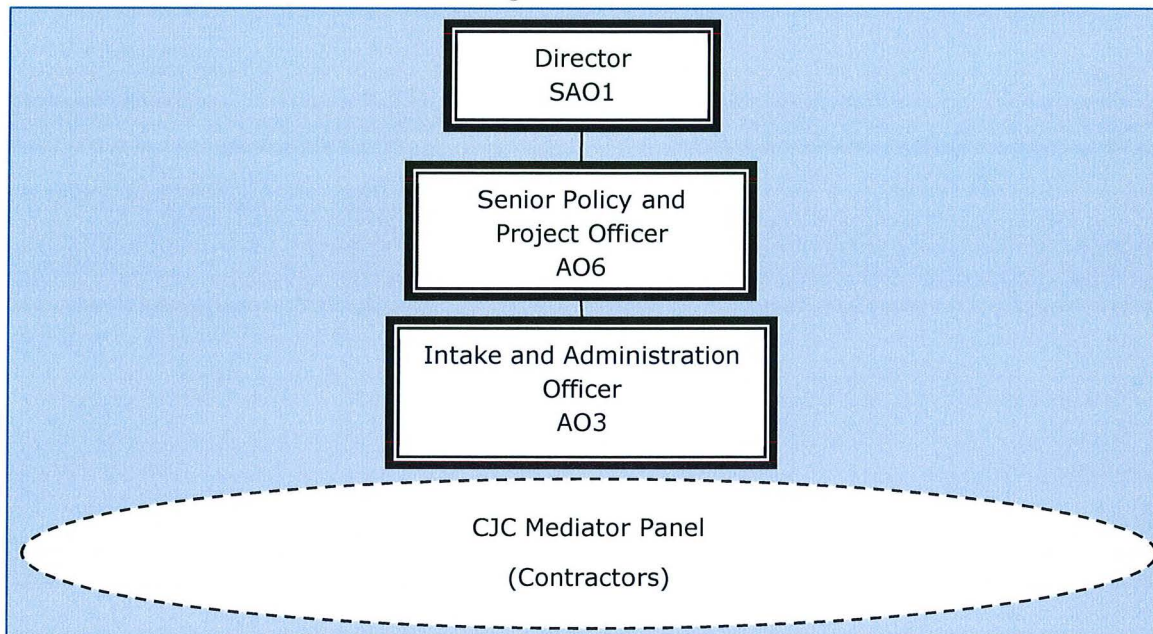
## e. Staffing

As at 30 June 2015, 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 in collaboration with 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

### a. Operating Performance Measures

Measure	Figure	Target
Files opened*	848	500
Mediation sessions**	143	150
Presentations	31	30
Stakeholder Satisfaction#	98%	85%
Timeliness###	96%	95%

\* Files opened include mediation advice and dispute assessment

\*\*mediation session includes any steps taken by a mediator:

- (a) to arrange for the mediation of a dispute; or
- (b) for the mediation of a dispute; or
- (c) for any follow-up for the mediation of a dispute.

# See client 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 to track to see whether the mediations services were satisfactory.

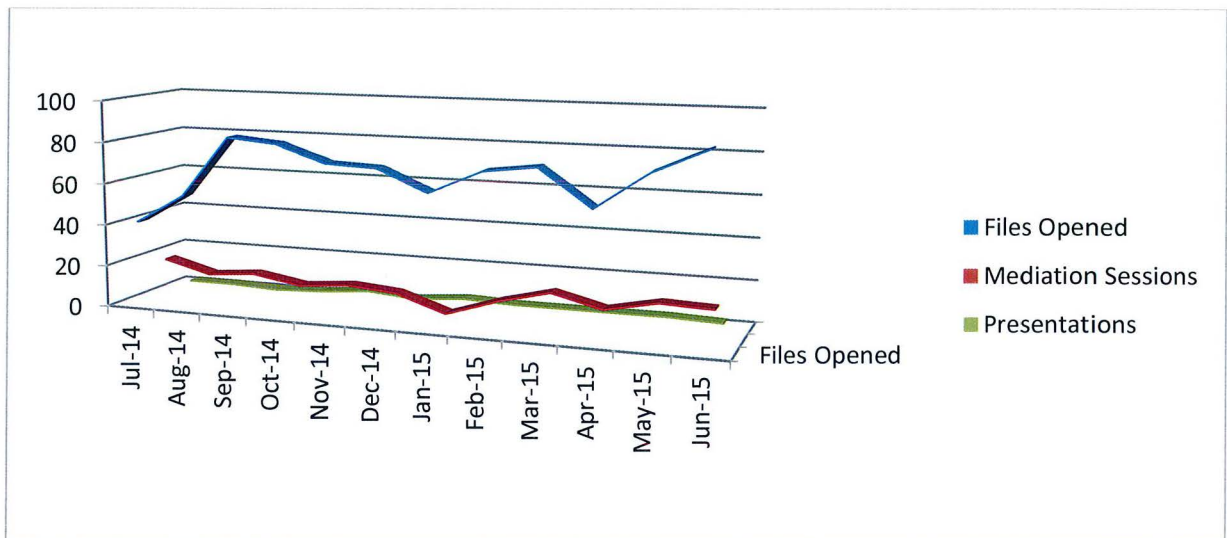
Information on how to make a complaint is provided to parties as part of the CJC mediation sessions. Complaints not related to the outcome of the mediation are forwarded to Consultative Council pursuant to the *CJC Act*. No complaints were raised this financial year

98% clients (either strongly agreed or agreed) were 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?	87%	3%	9%	0%	0%
Were you treated fairly by the CJC?	91%	9%	0%	0%	0%
Were you satisfied with the timeliness of the service (initial contact, mediation and referral) provided?	86%	10%	4%	0%	0%
If a friend was in a similar situation as you, would you advise them to use the CJC?	97%	3%	0%	0%	0%
Were the mediators professional?	92%	8%	0%	0%	0%
Were the mediators neutral?	100%	0%	0%	0%	0%

**c. Mediation Session file numbers**

	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	total
Files Opened	41	55	84	82	74	73	63	74	77	60	77	88	848
Mediation Sessions	18	12	14	10	12	10	2	10	16	10	15	14	143
Presentations	2	2	1	2	4	2	4	3	3	3	3	2	31



## D. Complexity Matrix

During this reporting period the CJC collected data that captures the complexities of the operations of the CJC.

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

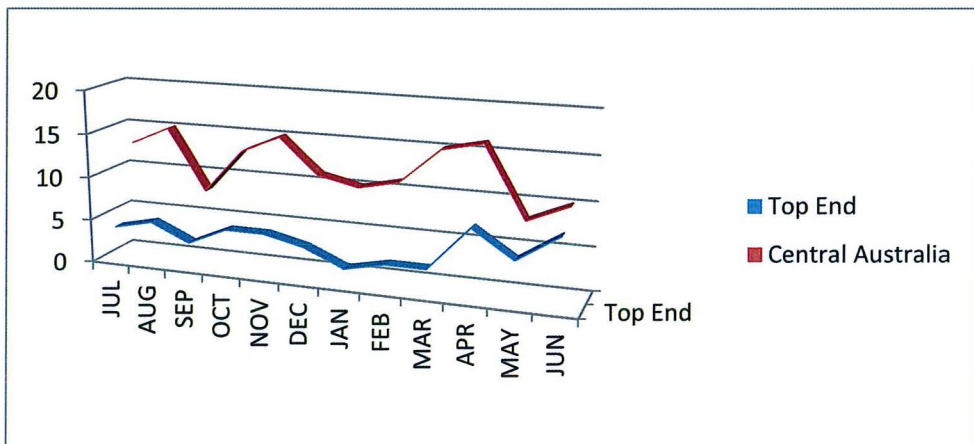
Would rank as very highly (16/20) by applying the complexity matrix as opposed to neighbourhood mediation over barking dogs in the CBD (4/20).

**Complexity of the Mediations by region**

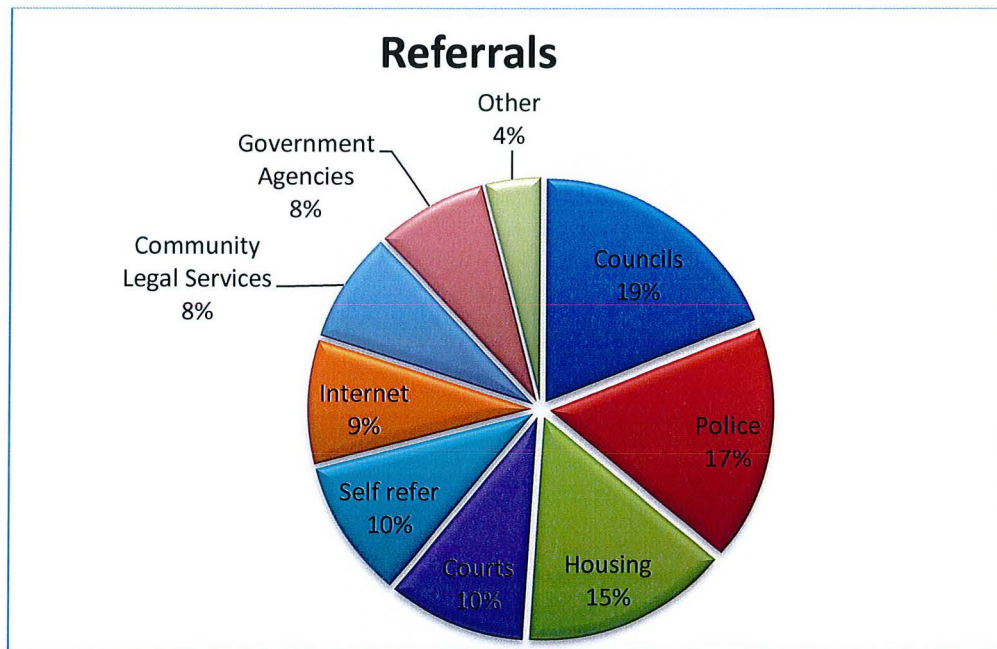
Central Australia	Complexity Score Central Australia	Average complexity per file	Top End	Complexity Score Top End	Average complexity per file
JUL	40	13	JUL	65	4
AUG	20	15	AUG	55	5
SEP	22	8	SEP	88	3
OCT	47	13	OCT	65	5
NOV	30	15	NOV	88	5
DEC	22	11	DEC	121	4
JAN	55	10	JAN	40	2
FEB	12	11	FEB	130	3
MAR	56	15	MAR	155	3
APR	50	16	APR	129	8
MAY	30	8	MAY	88	5
JUN	70	10	JUN	111	8

**Comparison of complexities by regions**

Whilst Central Australian mediation matters comprise 21% of the CJC mediation files. The average complexity score for all files opened in Central Australia (12) is more than double the complexity of mediations delivered the Top End (4.6).

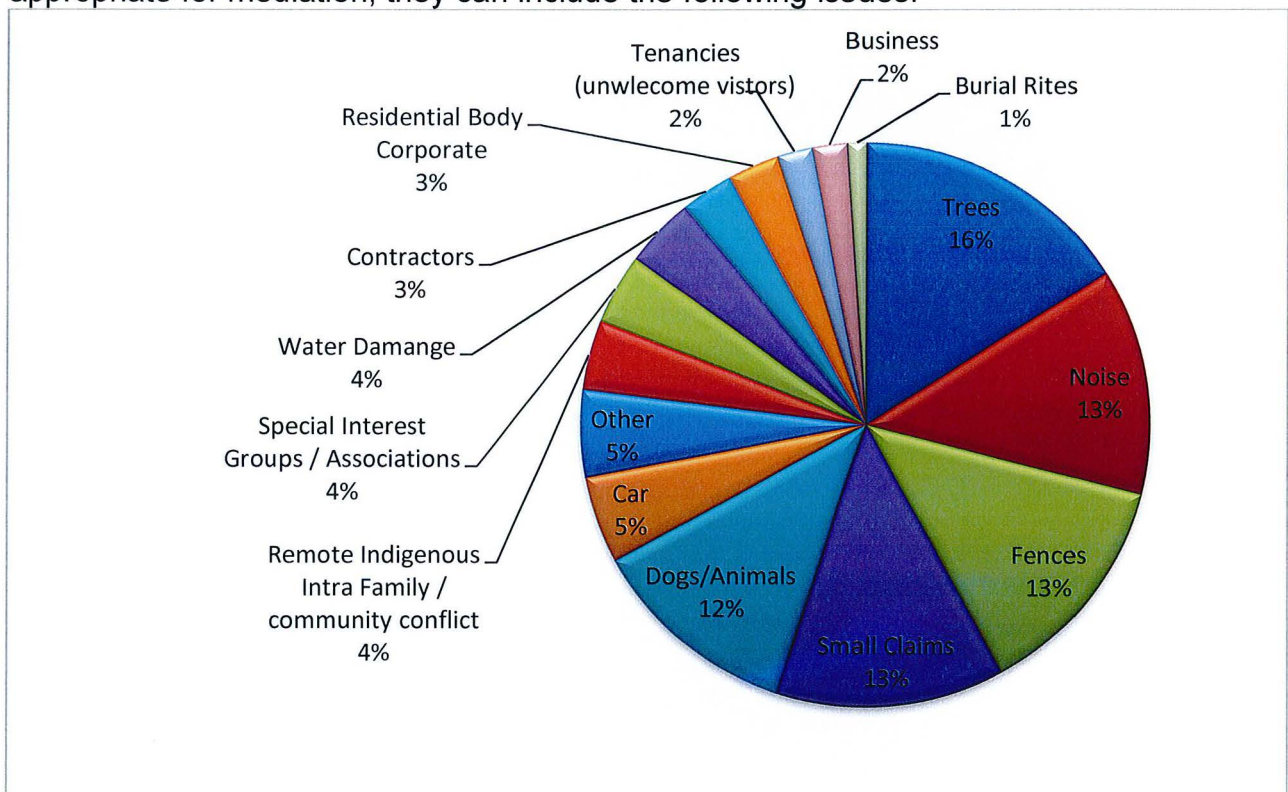


### E. Source of referrals



### F. Dispute types

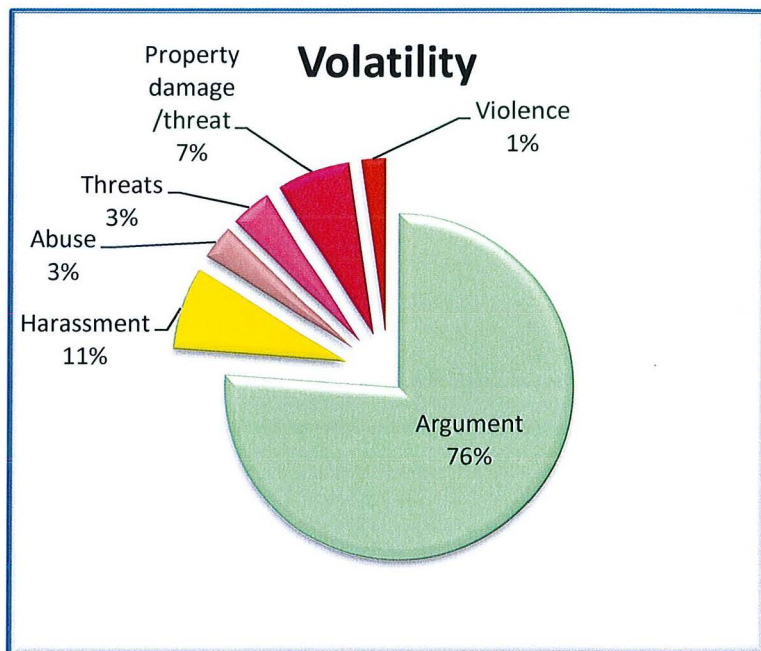
Communities experience a wide range of disputes and although not all are suitable or appropriate for mediation, they can include the following issues:



## G. Intensity of mediated matters

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

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



## H. Presentations

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

- Police
  - ~Auxiliary Squads
  - ~Stations
  - ~Neighbourhood Watch
- Charles Darwin University
- National Neighbourhood day
- National Mediation Conference
- Anglicare / Resolve NT
- Territory Housing / Affordable Housing / Public Housing Safety Officers
- Private and public legal service providers
- School Principals
- Special Interest Groups / Sporting Clubs and Associations
- NT Institute of Sports
- Local Councils
- Electorate Office Staff
- Body Corporate Agencies
- Youth Justice Unit

## **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 within 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 were 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 Alternative Dispute Resolution and to that extent contributes to data collection, research, evaluation, and 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)
- Guest presentations at CDU Law School,
- Coaching at Leading Edge Alternative Dispute Resolution workshops
- Office of Youth Affairs, Chief Minister Youth Round Table – Peer Court project.