

**Community Justice Centres**  
2001-2002 Annual Report

***Conflict Management and  
Mediation Services***

NSW Attorney General's Department



**Community Justice Centres**



The Honourable R J Debus,  
Attorney General

Dear Minister,

I have the honour to present, pursuant to section 31(1) of the **Community Justice Centres Act 1983**, the nineteenth Report of the Community Justice Centres' Council. The report covers the year ending 30 June 2002.



Community Justice Centres Council  
Judge Robyn Tupman  
Chair  
2002

## Contents

Chairperson's Message . . . . .	4
Goals . . . . .	5
Key Objectives . . . . .	5
The Council . . . . .	5
Organisational Chart . . . . .	6
The Mediators . . . . .	6
Director's Report . . . . .	8
<i>Strategies for Maintaining a Quality Service</i> . . . . .	8
<i>Training</i> . . . . .	9
<i>The Managers, Staff and Mediators</i> . . . . .	10
<i>Future Directions</i> . . . . .	12
<i>An Unusual Public Service</i> . . . . .	12
<i>Towards a Reflective Practice</i> . . . . .	13
Regional Highlights . . . . .	14
Budget . . . . .	17
Service Delivery . . . . .	18
Case-load . . . . .	19
Outcomes . . . . .	19
<i>Outcome sought by Party A</i> . . . . .	20
Referral Source . . . . .	21
<i>Disputes most likely to be resolved</i> . . . . .	21
<i>State Government Referrals</i> . . . . .	21
<i>Local Court Referrals</i> . . . . .	22
Disputes . . . . .	23
<i>Nature and complexity of disputes</i> . . . . .	23
<i>Relationship between parties</i> . . . . .	24
<i>Legal action status</i> . . . . .	24
<i>How serious are the disputes?</i> . . . . .	25
The service user profiles . . . . .	26
Glossary of definitions . . . . .	28
Appendix A - Geographical location of Party A . . . . .	29
Appendix B - Categories of "Nature of Disputes" . . . . .	30

## Chairperson's Message

The 2001-2002 reporting year witnessed the completion of the CJs' statewide expansion.

In a mere 2.5 years, the CJs has:

- ❖ expanded its service area from being located in a relatively small geographic area bounded by the Sydney, Newcastle, Wollongong metropolitan conglomerate to include the whole of the state and such far flung places as Tibooburra, Lightning Ridge, Broken Hill, Wentworth, Eden and Tweed Heads
- ❖ expanded its service type from only providing mediations to include the whole range of conflict management strategies
- ❖ re-structured its administrative and service arms to enable the streamlining of services within a regionalised context
- ❖ changed the way it utilises the skills of mediators and staff
- ❖ confirmed its commitment to the community mediation model which it helped to pioneer when the CJs commenced in the pilot program of 1980, and
- ❖ done so without undue strain on the public purse.



Much of the credit for this achievement must go to Margie O'Tarpey, who resigned as Director in early May 2002, to the CJs' Council members who supported the new focus for the organisation, and of course to the Directorate staff, and to the Coordinators, Staff and Mediators in the Regions who worked so hard to make it happen.

Specific to the reporting period, several innovative events occurred:

- ❖ the CJs launched its first statewide training program for mediators and staff
- ❖ the CJs' Professional Reference Group, comprising managers, staff and mediators, held its inaugural meeting to look at quality issues regarding the theory and practice of alternative dispute resolution
- ❖ the CJs' Training Group, comprising managers and mediators, was formed to provide trainers to conduct the statewide training program
- ❖ the CJs' Occupational Health & Safety Committee, comprising managers, staff and mediators was formed to look at the complexity of OH&S issues facing such a widespread service.

Not to be left out is the recommendation, in June, from Quality Management Services to the Quality Industry Council that the CJs be accorded status as a quality organisation.

It has been a time of great innovation for the CJs, and there is more to come as the move towards the tailoring of CJs' services to meet specific community needs progresses.

On behalf of my fellow Council Members, I congratulate the Director, Managers, Staff and Mediators for their passion and commitment.

A handwritten signature in blue ink that reads "Robyn Tupman".

**Judge Robyn Tupman**  
**Chair, CJC Council**

## Goals

*To contribute to the safety and harmony of communities by improving individual, group and community responses to and resolution of conflict.*

*To provide quality mediation and conflict management services for metropolitan and regional NSW.*

*To provide services that are confidential, impartial, accessible and voluntary.*

*To empower people to take ownership of the dispute and assist the parties by the transference of skills and knowledge to the community on dealing with and resolving conflict.*

## Key Objectives

- ❖ The provision throughout NSW of accessible, innovative, appropriate and diverse conflict management and mediation programs which are benchmarked with national and international best practice.
- ❖ Tailored services and programs which meet the needs of Aboriginal & Torres Strait Islander communities, people from culturally diverse backgrounds, and people with disabilities.
- ❖ The continuing development of a quality organisation, accredited by an external national standards body, with a priority of promoting equity, safety and harmony in the workplace and ensuring the organisation is fiscally responsible and monitors risks.
- ❖ Effective and diverse communication strategies for staff, mediators, the media, stakeholders and the community relevant to a state wide service.
- ❖ Maintaining existing mediation services and refining infrastructure and administrative functions across the regions.
- ❖ The establishment of partnerships with key stakeholders within the Attorney General's Department and with related government and non-government agencies in order to promote a whole of government approach to the management of conflict in the community.

### **The Council:** as at 30 June 2002

Judge Robyn Tupman  
Chair, nominated by the Attorney General

Mr Gary Still  
Magistrate, nominated by the Chief Magistrate

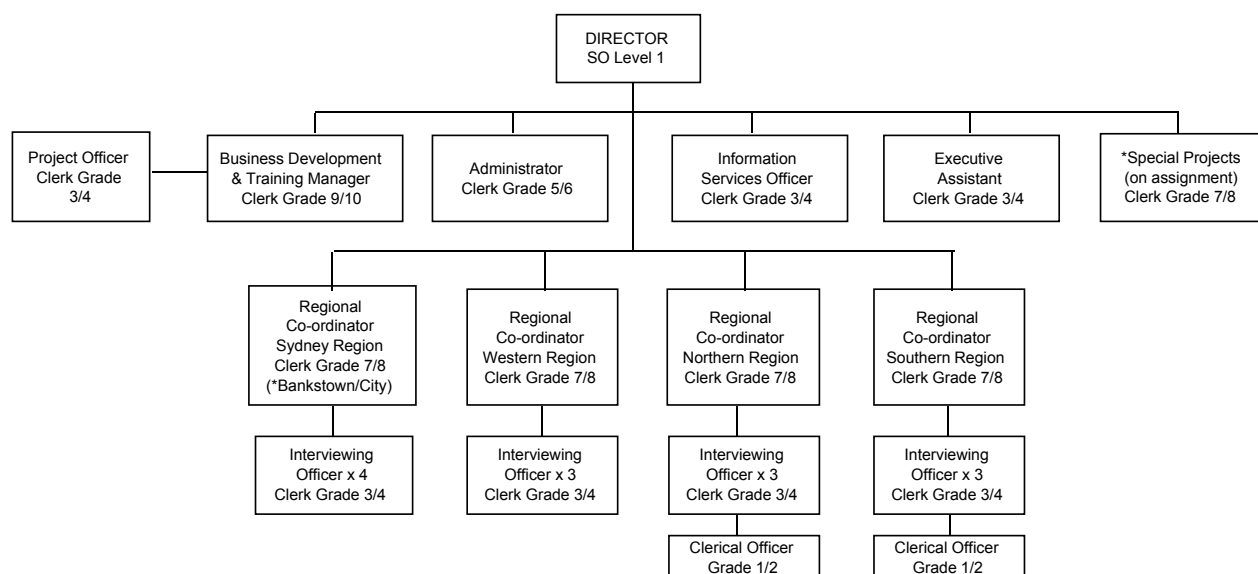
Ms Kylie Nomchong  
Member, nominated by the Attorney General

Ms Mary Perkins  
Member, nominated by NSW Council of Social Services (NCOSS)

Ms Veronica Black  
Member, nominated by the Attorney General

Ms Robynne Quiggin  
Member, nominated by the Attorney General

## Organisational Chart – as at 30 June 2002



### 551 Mediators employed on a sessional basis

#### The Mediators accredited during the period 1 July 2001 - 30 June 2002

Tim Abbot	Katherine Blewitt	Peter Comino	Monica Dutton	Monika George
Maha Abdo	Pam Bonfield	John Commins	Rob Ebert	Mary-Jane Gerson
Renica Adam	Lynton Borland	Derek Cooke	Trudi Edman	Kenneth Gibson
Nicola Addison	Robyn Bosley	Janelle Cooke	Susan-Ann Edmonds	Morgan Gielis
Salu Ahmed	Jan Bowley	Jim Coombs	Frank Edwards	Richmond Gill
Mary Aiken	Merrill Boyd	Connie Cooper	Gwen Edwards	Malcolm Goddard
Jeff Ainsworth	Carmel Boyko	Stephen Corry	Glen Eggleton	Andrew Goffe
Beverley Alexander-Fisher	Gwen Bradley	Eric Coulter	Joanne English	Betina Goldsmith
Deborah Algar	Phillip Britten	John Courcier	Alana Eslick	Valentin Gomez
Shabina Ali	Kayleen Bromley	David Coutts	Renee Estrella	Mari Gonzalez
Bev Alland	Sally Brough	Leoni Cowling	Basil Evangelinidis	Robyn Gooden
Jeff Allport	Bernadette Brown	Margaret Craig	Wendy Eveleigh-Ford	Joy Goodman
Janice Anderson	Elizabeth Brown )	Nancy Crane	Catherine Farland	Scott Goodwin
Denise Angus	Denis Bruce	Bernice Creasy	Katrina Faulkes-Leng	Ivan Goozeff
Sheree Antonello	Paula Bruce	Darlene Crump	Barbara Ferguson	Allan Gordon
Karen Apps	Deborah Buckley	Ian Cruwys	Helen Ferry	Jan Gouma
Janine Arbuckle	Bronwyn Budd	Guy Cumes	Sue Fick	Bernard Govind
Anne Ardagh	Joseph Bufalo	Jackie Curran	Vicki Findlay	Caisley Graham
Barbara Armitage	Yvonne Burgess	Regina Daenell	Beth Finlayson	Catherine Graham
Linda Attard	Don Burgin	Robert Dailey	Margaret Fitzgerald	Martin Graham
Belinda Austen	Marcelle Burns	Julie Dale	Leonie Fleming	Donal Gray
Lina Ayfandis	Anita Calabria	Lynne Dalrymple	Boronia Foley	Sylvia Gray
Katrina Bailey	Jan Campbell	Nihal Danis	Keryn Foley	Ann Grenfell
Malcolm Bailey	Don Campey	Nicolle d'Argue	Patrick Foley	Sharon Grose
Sue Bailey	Jennifer Cannon-Galvin	Dawn Davies	Jim Foran	Rod Groves
Alex Bainy	Jill Carlon	Louise Davies	Jeanne Francis	Silvana Gruber
Martin Baker	Maureen Carter	Peter Day	Christine Fraser	Elvis Guzik
Michelle Barbero	Donna Cass	Dawn de Ramirez	Pat Frater	Clarice Doreen Haley
Gay Barclay	Denys Cato	Cornelia De Wel	Suzanne Freed	Barbara Hall
Natalie Baricevic	Maria Cencigh	Geoffrey Delamotte	Gwenda Frencham	Neil Halliday
Luke Barrett	Debbie Chapman	Peter Delimahalis	Dick Frost	Janet Hallinan
Peta Bassingthwaight	Terry Chapman	Gabriela den Hollander	Ian Fulford	Mike Hallinan
Peter Bates	Danny Chard	Micheline Dewdney	Sarnia Gainey	Melinda Halloran
Joanne Bathurst	Ruth Charlton	Daniel Dharmendra	Gargi Ganguli	Julie Halls
Wendy Bauer	Bradley Chenoweth	Menka Dilevski	Susan Gaon	Diane Hamer
Leon Bean	Robyn Claremont	Lila Dimoski	Janelle Gardiner	Peter Hanson
Margaret Beard	Alun Clark	Kelly Dines	Sharyn Gardiner	Rita Harland
John Beath	Paul Clark	Ralph Dixon	Neville Gasmier	Clare Harris
Tracey Begg	Melba Codemo	Alan Doak	Samuel John Gaston	Chris Harvey
Carla Billinghurst	Helen Collins	Heather Donnelly	James Geikie	Leah Harvey
Suzi Bird	Jane Collins	Janette Duckett	Linda Gentles	Richard Harvey
Ken Blackall	Suzanne Collum	Heather Dunn	Megan George	Joy Hatherall
		Elizabeth Dunne		Kylie Hawdon

Desmond Hawkins	Katie Lahodny	Jill Munday	Tony Richards	Reg Thompson
Tony Hay	Rachel Lancaster	Roseanne Murphy	Patricia Rickman	Verlyn Thompson
Warwick Haynes	Tracey Leddin	Virginia Murphy	Brian Rigney	Jane Thompson-Powter
Chris Hedley	Clyde Lee	Dolf Murwood	Caroline Rimmer	Ian Thurgood
Elizabeth Henderson	Man-Chung Lee	Marrie Myers	Catherine Riordan	Harry Thurlow
Thea Heness	Valerie Lee	Tim Myles	Tina Rizzo	Steve Tickner
Kay Higgs	Phil LeMay	Liza Nagy	Pauline Roach	Joli Tie
Jennifer Hill	Annette Leslie	Sarda Nana	Ray Robinson	Susan Tod
Robert Hirst	Jennifer Lewis	Jovanka Naumoska	David Rollinson	Ewan Tolhurst
Joan Hofland	Paul Lewis	Peter Neilson	Lyn Rolls	Lesley Torpey
Janene Holt	Nicole Lihou	Helen Nguyen	Margaret Rooney	Maree Townsend
Mishka Holt	Teik Hok Lim	Linh Nguyen	Louise Rosemann	Rita Tratt
Rebecca Holzgal	Lyall Lindbeck	Halley Nicholson	Peter Ross	Terri Treglown
David Hong	Mola Livapulu	Peter Nicola	Jo-Anne Rossi	Angela Tuhoro
Geoffrey Hopkins	Sally Lovelock	Rita Nicoll	Violet Roumeliotis	Isileli Tuitavuki
Steve Hotchkiss	Madeleine Loy	Lyn North	Jane Rudd	John Tunncliffe
Kerrie Houlihan	Susan Lyell	Garry Northcote	Sandra Ruiz	Jane Turnball
Steve Hudson	Mary Maddison	Wayne Nugent	Lynette Russell	Matt Turner
Vic Huggins	Vishnu Maharaj	Peter O'Brien	Margaret Russell	Simon Turner
Geoffrey Humphries	Mark Mallia	Karen O'Connell	Casey Ryan	Craig Underwood
Simon Hunter	Les Mandelson	Darrin Ohannessian	Nick Sabel	Robert Vaisey
Stan Hurley	Joy Mann	Leza Oliver	Elinor Salter	Melissa Valentinis
Tom Hynes	Chrissiejoy Marshall	Denis O'Neill	James Samphier	Theo Van Der Veen
Christopher Irons	Georgina Marshall	Gaelle O'Neill	Gary Sandri	Alexandra Van Gendt
Juley Jackson	Marie Marshall	Doreen Orcher	Armando Scandurra	Judith Vayro
Stacey Jacobs	Doris Martin	John O'Reilly	Dorene Schafferius	Laurene Veness
Narelle James	Patrick Martin	Louise O'Sullivan	Virginie Schmelitschek	Nicholas Vlastos
Joe Jenkins	Monica Martinez	Margie O'Tarpey	Susana Sekali	Andrew Vodic
David JerebGraham	Elena Marzolla	Jillian Owen	Stephnie Sell	Stefan Vogelsang
Johnson	Wendy Mason	Dennis Oxman	Bruce Sellick	Craig Walker
Judy Johnson	Robyn McClung	Jevan Paea	Cheryl Sewell	Brenden Walters
Sharyn Johnson	Vicki McConachie	Tina Page	Gayle Sheridan	Sue Waterhouse
David Johnston	Helen McConkey	Ellen Palmer	Beverley Sherwin	Peter Watkins
Ralph Johnston	Phillip McConkey	Patricia Panik	Elizabeth Shields	Margaret Watters
Sandra Johnston	Thomas McDermott	Georgia Papaleontiou	Natalie Short	Marilyn Waugh
Christine Jones	Allan McDonald	Kathy Parker	Helen Shuttleworth	Kerryn Weeden
Felix Jones	Elizabeth McEntyre	George Pender	Jennifer Simmonds	John Weeding
Joy Jones	Stephen McFadden	Cheryl Peterson	George Simpson	Maree Weigh
Judy Jones	David McGuigan	Laurie Pettiford	Ronald Simpson	Robert Weir
Peter Jordan	Greg McKay	Barbara Phillips	Trish Sleigh	Vicki Weller
Nicholas Juarez	Isobel McKay	Kara Phillips	Barbara Smees	Rex Wendt
Nesli Karadeniz	Pamela McKenzie	Linda Phillips	Christine Smith	Annie West
Spase Karoski	Rosemary McKenzie	Stanley Phung	Lorraine Smith	Bob Westwood
Ildiko Kasa Ritzema	Rosemary McKenzie	David Pilkington	Sandra Smith	Larry Whipper
Edith Kearns	Tara McLachlan	Mario Pinto	Shane Smith	Cheryl White
Robyn Kellie	Sheridan McMahan	Roslyn Poole	Wendy Smith	Peter Wick
Cathy Kelly	Anthony Melville	Peter Popovich	Ross Smithers	Lyn Wilkie
John Kelly	Wendy Merchan	Narelle Porter	Frances Smyth	Christopher Williams
Loretta Kelly	Doug Merrett	Ted Powell	Paul Snaidero	Ian Williams
Wayne Kelly	Glenda Messina-Ray	Adrian Powles	Frank Sommer	Janice Williams
Wayne, E Kelly	Wendy Meury	Kelly Price	Teresa Spedone	Michael Williams
Jennifer Kendrick	Robert Michie	Patricia Price-Jones	Eugenia Spyrides	Mark Williamson
Debbie Kerr	Mark Milbrya	Jenni Prince	Katrina Spyrides	Patrice Willis
Meera Khan	Felicity Mildon	Nicole Prior-Sproal	Jeanette Steele	Elizabeth Wing
Sonia Kind	Deidre Miles	Abe Quadan	Kim Stevenson	Rob Winston
Louise Kinsky	Rocky Mileto	Josie Quigley	Brenda Stewart	Ron Witton
Gabrielle Kirby	Sarah Mills	David Redwin	Tony Strahan	Peter Wolfe
Jack Kiss	Heather Minifie	Donna Reece	Margot Sullivan	Henry Wong
Judy Knight	Victoria Mitchell-Reeves	Wallace Rees	Janet Sutherland	Michael Wood
Veronika Korchma	Aishad Mohammed	Wallace Rees	Stella Sykiotis	Tosca Woodward
George Krzoska	Theresea Mohylenko	Cait Regan	Nefley Takacs	Joanne Wright
Wendy Kubel	Jillian Moir	Lesley Reid	Bev Taylor	David Wright-Smith
Lawrence Kwong	Michelle Moloney	Margaret Renaud	Faye Taylor	Leanne Wynne
Sam La Delfa	Yvonne Monaghan	Dolores Reseigh	Robyn Taylor	Kerrie Yates
John Lacey	Beth Moran	Stuart Revill	Tony Taylor	David Yeomans
Vio Lachmaiya	Connie Morris	Josephine Reyes	Judi Teesdale	Steve York
Eduardo Laginha	Bob Muir	Barbara Richards	Kate Telley	Brian Young
Leonie La-Hay	Caroline Muir	Dianne Richards	Gaye Thompson	Helen Zilm
		Pam Richards		



## Director's Report

### COMPLETION OF STATEWIDE EXPANSION

The CJs' statewide expansion, which commenced in 2000, was completed in the 2001-2002 reporting year with the recruitment and training of community mediators from the Monaro, the Murray and the Far West.

To accommodate this expansion, the CJs was restructured over a period of two years and now operates with four Regional Offices as well as the Directorate. The reporting year witnessed the amalgamation of the two Sydney Region administration units with some staffing changes in both the Sydney and Western Regions. Yet to be achieved is the restructure of all management positions.

Whilst there will no doubt be some fine-tuning of service areas in the next reporting period, including the recruitment of new mediators in "top-up" programs, the basic statewide structure is now in place.

Similarly, there is still some work to be done in up-skilling our new mediators to take on some of the more complex conflict management matters, however, basic mediation services are now able to be provided locally throughout the state.



### STRATEGIES FOR MAINTAINING A QUALITY SERVICE

The expansion of the service into such geographically diverse and frequently isolated and remote locations has brought with it considerable challenges with regard to maintaining quality standards of service provision.

Five key strategies have been adopted in the reporting year to assist in the area of quality control: the CJs' Professional Reference Group; the CJC's Statewide Training Program; the CJC's Trainer's Group; the CJs' Occupational Health & Safety Committee; and the CJs' Flexible Service Delivery Team.

#### Professional Reference Group

It was recognised that the organisation needed a Professional Reference Group to provide guidance and support to the Director and the Regional Coordinators to ensure that the CJs' mediation and conflict management service conforms with best practice principles and is the recognised industry leader by:-

- ❖ strengthening links with CJs' management, mediators, staff and communities throughout New South Wales
- ❖ developing links with, and appreciation of other dispute resolution providers
- ❖ identifying, researching and exploring the boundaries of what is acceptable and appropriate in mediation and conflict management processes
- ❖ identifying, researching and exploring the boundaries of the future directions of the CJs' mediation and conflict management service
- ❖ identifying and developing the theoretical and philosophical framework of the CJs' mediation and conflict management service
- ❖ assisting with the development of the CJs' principles of mediation and conflict management services within the CJs' commercial framework and budget

Membership of the Professional Reference Group comprises mediators from all four CJs' regions, and representatives of the CJs' Management Team, interviewing officers, administrative staff, and mediators from particular interest groups, e.g., the CJs' Aboriginal & Torres Strait Islander Network, the CJs' Training Group and some key stakeholder groups.

The members are: Sharon Grose, Robyn Claremont, Peter O'Brien, David Rollinson, Louise Davies, Anne Ardagh, Theo Van Der Veen, Robin Winston, Gargi Ganguli, Tony Strahan, Frank Edwards, Katrina Spyrides, Tom McDermott, Melissa Valentinis, Jillian Owen, Annie West, Sarah Mills, Mishka Holt (Executive Officer) and Janet Hallinan (Chair).



## CJCs' Statewide Training Program

The first Statewide Learning and Development Calendar was designed in the first half of the reporting period and came into effect in the 2002 calendar year. In this period, sixteen courses have been planned to be conducted in ninety sessions in twenty locations throughout the state.

The training program was designed to meet the expanding knowledge and skill levels of mediators and staff, whilst at the same time providing an opportunity to reinforce standardised responses and increase the number of occasions which mediators can meet with each other and their supervisors to discuss dispute management theory and practice.

Coming together in training also facilitates team identification amongst mediators, staff and supervisors and enhances camaraderie in the organisation.

## CJCs' Training Group

The CJCs' Training Group consists of mediators from all four regions who have been trained in presenting the various programs of the CJCs' Learning & Development Calendar. Coordinators are also members of this group, and some Coordinators are also trainers.

Sixteen mediators, all of whom had to have extensive experience as a trainer, were selected and put through a rigorous train-the-trainer program. Mediators from the Training Group are now conducting the whole of the CJCs' training program.

The Trainers are: Katrina Spyrides, Louise Davies, Anne Ardagh, Kate Blewitt, Brian Young, Robin Winston, Helen McConkey, Philip McConkey, Theo Van Der Veen, Lyn Rolls, Janet Sutherland, Sue Waterhouse, Annie West, Leslie Torpey, Lorraine Smith, Judi Teesdale, John Courcier, Robyn Claremont and Janet Hallinan (Chair).

## CJCs' Occupational Health & Safety Committee

It took some time to come into being, but the reporting year witnessed the formation of the CJCs' Occupational Health & Safety Committee, comprising mediators, staff and management. Tony Hay and Terry Hannan from the Public Service Association are thanked for the invaluable contribution they made to the formation of the Committee.

Several matters of longstanding concern have been identified, particularly in relation to travel, venues and the management of aggressive clients. The Committee and Management are working closely together in an attempt to come to grips with these issues, made more complex by the diversity of our geographic service delivery.

Members of the Occupational Health & Safety Committee are: Tony Hay (Chair), Janet Hallinan, Janet Sutherland, Tom McDermott, Mari Gonzales, Gwen Edwards, Andrew Goff, Brian Young and Ray Robinson.

## CJCs' Flexible Service Delivery Team

Part of the Department's commitment to tailoring services to clients with special needs, the CJCs' Flexible Service Delivery Team has undergone considerable training in the reporting year and is now focussing on the identification of client needs and appropriate responses to those needs. The next reporting year should witness several changes in the way in which we meet specific client's dispute resolution needs.

Members of the Flexible Service Delivery Team are: Judi Teesdale (Facilitator), Caroline Rimmer, Tony Strahan, Desmond Hawkins, Carmel Boyko, Bob Dailey, Simonn Stratton and Katrina Spyrides.

## Other Quality Achievements

### *CJCs Aboriginal & Torres Strait Islander Network*

Members of the Network met several times in the reporting period to work on the design of the most appropriate model of service delivery to Aboriginal and Torres Strait Islander communities. The Network has also oversighted and/or engaged in several training programs for Aboriginal staff of the Attorney General's Department during the reporting year.

Whilst the design and consultation processes are continuing, the contribution of the Network members must be acknowledged. Our thanks to: Loretta Kelly, Frank Edwards, Bob Dailey, Liz McEntyre, Nicole D'Argue, Sarah Mills, Georgina Marshall, Rebecca Holzgal, Narelle James, Narelle Carter, Bernadet Brown, Vio Lachmaier, Connie Cooper, Bob Westwood, Marcelle Burns and Chrissiejoy Marshall.

### *Basic Mediation Training Review*

A review of the CJsCs' Basic Mediation Training (BMT) program was conducted by Janet Hallinan (Chair), Annie West, Janet Sutherland and Robyn Claremont, with the course being re-written by members of the Mediator Working Party - Robyn Claremont (Chair), Helen McConkey, Philip McConkey, Kate Blewitt and Silvana Gruber. The revised course was trialed in Wagga Wagga by Louise Davies, in Broken Hill by Theo Van Der Veen, and in Sydney by Robyn Claremont.

### *Accreditation Policy*

A series of focus groups were held throughout the state of managers, mediators and staff to determine the most appropriate way of establishing continuing accreditation policy and procedures guidelines. Louise Davies worked extensively on this project and the focus groups were run by Margie O'Tarpey, Janet Hallinan, Annie West, Janet Sutherland, and Melissa Valentinis.

### *A Quality Service Provider*

The organisation underwent an extensive program of review as part of its attempt to be deemed a quality service provider by the Quality Industry Council. Policies and procedures manuals were reviewed, designed and/or re-written. Margie O'Tarpey was the driver of this program, ably supported by Mishka Holt, Louise Davies, Donna Reece and Judi Teesdale. Quality Management Services recommended the CJsCs as a quality service provider to the QIC in June.

## **THE MANAGERS, STAFF AND MEDIATORS**

### **Mediators**

With 551 mediators, the CJsCs is the largest provider of mediation services in Australia. It is the mediators who are the face of the CJsCs. Their dedication and commitment to the CJsCs and to their communities and, most importantly, to the theory and practice of mediation: to being "the local people who assist local people resolve local issues locally": is impressive.

During the reporting year, we welcomed three new panels of mediators.

#### *Monaro Panel*

For a long time now we've realised that there was a great un-tapped resource in the many excellent mediators in the ACT who work for the Dispute Settlement Centre. A two-day conversion course was provided to those ACT mediators who are interested in working for us in the Goulburn/Queanbeyan/Yass areas.

We welcomed Chris Yong, Brian Proctor, Lawry Herron, Sarah Morris, Purnima Gurung, Darren Grear, Jenifer Lemon, Barbara Hicks, Carol Hibberson, Rosemary Willis, Shobha Joseph, Annette Crotty, Geoff Blackett and Gabrielle Jess.

#### *Murray Panel*

At long last, we now have mediators trained to provide mediation services to the communities along and north of the Murray River.

We welcomed Jan Gouma, Wayne Nugent, George Pender, Kate Telley, Gwen Bradley, Wendy Bauer, John Commins, Janelle Cook, Connie Cooper, David Redwin, Rob Ebert, Barbara Richards, Bernice Creasy, Keryn Foley, Tracey Leddin, Merril Boyd, Sharyn Gardiner, Peter Hanson, Warwick Haynes and Angela Tuhoro.

#### *Far West Panel*

We thought it might never happen, but we have finally trained people in Broken Hill and Bourke to provide a service for the communities in the Far West of the state.

We welcomed Joanne Bathurst, Sue Caon, Neville Gasmier, Megan George, Leah Harvery, Richard Harvey, Thomas Hynes, Philip Le May, Nicole Lihou, Vishnu Maharaj, Doreen Orcher, Robyn Taylor, Craig Underwood and Andrew Vodic.

#### *Farewell*

Several mediators resigned or retired during the reporting year: Ken Blackall, Jill Carlon, Jim Coombs, Lynne Dalrymple, Daniel Dharmendra, Joanne English, Martin Graham, Clare Harris, Susan Lyell, Mary Maddison, Michelle Maloney, Dolf Murwood, Barbara Phillips, Paul Snaidero, Tony Taylor, Stefan Vogelsang, John Weeding and Ron Witton.

Thank you for your efforts over the years.

## Managers

The members of the CJs' Management Team in the reporting year included Margie O'Tarpey (Director), Janet Hallinan (Business Development & Training Manager, and in the last two months of the year, Acting Director), Judi Teesdale (Special Projects Manager), Janet Sutherland (Northern Region Coordinator), Pauline Roach and, in the last two months of the year in an acting capacity, Bruce Sellick (Sydney Region Coordinator), Sarah Mills (Southern Region Coordinator) and Annie West (Western Region Coordinator).

The management challenges resulting from the state-wide expansion have been enormous. The fact that, as an organisation, we have met most of those challenges can be credited to the achievements of the members of the Management Team.

There are still some hurdles to be overcome but the importance and value of the commitment and dedication of the managers cannot be overstated.

## Staff

Of course, the bulk of the day-to-day response to the CJs' service expansion has rested on the capable shoulders of the CJs' staff. At the regional level, Interviewing Officers and Clerical Officers have worked tirelessly to respond to the demands placed upon them to provide a state-wide service in such a short time-frame and with so few additional resources.

Regional staff during the reporting year include: Mari Gonzales, Lina Ayfandis, Deborah Grogan, Jillian Owen (Western Region); Bruce Sellick, Cheryl White, Bernadette Brown, David Wright-Smith, Connie Morris, Georgia Dimakos, Robb Paul, Juliet Payne (Sydney Region); Menka Dilevski, Nicole Prior-Sproal, Simon Stratton, Alissa Tran, Carroll Nicolaidis, Nola Martignoles (Southern Region); Ross Smithers, Melissa Valentinis, Michele Barbero, Bob Dailey, Vicki Weller (Northern Region).

At the Directorate, a small team has provided executive, financial, administrative and IT support for all programs. Tom McDermott, Donna Reece, Aishad Mohammed and Mishka Holt are to be congratulated for rising to the challenge.

## Management and Staff changes

There have been several management and staff changes in the reporting period.

Margie O'Tarpey, the CJs' Director since March 1999, resigned in early May 2002 to take up the position of Chief Executive Officer, Local Government Managers' Association of Australia (NSW Branch).

In her three years with the CJs, Margie oversaw the state-wide expansion of the CJs and the internal restructure which had to occur in order to support such a massive exercise.

Margie's leadership also witnessed:

- ❖ a 20% increase in the CJs' budget at a time of general cut-backs across the public sector
- ❖ an expansion of the CJs' service types to include conflict management, facilitation and pre-mediation
- ❖ the formation of several key partnerships (Local Courts, The Office of Public Guardian, Department of Community Services)
- ❖ and an increasing awareness of the value and role of CJs' services.

Other staff members to leave the organisation during the reporting year include:

- ❖ Pauline Roach, Coordinator of the Sydney CJs since April 1996, who accepted a secondment to the Roads and Traffic Authority
- ❖ Aishad Mohammed, Executive Officer since 1984 - retired
- ❖ Bernadette Brown, Interviewing Officer Sydney CJs since 1998 - moved to the Department of Education & Training
- ❖ Cheryl White, Interviewing Officer, Sydney CJs since 2000 - moved to Department of Corrective Services
- ❖ David Wright-Smith, Interviewing Officer, Sydney CJs since 2000 - moved to the NSW Ombudsman's Office
- ❖ Deborah Grogan, Interviewing Officer, Western CJs since 2000 - retired.

Our thanks go to each of them for the tremendous support they have given the CJs over the years.

In the reporting year, we welcomed the following staff members:

- ❖ Jillian Owen, Interviewing Officer, Western CJs
- ❖ Georgia Dimakos, Interviewing Officer Sydney CJs
- ❖ Robb Paul, Interviewing Officer, Sydney CJs
- ❖ Juliet Payne, Interviewing Officer, Sydney CJs

In addition:

- ❖ Connie Morris, Interviewing Officer, Sydney CJs, took extended leave for most of the year
- ❖ Judi Teesdale, Coordinator Sydney CJs, returned from her secondment to Legal Aid NSW and is now seconded to the CJs Directorate as a Special Projects Manager
- ❖ Natalie Short continued her secondment to the Drug Court.

## **FUTURE DIRECTIONS**

Having focussed extensively in the past three years on providing geographic community-specific services, the CJs will now focus on developing culturally-based community-specific responses to conflict.

Our first focus in this new service area will be the Aboriginal and Torres Strait Islander communities throughout the state. We hope to report next year of the establishment of the Aboriginal & Torres Strait Islander CJs, having revised our recruitment and training programs and our mediation models to ensure our services meet each community's dispute management needs in a culturally-appropriate manner. We intend to recruit and train at least two Aboriginal & Torres Strait Islander Mediator Panels in the coming year.

We envisage that this enhanced community focus will in future enable us to more appropriately provide services to ethnic communities (e.g., Muslim, Vietnamese, etc.), and other communities of interest where special services may be required (e.g., Housing tenants, young people, health services, etc.).

In addition, we anticipate that the next reporting year will see:

- ❖ the provision of alternative dispute resolution services to the Children's Court and formal partnership arrangements with the Court
- ❖ the establishment of a formal partnership with the NSW Police Service to provide services which support community policing strategies
- ❖ the formalisation and benchmarking of the CJs training programs and services
- ❖ some more fine-tuning of geographic services and management and administrative structures.

## **AN UNUSUAL PUBLIC SERVICE**

As the longest-operating continuous government-provided mediation service in the world, the CJs is unique in the dispute resolution field.

The reporting year was the 22nd year of operation for the CJs. Throughout its existence, the CJs has been committed to the community mediation model. To operate this model from within the context of government provision is also unique to the CJs.

The CJs' structure is equally unusual in the public sector context in that it is comprised of public servants (the managers and staff), community members (the CJs' Council) and Ministerial Appointees (the mediators).

This public sector hybrid brings with it many challenges, not least of which is the need to have a clear understanding of differing roles and responsibilities. At the same time we must ensure that we work together to form a cohesive whole within a government context without compromising the Community Justice Centres Act (1983) or the underlying philosophy of the service.

Each sector of the organisation makes a significant contribution to the overall achievement.

As the primary providers of mediation and conflict management services, mediators form the backbone of the CJs' operations. Being Ministerial Appointees they are outside the public service, and yet are subject to many of the demands of the public service (e.g., policies and procedures, financial constraints, government imperatives). Mediators also have close ties to the communities from which they are drawn, and on occasion may experience conflicts of interest between their role as Ministerial Appointees and their involvement with their communities.

Working within the usual constraints of a government department, managers and staff provide administrative and organisational support to the mediators, as well as first-contact response to individuals, organisations and communities in conflict. As Departmental officers, they have very clearly defined responsibilities and boundaries. However, they have to work collaboratively with mediators and Council members, who, on occasion, have different demands and outcome-interests than the public servants and the Department and Government they serve.

Council members provide guidance and advice to the CJs' Director on policy and future direction, and yet the Director reports within normal public sector reporting structures, none of which are influenced by the Council. The reasoning behind the Council's existence was that it would be a body of people who are independent of the direct service providers (the Department, the public servants and the mediators) and, as a representative sample of the wider community, would provide a community voice directly to the Minister.

The structural challenge for the future, which will be addressed in the coming reporting year by a review of the Act, will be to see what of the original concept it is prudent to keep, what is no longer necessary in an established service, and what may be sensible to include (or vary) to maintain the integrity of this unusual public service.

## **TOWARDS A REFLECTIVE PRACTICE**

Mid-way through the reporting year, the CJs commenced a three-year focus for its mediation and conflict management theory and practice.

Based on Michael Lang and Alison Taylor's book, *The Making of a Mediator: developing artistry in practice* (San Francisco: Jossey-Bass, 2001), the CJs has made a whole-of-organisation commitment to reflecting on all aspects of the theory and practice of mediation and conflict management. Mediators, staff and managers are individually, collectively and organisationally encouraged to "reflect in action" and "on action".

By asking the question:

*What is the kind of knowing by and in which competent practitioners engage?* (Schon, cited in Lang & Taylor)

the reflective mediator can move towards/along the path to artistry. In applying the following principles and methods, they:

- ❖ engage in a continual process of self-reflection (reflecting-in-action and reflection-on-action)
- ❖ rely on theory to guide and inform their practice
- ❖ use the process of experimentation to test their observations, perceptions and formulations of the experiences, beliefs and needs of their clients
- ❖ are willing to see perspectives other than their own, to experience surprise
- ❖ are open to new information about their practices: as lifelong learners, they are open to new strategies and techniques
- ❖ do not see themselves as experts, but they acknowledge that both they and their clients have expertise to bring to bear on the conflict.

The reflective mediator, staff member and manager reflects in and on the CJs' services, and thereby reflects the CJs' commitment to self-determination, empowerment and recognition.



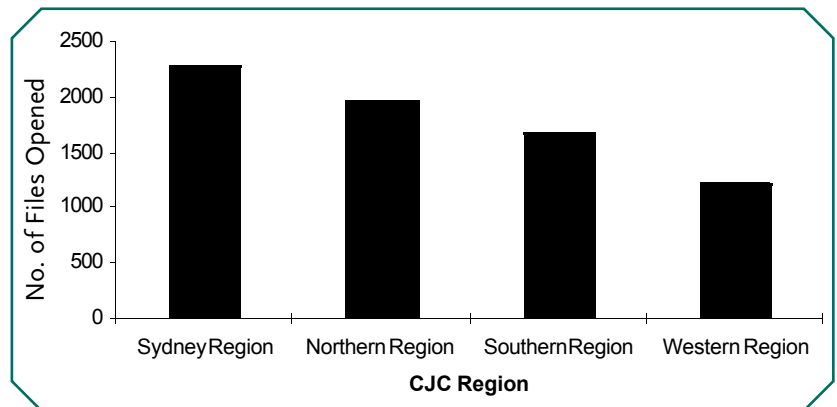
**Janet Hallinan**  
Acting Director

## Regional Highlights

CJCs is divided into four regions:

- ❖ Sydney Region
- ❖ Southern Region
- ❖ Northern Region
- ❖ Western Region

Graph 1 - Number Files Opened by CJCs Regions



### SYDNEY REGION

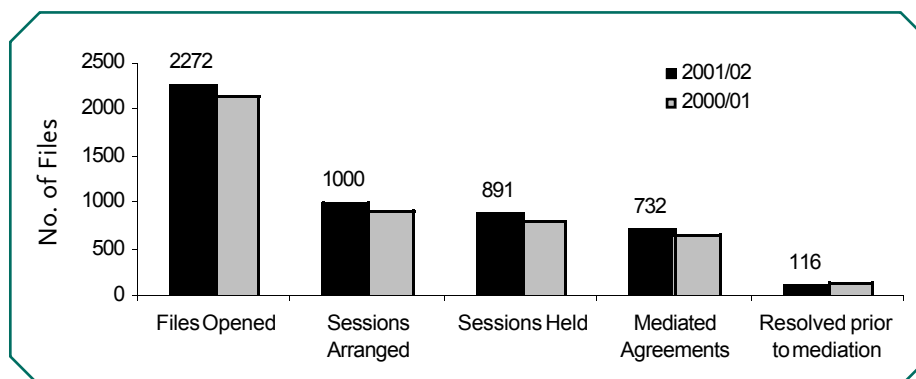
2001-2002 has been a major challenge in the Sydney Region with the merging of the Sydney Regional offices. The merge has involved combining two separate administrative units within the Sydney Region (Bankstown and City) into one administrative unit. The new Sydney Region admin unit has been operating from the existing Sydney premises on a temporary basis while planning for the re-modeling and refurbishment of the Bankstown premises takes place. Work is expected to be underway and hopefully completed in the next reporting period.

Business has continued as usual and mediators and staff have all performed well under trying circumstances, particularly as new administrative staff have been recruited and trained during this period. Despite these challenges, growth in business was sustained and the year ended with an increase over the previous year in files opened (↑6%), sessions arranged (↑9%), sessions held (↑10%), mediated agreements (↑11%) and number files resolved prior to mediation (↓11%).

There was a major increase in the number of referrals from Local Courts (up 23% from previous year) and local councils (up 20%). There was a rise in the number of clients finding out about CJC services via the Internet, with an increase of 81% from the previous year. Local Courts was by far the largest referrer during the year, followed by Local Government, previous users, the Internet and Department of Housing.

Business disputes were increased by 95% from the previous year which coincides with the increased number of referrals received from the local courts, particularly in the area of civil and small claims.

Graph 2 - Sydney Region 2001-02 Case-load





## NORTHERN REGION

The Northern CJC has continued its expansion and now services all communities bordered by the region: North from the Central Coast to Tweed Heads along the Queensland border through Mungindi and south to Lightning Ridge and through the Northern Tablelands to the Hunter Valley and Newcastle back to the Central Coast.

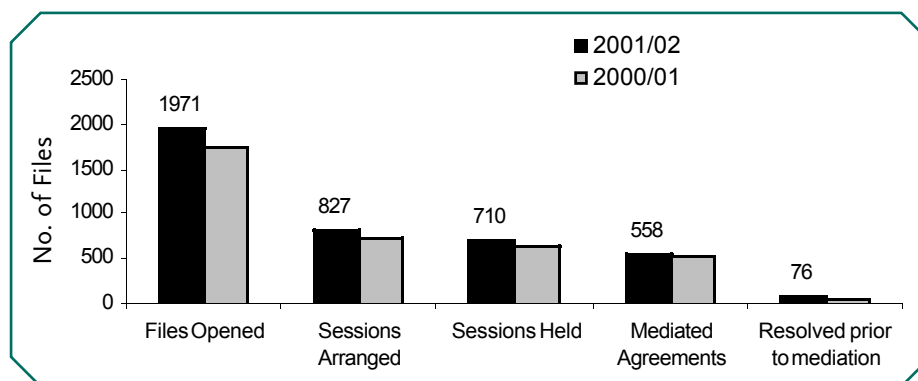
Staff continued to adapt, refine and introduce new administrative, communication and community development strategies to assist with the expansion. Growth in business was sustained and the year ended with an increase over the previous year in files opened (▲12%), sessions arranged (▲11%), sessions held (▲8%), mediated agreements (▲3%) and number of files resolved prior to mediation (▲19%).

Two major highlights of the year have been involvement in Law Week activities in Newcastle, Armidale and Tamworth and successfully conducting twenty-four stakeholder forums in the second half of the reporting period. The improvement in the number of referrals from the new areas is a reflection of this. More varied and complex referrals were received in addition to the 'standard' of previous years. More solicitors are referring disputes and real estate agents are taking an interest in using CJsCs' services early in conflicts – particularly with neighbours of their tenants.

Face-to-face pre-mediation continues to help prepare clients involved in more complex matters and matters involving potentially disadvantaged and disempowered clients, while interest in conflict management is steadily increasing as successes here become known.

A priority for the next reporting period is the consolidation and maintenance of our more established stakeholders – particularly in the Newcastle / Lake Macquarie areas.

Graph 3 - Northern Region 2001-02 Case-load



## WESTERN REGION

This was a very busy and productive year for Western CJsCs as we completed the geographic expansion of the service to cover the entire region, systems reviews to upgrade administrative processes, staff changes, community education programs, development of local partnerships with key stake holders and continued to provide excellent mediation and conflict management services to the region.

Growth in business was sustained and the year ended with an increase over the previous year in files opened (▲10%), sessions arranged (▲23%), sessions held (▲26%), mediated agreements (▲28%) and number of files resolved prior to mediation (▲9%).

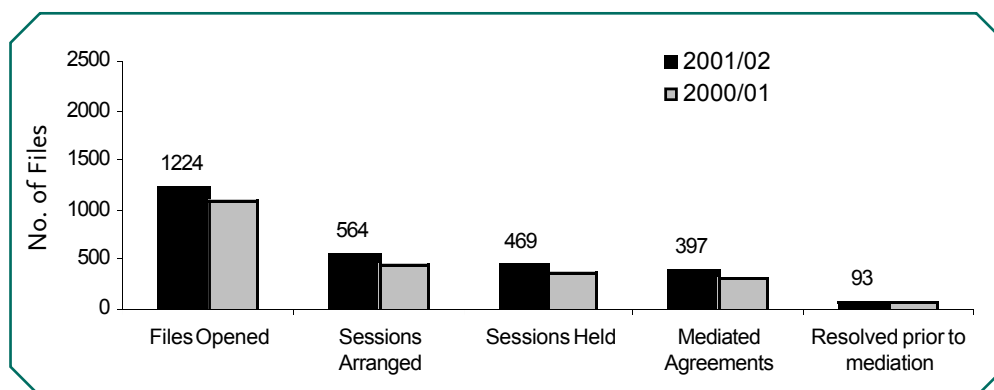
There are now over 100 mediators throughout the region from Blacktown to Broken Hill, and Mudgee to Grenfell. These include our newer panels in the Central West and Orana areas who have been operating for 12 months and the newly established panel in Far-Western NSW who completed their training in June 2002.



While Local Courts remains the most significant referrer of matters to mediation we have also seen an increase in workplace conflicts from a variety of sources and extended family disputes indicating a greater community awareness of the service than in previous years. We have also seen clients who have had a positive experience of mediation request matters be referred to mediation because 'the mediators help keep them on track'.

This was accomplished through a sometimes fierce determination of staff and mediators to make the unworkable work and the overwhelming achievable. We see the next year as a year of consolidation after having achieved geographic coverage of the region. We will then work to ensure that our service meets the varying needs of individuals and communities throughout the region through strategic partnerships with other service providers and stake holders.

Graph 4 - Western Region 2001-02 Case-load



## SOUTHERN REGION

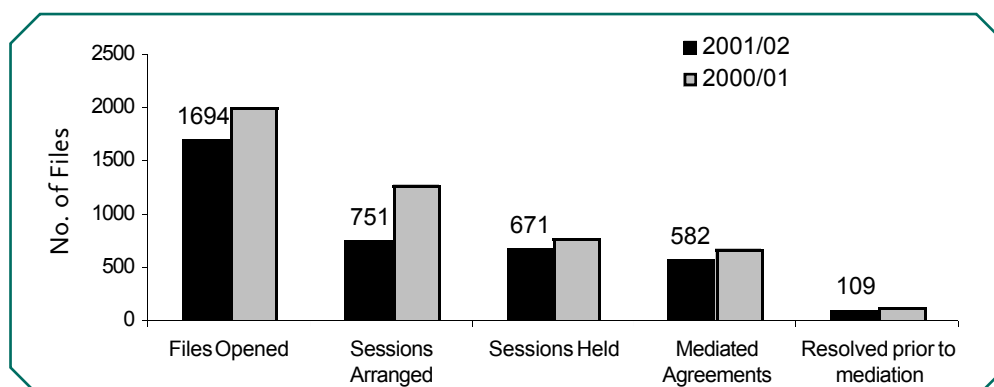
The Southern Region administrative functions were merged in July 2001. The merge has involved combining two separate administrative units within the Southern Region (Wollongong and Campbelltown) into one administrative unit. The new Southern Region admin unit has been operating from the existing Wollongong premises leaving Campbelltown premises as a mediation venue to service the Macarthur area. Recruitment of two Interviewing Officers took place in September with officers taking up positions in December.

Recruitment and training of mediators for the new Murray panel was completed in March and a Conversion course was conducted for ACT trained mediators to enable them to mediate for CJs in the Southern Region. The selection process has been completed for training to service the Far South Coast with the course beginning in the next reporting period.

Local Court list day activities began in January 2002, at the request of the circuit Magistrate. Regular monthly services are provided in Narrandera, Leeton, Griffith, Deniliquin and Hay to inform the public of CJC services, to conduct pre-mediation interviews and receive referrals.

The Southern Region participated in Law Week activities from 13th to 18th May providing information to the public and court staff at Campbelltown and Wollongong Local Courts. Information sessions were also conducted in high schools including judging mediation competitions.

Graph 5 - Southern Region 2001-02 Case-load



## Budget

The CJs' expenditure for the 2001/2002 reporting period was **\$2,992,000**, this was an over-expenditure of **\$42,000**. The overall deficit has decreased from the last reporting year, this indicates CJC has been fiscally responsible and managed well within budget given the additional demands on the service.

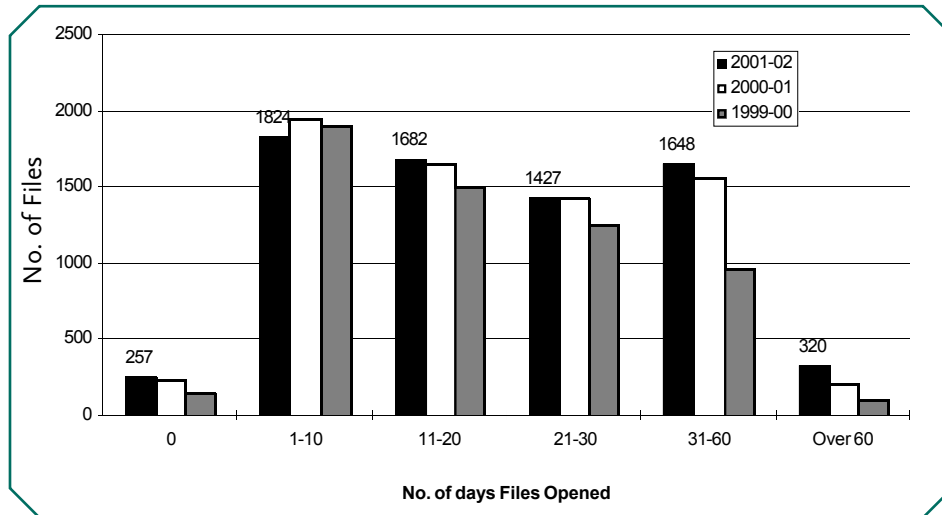
Mediation is provided as a free service to the public and is an inexpensive form of dispute resolution. Mediators are paid for the time they spend mediating, with a minimum of two hours paid for each attendance. Mediators receive an hourly rate of **\$21.49** and an additional leave loading as well as travel time when travelling in excess of 1/2 hour.

COMMUNITY JUSTICE CENTRES 2001/2002 BUDGET EXPENDITURE			
DETAILED BREAK-UP	YEAR-TO-DATE		
	Actual (\$'000)	Budget (\$'000)	Variance (\$'000)
<b>TOTAL REVENUE</b>	(34)	(10)	24
<b>Employee Related Payments</b>			
Salaries & Wages - Permanents	1,023	1,078	55
Salaries & Wages - Temporary	106	60	(46)
Allowances	3	5	2
Overtime	1	0	(1)
Leave Entitlements	169	11	(158)
Workers Compensation	10	9	(1)
Payroll Tax	129	121	(8)
Fringe Benefits Tax	0	0	0
<b>TOTAL EMPLOYEE PAYMENT (ex Crown Liab)</b>	<b>1,441</b>	<b>1,284</b>	<b>(157)</b>
Crown Liabilities	243	242	(1)
<b>TOTAL EMPLOYEE PAYMENT</b>	<b>1,684</b>	<b>1,526</b>	<b>(158)</b>
<b>Operating Expenses</b>			
Advertising	10	9	(1)
Consultancies	4	0	(4)
Contractors	0	1	1
Electricity & Gas	19	10	(9)
Fees	762	1,022	260
Freight & Cartage	0	2	2
General Expenses	9	6	(3)
Insurance	9	1	(8)
Interpreters & Translators	40	28	(12)
Lease of Equipment	1	2	1
Motor Vehicles	24	4	(20)
Postal Expenses	23	28	5
Printing	23	10	(13)
Publications	4	7	3
Rates & Outgoings	56	57	1
Removal Costs	1	0	(1)
Rental	366	395	29
Staff Expenses	7	5	(2)
Stores & Stationery	51	34	(17)
Telephones	85	23	(62)
Travel	84	27	(57)
<b>TOTAL OPERATING EXPENSES</b>	<b>1,578</b>	<b>1,671</b>	<b>93</b>
Total Maintenance	7	5	(2)
Depreciation & Amortisation	77	47	(30)
<b>TOTAL OTHER EXPENSES</b>	<b>84</b>	<b>52</b>	<b>(32)</b>
<b>TOTAL EXPENDITURE</b>	<b>3,346</b>	<b>3,249</b>	<b>(97)</b>
Less Revenue	(34)	(10)	24
<b>ACCOUNTING NCOS</b>	<b>3,312</b>	<b>3,239</b>	<b>(73)</b>
Less Crown Liabilities	(243)	(242)	1
Less Depreciation & Amortisation	(77)	(47)	30
<b>NET POSITION</b>	<b>2,992</b>	<b>2,950</b>	<b>(42)</b>
<b>CONTROLLED NCOS</b>	<b>2,992</b>	<b>2,950</b>	<b>(42)</b>

# Service Delivery

Matters are efficiently dealt with by CJs without waiting periods and delays, although some cases may take longer to finalise due to the complexity of the dispute and the willingness or time constraints of parties involved.

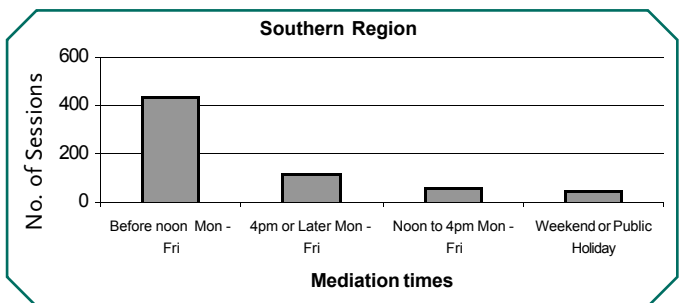
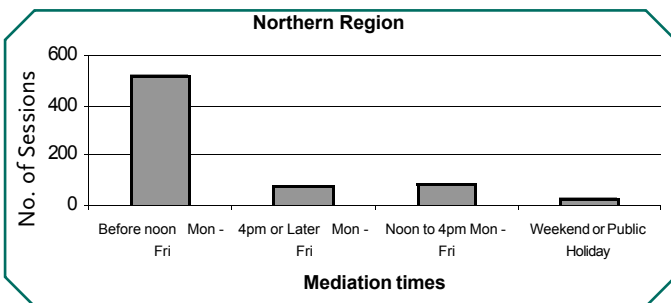
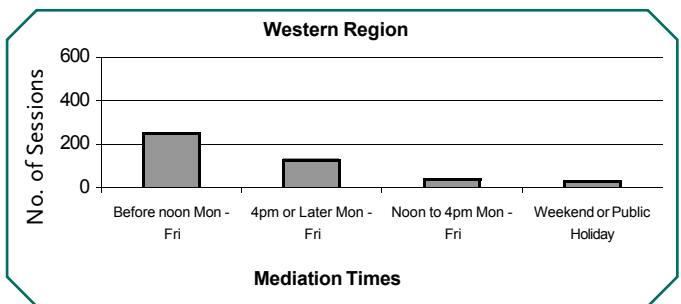
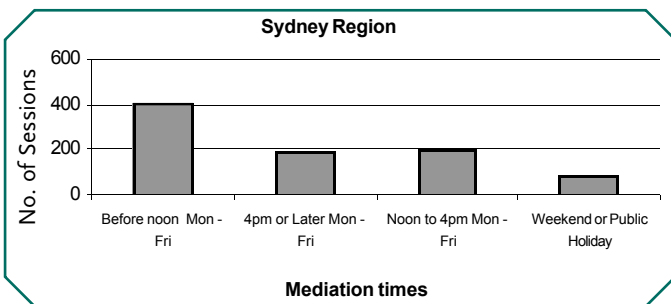
Graph 6 - Numbers of days Files Opened



- ❖ 53% of Files Opened were closed and finalised within 21 days
- ❖ 73% were closed and finalised within 30 days.
- ❖ 3 files active - pending outcome (as at 1 September 2002)

Although the intake processes which are carried out by full-time office staff are generally available only during normal office hours (9am - 5pm), the Administrative Units have always provided mediation sessions at times to suit disputants. The acceptance of, and demand for, this availability is demonstrated in Graphs 7 - 10 Scheduled times of mediation sessions by CJC Region. The number of sessions scheduled for 4pm or later (525) plus weekend sessions (206) totals 731 sessions, 27% of all sessions scheduled.

Graphs 7-10 - Scheduled times of mediation sessions by CJC Region



## Case-load

Files opened during the year under review totaled **7,161**. The Administrative Units also provided dispute advisory services for over **5,000** additional cases. This is an important service which assists people to explore options available to them and provides referrals to appropriate legal, counselling and other services. Of all files opened **2,663 (37%)** were resolved to the satisfaction of the disputants (this includes matters resolved without the need for mediation). Of the **2,729** matters which proceeded to mediation, **83%** ended in agreement.

## Outcomes

The Community Justice Centres Act 1983, Section 23 provides that:

- (1) Attendance and participation in mediation session is voluntary.
- (2) A party to a mediation session may withdraw from the mediation session at any time.

The experience of similar mediation projects in other parts of the world is that where mediation is a voluntary process, both parties will agree to a mediation session in about one third of all disputes. Our results have been consistent with this, with minor variations from time to time. In the 2001/2002 reporting period mediation was arranged in **3,142 (44%)** of files opened.

## Explanatory Notes on Outcomes

The method of recording outcome provides for a two-stage process:

### (a) Intake processes

- (i) A withdraws (Party A initially accepts CJs' offer to mediate but later withdraws)
- (ii) B declines (Party B responds to CJs' contact, but declines to mediate)
- (iii) B no contact (Party B does not respond to CJs' contact)
- (iv) Shuttle Mediation (Agreement reached communicating through CJs' staff) prior to formal mediation
- (v) CJC-assisted settlement  
(One party advises CJs that matter has been settled after initial discussions with Centre staff)
- (vi) CJC withdraws (CJC withdraws from intake process)
- (vii) Referral to other CJC
- (viii) Mediation session arranged

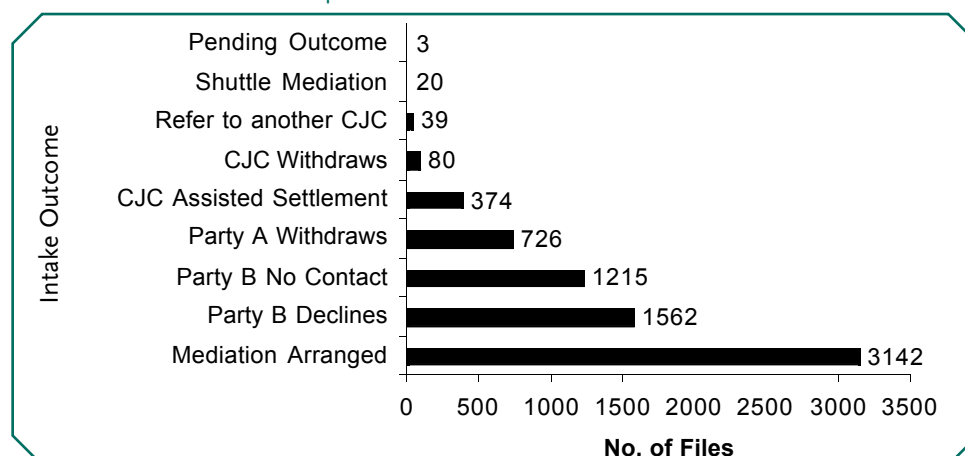
### (b) After both parties agree to a mediation session

- (i) Session cancelled by either party prior to the scheduled session
- (ii) No show by either or both parties at the time of the scheduled session
- (iii) Mediated agreement
- (v) Session held, no agreement reached
- (vi) Session held, Statement of Unresolved Issues
- (vii) CJC withdraws (CJC withdraws from the mediation session)

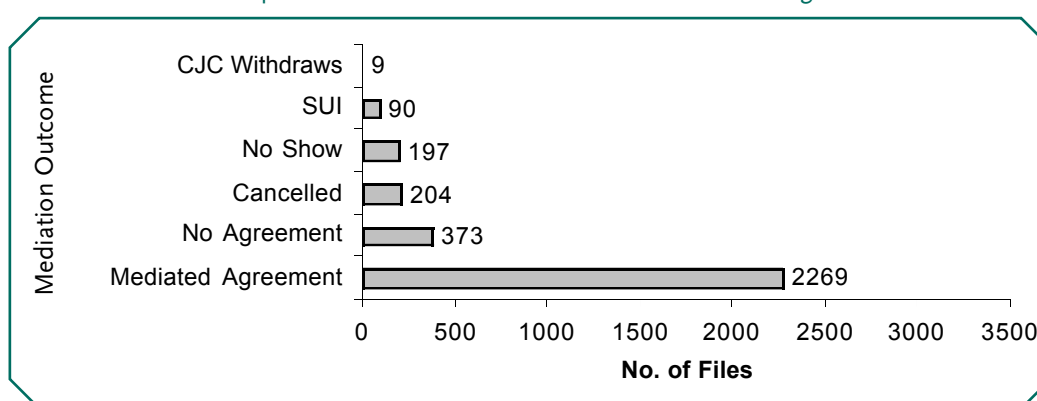
### *Why mediations do not occur*

- (1) *Party or Parties A, B, C may want to mediate but Party B or Party B, C, D may not. Mediation is voluntary. Parties cannot be compelled to attend.*
- (2) *Referral to CJC may result in parties withdrawing action or seeking alternative remedy.*
- (3) *Disputes are settled earlier, for example, by dispute counselling and early intervention.*
- (4) *More Party B's are declining mediation*
- (5) *Party A's are withdrawing*
- (6) *Some referrals are inappropriate*

Graph 11 - Outcome of Intake Process



Graph 12 - Outcome after Mediation has been Arranged



- ❖ In the year under review, a mediation session was arranged in **44%** of cases
- ❖ Where a mediation session was held, agreement was reached in **83%** of sessions
- ❖ In **17%** of cases, the Administrative Units were unable to contact, or had no response from Party B
- ❖ Party B declined in **22%** of all cases
- ❖ A further **394** disputes were resolved, without proceeding to mediation, to the satisfaction of the parties. CJC-Assisted Settlement and Shuttle Mediation resolved **6%** of all cases
- ❖ As at 1 September 2002 3 cases were active - pending outcome.

## Outcome sought by Party A

Most people coming to CJsCs had clear expectations. **58%** of presenting parties were seeking either withdrawal of court action, money or other compensation, specific action (for example, fence repairs), cessation of certain action, or “no contact” - all of which are, or could be, the subject of court proceedings.

Table1 - Outcome sought by Party A

Outcomes	No. of Files	% of Files
Ongoing Co-operation	3,006	42%
Specific Action	1,794	25%
Money/Compensation	906	13%
Cessation of Action	823	11%
Court Withdrawal	549	8%
Termination of Contact	83	1%
<b>Total</b>	<b>7,161</b>	<b>100%</b>

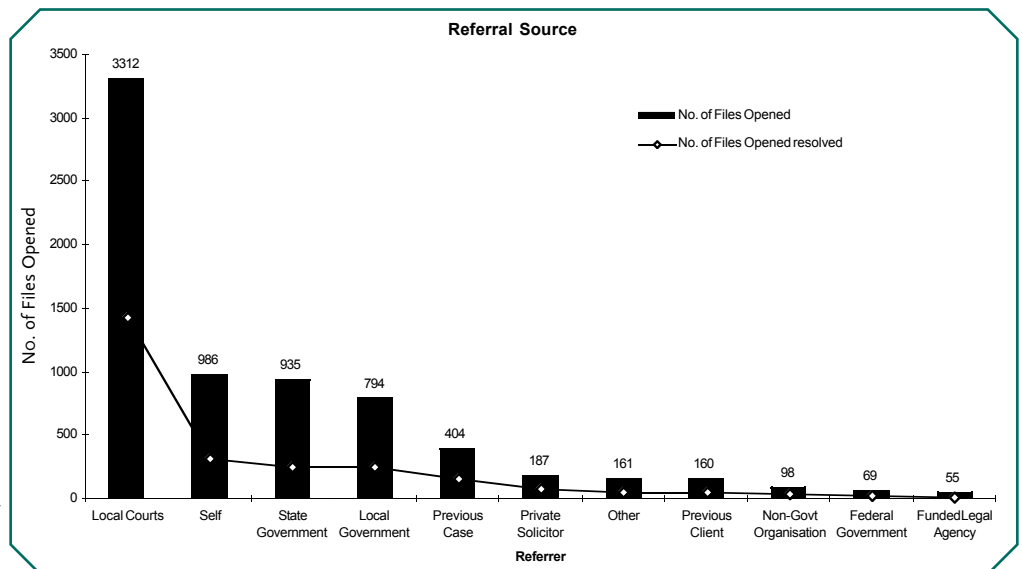
## Referral Source

The major source of referral for the year under review was Local Courts (46%), this is an increase of 173 files from the previous year. Referrals from legal sources totaled 57% of Files Opened, a slight increase from the previous year. The breakdown of the referrals is:

- ❖ magistrates (1,627),
- ❖ chamber magistrates (1,456),
- ❖ Police (380),
- ❖ private solicitors (187),
- ❖ registrars (229),
- ❖ Legal Aid (85),
- ❖ Legal Centres (55) and
- ❖ Family Court (33).

*Other - includes: mediators, trade unions, marriage counseling services, private sector (doctors, banks, personnel officers, real estate agents, fencing contractors etc.)*

Graph 13 - Referral Source



## Disputes most likely to be resolved

Disputes referred by Local Courts are most likely to be resolved. In the reporting period 43% of disputes referred by Local Courts were resolved. Resolution may be a mediated agreement, or an assisted settlement by Intake Staff. Clearly, by the time a dispute has gone to court, parties regard it as a serious matter and are more likely to be motivated to resolve the matter. See Graph 13 which indicates the number of files resolved for each referral source.

## State Government Referrals

Referrals from State Government total 937 (13%) of the case-load. See Table 2 – State Government Referrals for the breakdown of department and agency referrals.

Table 2 – State Government Referrals

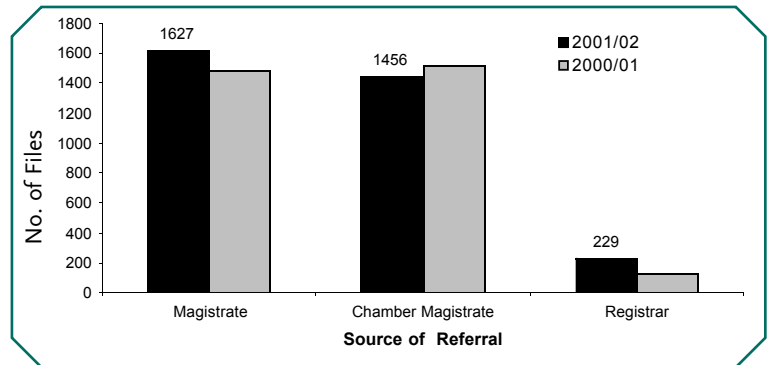
State Government Referrer	No. of Files Opened	% of files resolved
Police	380	26%
Dept. of Housing	296	22%
Legal Aid	85	36%
Dept. Fair Trading	62	24%
Dept. of Community Services	50	42%
Dept. School Education	23	57%
Dept. of Health	10	40%
Dept. of Corrective Services	6	33%
Aged Disability Housing	4	75%
Member of Parliament	4	50%
Office of the Public Guardian	4	25%
Residents Tenancy Tribunal	4	0%
Anti-Discrimination Board	2	0%
Environment Protection Authority	2	0%
Dept. of Juvenile Justice	1	100%
Ombudsman's Office	1	0%
Sydney Water	1	0%
<b>Total</b>	<b>935</b>	<b>27%</b>

## Local Court Referrals

Local Court referrals are broken into three groups of referrers: Magistrates, Chamber Magistrates and Registrars. The breakdown of referrals is demonstrated in Graph 14 Local Court Referrals.

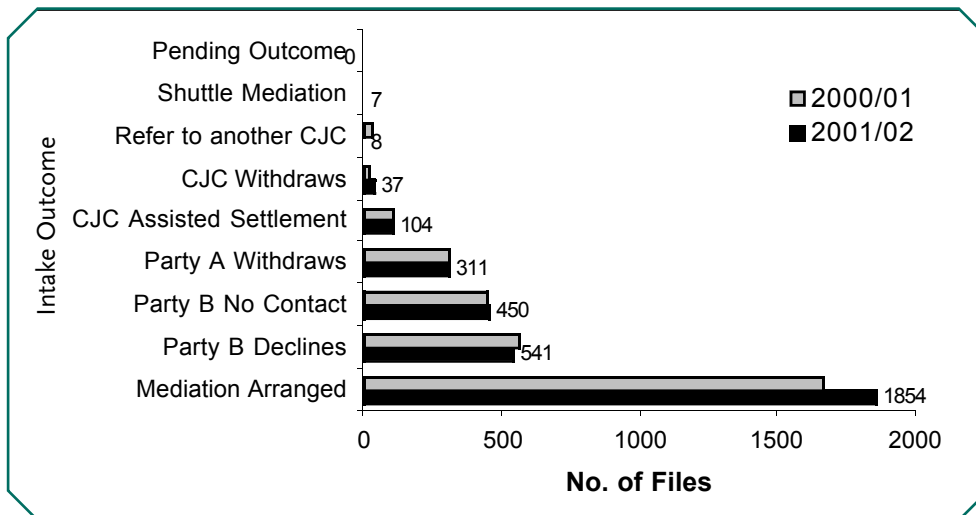
The outcomes of CJs' Intervention for Local Court referrals as a whole are demonstrated in Graph 15 Intake Process Outcomes and Graph 16 Outcome of after all parties agree to Mediation Process. There was a 5% increase in the number of mediated agreements from the previous reporting period.

Graph 14 - Local Court Referrals

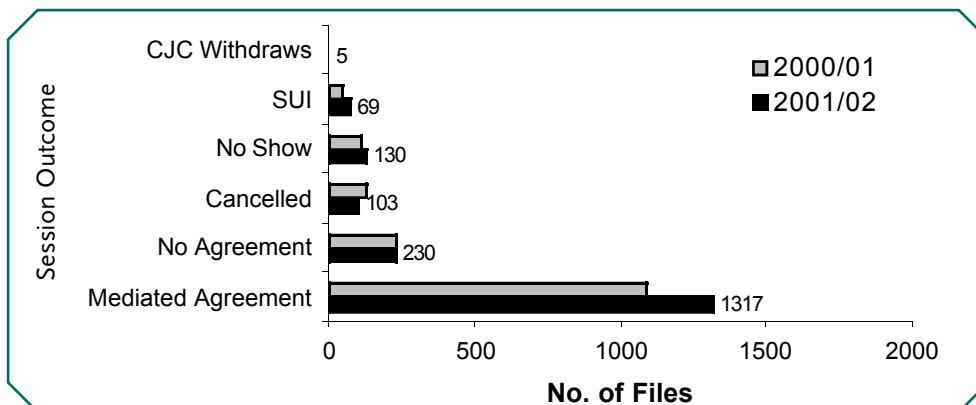


Information relating to Apprehended Violence Orders for Files Opened have been recorded from 1 September 2001. Of the 5859 files opened Apprehended Domestic Violence Orders were involved in 77 cases (1%) and Apprehended Personal Violence Orders were involved in 347 cases (6%).

Graph 15- Intake Process Outcome for Local Court referrals



Graph 16- Outcome after Mediation has been Arranged for Local Court referrals





# Disputes

## Nature and complexity of disputes

The data collected in this table is somewhat subjective: the complaints recorded depend upon the matter immediately important to Party A at the time of the interview, and, to a lesser extent, the individual recording style of the interviewing officer. Information is coded from the Party A interview only, so it is a conservative picture of the nature and complexity of the dispute.

The method of classifying the nature of dispute recognises the separate components of:

- ❖ the disputing behaviour (behavioural complaints); and
- ❖ the presenting problem, or specific problem (specific complaint).

For the reporting period:

- ❖ the number of behavioural complaints totaled 13,773;
- ❖ the number of specific complaints recorded for all cases totaled 8,737; and
- ❖ the average number of complaints per case was 3.

The most frequently mentioned complaints were:

### Behavioural Complaints

Inability to communicate . . . . .	2,451
Shouting, abuse . . . . .	1,895
Refusal to negotiate . . . . .	1,424
Money, debt . . . . .	1,075
Insults, taunts . . . . .	1,062
Repeated refusal or failure to act on complaints . . . . .	831
Repeated complaints, regarded as trivial by recipient . . . . .	654
Threats of violence - things thrown (missed) . . . . .	541
Noise - any source . . . . .	535
Harassment by letter or phone . . . . .	356

### Specific Complaints

Fence . . . . .	1,080
Family - Contact . . . . .	609
Children - Behaviour, noise, rudeness . . . . .	501
Visitors, Customers, Callers - Nuisance caused by . . . . .	444
Lifestyle, Environmental . . . . .	380
Plants, Trees, Shrubs . . . . .	372
Invasion of privacy . . . . .	362
Children - Nuisance caused by, Discipline of, Concern for care of . . . . .	336
Parenting Issues . . . . .	335
Family – Practical, specific incidents . . . . .	305

### See Appendix B -

Categories of “Nature of Dispute” for the complete list of specific and behaviour complaints recorded for the reporting period.

## Relationships between the parties

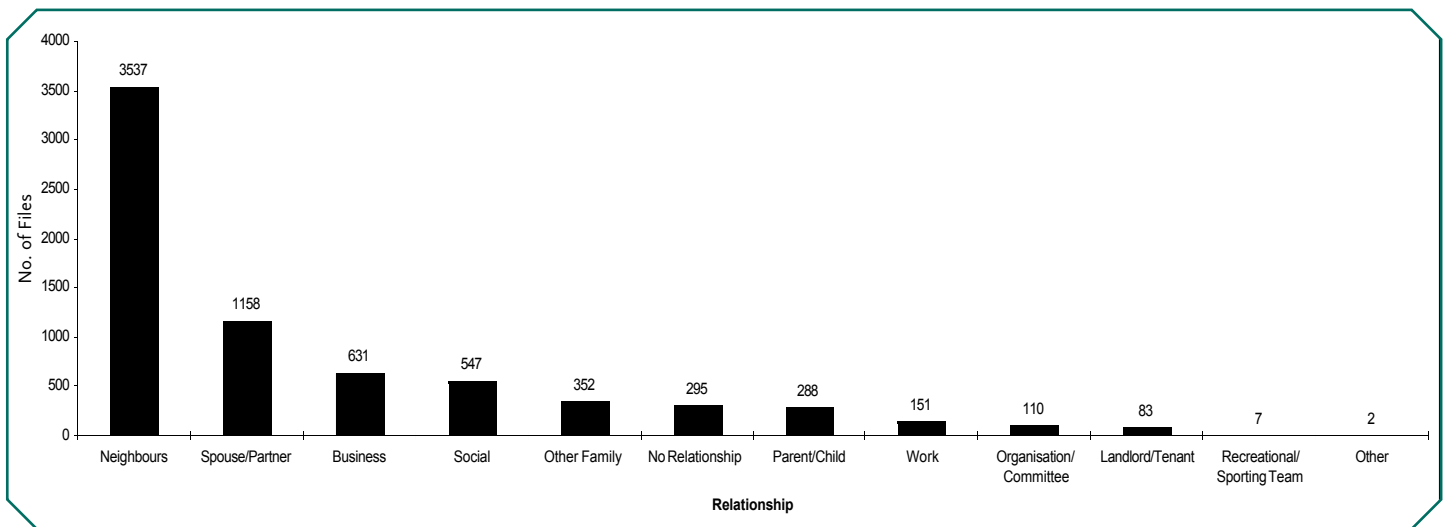
Neighbour disputes at **49%** continue to be the most frequently represented in the case-load. It is estimated that **26%** of neighbour disputes involve families.

Family disputes account for **25%** of the work of CJs. The number of family disputes referred account for **1,798** of files opened. **25%** of family disputes are between separating or separated spouses.

Disputes involving adolescents or young adults and their parents account for **16%** of all family disputes. Many of these disputes have been before the Children’s Court as irretrievable breakdowns in family relationships, and their resolution at mediation enables the young person to remain at home, or to leave home by agreement. This reduces the likelihood of “risk” behaviour on the part of the young person.

The percentage of workplace disputes was **2%** and organisation/committee (including Incorporated Associations) disputes totaled **2%**.

Graph 17- Relationship between the Parties



## Legal action status

In **67%** of cases, legal action was current, conditional on CJs intervention or intended, according to the presenting party.

Table 3 - Legal action status

Status	No. of Files	% of Files
Not Intended/Not Known	2,349	33%
Current	2,219	31%
Conditional on CJC	2,190	31%
Intended	350	5%
Taken Previously	53	1%
<b>Total</b>	<b>7,161</b>	<b>100%</b>

## How serious are the disputes?

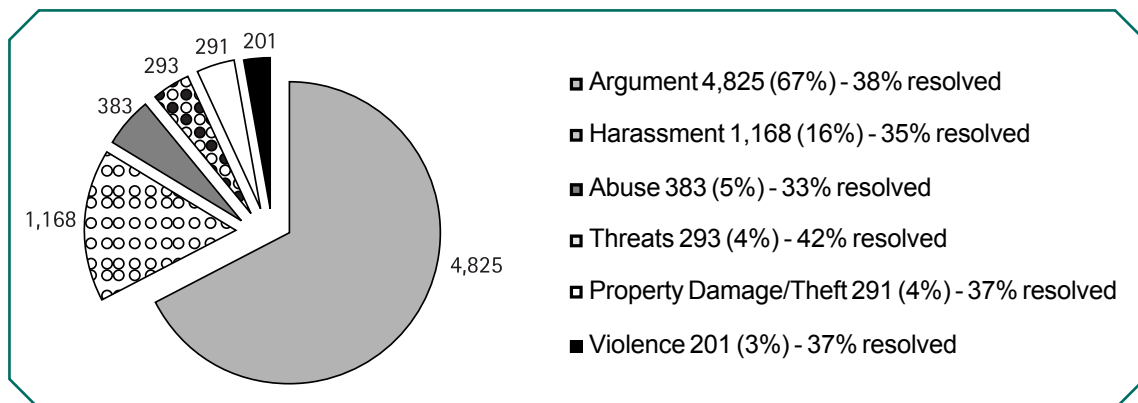
- ❖ 27% of the disputes dealt with by CJsCs involve harassment, threats, property damage, theft or violence;
- ❖ 37% of these disputes were resolved.

Examples of categories:

- ✱ Argument – may mean that parties are unable to reach agreement or are unable to communicate.
- ✱ Abuse – may include heated and repeated arguments ending in insults or written abuse.
- ✱ Harassment – could involve repeated attempts to embarrass/annoy.
- ✱ Threats – may include threats of violence or property damage, threats of legal action.
- ✱ Property Damage/Theft – deliberate damage to property, alleged theft, accidental damage with no intention to repair.
- ✱ Violence – may mean there has been a violent act against the person.

It is important to highlight that disputes are usually multi-faceted frequently involving complex multiple issues.

Graph 18 - Seriousness of the disputes

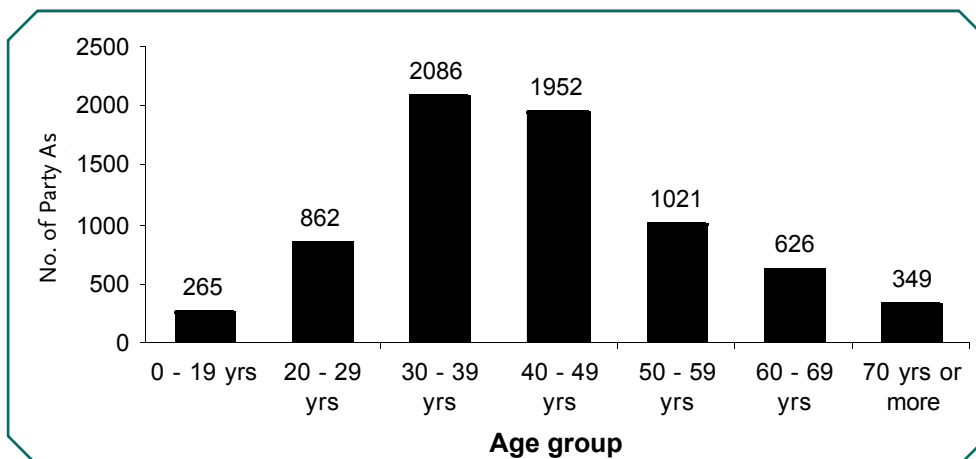


## The Service User Profiles

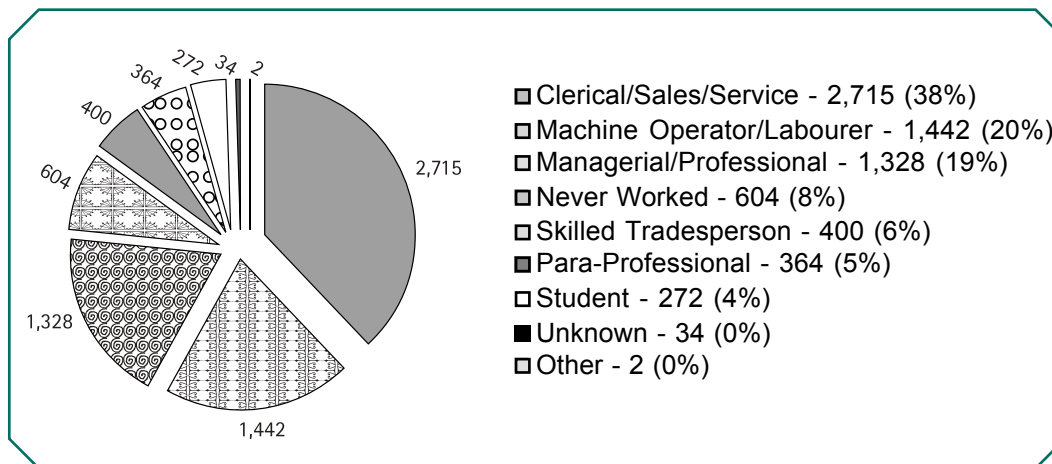
As in previous years, people using Community Justice Centres come from every section of the community. Experience has shown that, wherever the service is promoted, residents of that area are quick to take advantage of it. The information below provides a profile of the presenting party using CJC services.

*NOTE: Information on other parties using CJC services is not reported on. The reason for this is that not all parties contact CJC's or they decline to use the service and/or give personal details, therefore the information is not comparable with our reporting format.*

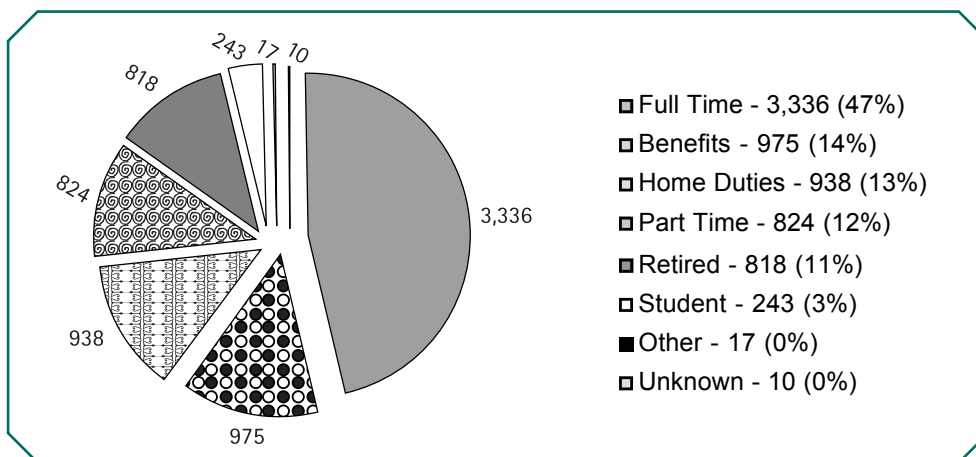
Graph 19 – Age Group of Party As



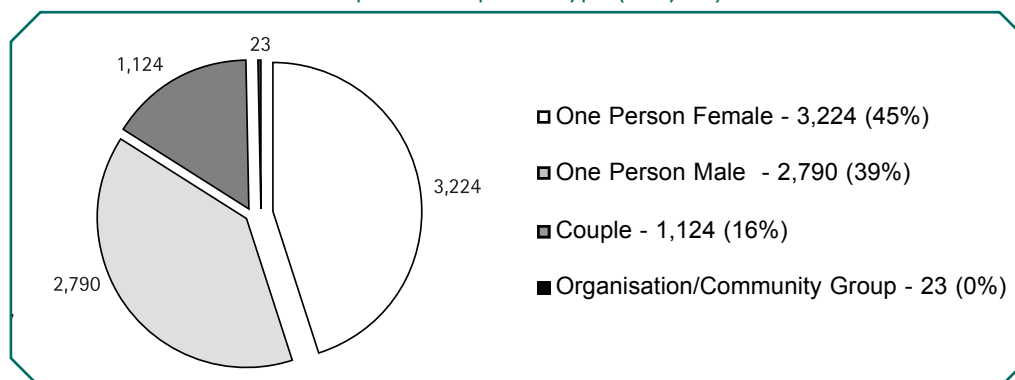
Graph 20 - Occupation of Party As



Graph 21 - Employment status of Party As



Graph 22 - Disputant Type (Party As)



## Country of birth stated by Party A

Community Justice Centres continue to provide a service valued and used by ethnic communities as demonstrated in Table 4, which indicates the top ten countries stated by Party A.

Of the 5,376 Party As born in Australia, **224 (4%)** identified that they were Aboriginal or Torres Strait Islander.

Table 4 - Country of birth stated by Party A

Country of birth	No. of Party As	% of Party As
Australia	5,376	75.07
England	240	3.35
Italy	122	1.70
Lebanon	85	1.19
Greece	80	1.12
New Zealand	72	1.01
China	70	0.98
Philippines	62	0.87
Viet Nam	52	0.73
Fiji	50	0.70
Other (98 Countries)	952	13.29
<b>Total</b>	<b>7,161</b>	<b>100.00</b>

## Preferred language stated by Party A

The number of Party As who preferred to use a language other than English in mediation was **6%**.

The most common languages of Party As (other than English) were Italian, Arabic, Greek, Vietnamese and Macedonian totaling 167 parties.

Table 5 - Preferred language stated by Party A

Preferred Language	No. of Party As	% of Party As
English	6,865	95.87
Greek	34	0.47
Arabic	33	0.46
Macedonian	24	0.34
Spanish	23	0.32
Croatian	20	0.28
Cantonese	19	0.27
Italian	19	0.27
Vietnamese	17	0.24
Mandarin	13	0.18
Other (34 languages)	94	1.31
<b>Total</b>	<b>7,161</b>	<b>100.00</b>

## Glossary of definitions

**Party** means the person, persons or organisations involved in matters dealt with by the CJs.

**Party A** is the person who contacts a CJC to raise the matter and open a file, the other people or organisations involved are identified as **Party B**, **Party C** etc.

**Community Dispute** is a dispute where a community, organisation, or group need to agree on a course of action, but the issues, options or constituencies are not clear. This type of dispute requires substantial intake procedure of a more analytical nature in order to identify the constituencies, clarify the issues and options.

**Conflict Management** involves the assessment of all of the aspects of the conflict and the planning of a course of action which will most likely result in the resolution of most if not all of the concerns. The three general approaches to conflict management are: conflict anticipation for potential conflicts; cooperative problem-solving for acknowledged but not highly polarised disputes; and mediation for highly polarised situations. Conflict Management is outcome-based, fosters direct negotiations between disputants, and includes a design for the future.

**Dispute Advisory Service** is the process where the Interviewing Officer assists a disputant to explore all the options available to them and the disputant chooses a course of action to resolve the dispute themselves.

**File Opened** is where Party A contacts CJs to arrange mediation in order to resolve the dispute.

**Mediation** is a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator/s), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

**Pre-mediation** is a process in which a third party (the pre-mediator) investigates the dispute and provides the parties or a party to the dispute with advice regarding the issues which should be considered, possible, probable and desirable outcomes and the means whereby these may be achieved.

**Shuttle Mediation** is a process in which the parties to a dispute with the assistance of a neutral Interviewing Officer identify the disputed issues, and further identify the issues which may be resolved by this process, develop and consider options for settlement and endeavour to reach an agreement without the parties being brought together or communicating directly. The Interviewing Officer has no advisory or determinant role on the content of the dispute or its resolution, but will continue to advocate direct communication as the most productive way of resolving all issues.

**Standard Dispute** is any dispute where the two parties or two sides to the dispute can be readily identified. There may be more than one person in either or both parties. The presenting party (Party A) at least recognises that there is a dispute and is able to say what the dispute is about. In CJC terms there will be a Party A and a Party B. There may also be A2, A3 and B2, B3, B4 etc, but the dispute is considered manageable within normal intake procedures - standard letters etc.

**Statement of Unresolved Issues (SUI)** is where parties who have not been able to reach agreement are assisted in writing a document which outlines the offers that may have been made, and the perceptions by each party of the dispute. This reminds parties how far they have come in understanding what has happened in the past, in understanding each other, and how they would like things to be in the future. Parties are able to look at the SUI at a later time and the transfer of these skills may assist the parties to determine ways to resolve their dispute after the mediation session.

## Appendix A - Geographical location of Party A

The suburb of the address supplied by Party A has been grouped according to the court house which services that particular area for hearings.

Local Court Catchment Area	No. of Party As	% of Party As	Local Court Catchment Area	No. of Party As	% of Party As
Penrith	433	6.05%	Mudgee	20	0.28%
Bankstown	307	4.29%	Forster	18	0.25%
Blacktown	285	3.98%	Macksville	18	0.25%
Burwood	270	3.77%	Cootamundra	17	0.24%
Campbelltown	263	3.67%	Leeton	17	0.24%
Wyong	237	3.31%	Orange	17	0.24%
Parramatta	235	3.28%	Dubbo	16	0.22%
Newcastle	227	3.17%	Murwillumbah	16	0.22%
Wollongong	205	2.86%	Cooma	15	0.21%
Manly	200	2.79%	Mullumbimby	15	0.21%
Wallsend	188	2.63%	Yass	15	0.21%
Fairfield	178	2.49%	Batemans Bay	14	0.20%
Albion Park	175	2.44%	Bellingen	14	0.20%
Waverley	175	2.44%	Kurri Kurri	14	0.20%
Liverpool	172	2.40%	Narrabri	14	0.20%
North Sydney	166	2.32%	Tumut	14	0.20%
Kogarah	158	2.21%	Cowra	13	0.18%
Gosford	157	2.19%	Dungog	12	0.17%
Belmont	126	1.76%	Lismore	12	0.17%
Nowra	122	1.70%	Tweed Heads	12	0.17%
Sutherland	120	1.68%	Gulgong	11	0.15%
Sydney	103	1.44%	Macleay	11	0.15%
Hornsby	99	1.38%	Junee	10	0.14%
Newtown	99	1.38%	Rylstone	10	0.14%
Katoomba	91	1.27%	Scone	10	0.14%
Queanbeyan	86	1.20%	Glen Innes	9	0.13%
Ryde	83	1.16%	Narrandera	9	0.13%
Woy Woy	82	1.15%	Parkes	9	0.13%
Bowral	76	1.06%	Temora	9	0.13%
Raymond Terrace	68	0.95%	Byron Bay	8	0.11%
Port Kembla	67	0.94%	Forbes	8	0.11%
Moss Vale	65	0.91%	Crookwell	7	0.10%
Taree	62	0.87%	Narooma	7	0.10%
Wagga Wagga	60	0.84%	Walgett	7	0.10%
Port Macquarie	58	0.81%	Wee Waa	7	0.10%
Maitland	56	0.78%	Coonabarabran	6	0.08%
Tamworth	54	0.75%	Kyogle	6	0.08%
East Maitland	52	0.73%	Casino	5	0.07%
Richmond	52	0.73%	Tumbarumba	5	0.07%
Redfern	50	0.70%	Wellington	5	0.07%
Windsor	50	0.70%	Blayney	4	0.06%
Coffs Harbour	47	0.66%	Coonamble	4	0.06%
Kiama	44	0.61%	Manilla	4	0.06%
Bathurst	43	0.60%	Wyallda	4	0.06%
Lithgow	42	0.59%	Gloucester	3	0.04%
Young	41	0.57%	Gundagai	3	0.04%
Balmain	39	0.54%	Lake Cargelligo	3	0.04%
Grafton	39	0.54%	Lightning Ridge	3	0.04%
Moree	38	0.53%	Bega	2	0.03%
Other	36	0.50%	Brewarrina	2	0.03%
Milton	35	0.49%	Broken Hill	2	0.03%
Inverell	31	0.43%	Condobolin	2	0.03%
Muswellbrook	31	0.43%	Eden	2	0.03%
Singleton	31	0.43%	Oberon	2	0.03%
Picton	30	0.42%	Tenterfield	2	0.03%
Quirindi	30	0.42%	Walcha	2	0.03%
Goulburn	29	0.40%	Wentworth	2	0.03%
Kempsey	28	0.39%	Bombala	1	0.01%
Armidale	27	0.38%	Bourke	1	0.01%
Albury	26	0.36%	Braidwood	1	0.01%
Camden	26	0.36%	Cobar	1	0.01%
Gunnedah	26	0.36%	Deniliquin	1	0.01%
Cessnock	25	0.35%	Gilgandra	1	0.01%
Griffith	24	0.34%	Hay	1	0.01%
Ballina	22	0.31%	Hillston	1	0.01%
Wauchope	21	0.29%	Narromine	1	0.01%
Moruya	20	0.28%	Nyngan	1	0.01%



## Appendix B - Categories of “Nature of Dispute”

BEHAVIOURAL COMPLAINTS	NO.
Noise - any source	535
Pollution smoke, Fumes, Smells	67
Eyesores	40
Blocking light, obstructions, spoiling view	69
Threats of damage to property, Things thrown at property (missed)	221
Removal of property, Damage caused to property	167
Refusal to repair accidental damage	132
Removal of property, Stealing by finding, Things “gone missing”	52
Alleged theft, pilfering	51
Shoplifting	0
Retention of goods	65
Storage of goods, goods left behind	35
Disputed ownership	139
Money, debt	1,075
Shouting, abuse (in person or by phone)	1,895
Insults, taunts (in person or by phone)	1,062
Gestures	188
Indecent exposure	14
Threats of violence - things thrown (missed)	541
Assault, Pushing, Punching, hitting, bashing	313
Hosing, Things thrown/weapon etc. (accurately)	58
Endangerment, Causing dangerous conditions, Thoughtless and dangerous acts, Allowing dangerous conditions to remain	140
Rumour, Gossip	347
Harassment by letter or phone, Anon. phone calls	356
‘Dobbing in’, Harassment by reporting to agencies or authorities, including Body Corporate	248
Repeated complaints, regarded as trivial by recipient	654
Repeated refusal or failure to act on complaints	831
Refusal to negotiate, Refusal to discuss problems, Rejection of all approaches, Repeated arguments	1,424
Inability to communicate	2,451
Inability to communicate because of language difficulty, physical	74
Bad faith bargaining, Broken promises	278
Breaking negotiated agreements	251
SPECIFIC COMPLAINTS	NO.
Children - Behaviour, noise, rudeness	444
Children - Nuisance caused by, Discipline of, Concern for care of	336
Animals, Birds - Nuisance caused by	213
Animals, Birds - Fear of, Concern for care of	106
Plants, Trees, Shrubs - Nuisance caused by, Complaints about	372
Plants, Trees, Shrubs - Concern for care of, Damage to	149
Visitors, Customers, Callers - Nuisance caused by	419
Fence, condition, construction, repair, Position of	1,080
Retaining walls	45
Walls on boundary, Common wall	57
Use of common facilities, Use of common property	195
Access to property, Parking	115
Trespass	107
Invasion of privacy	362

SPECIFIC COMPLAINTS	NO.
Motor Vehicle - Damage to, Damage by, Repairs	188
Motor Vehicle - Nuisance caused by, Parking	53
Extensions/development applications, Plans for or objections to	51
Renovations, painting, Nuisance caused by	53
Machinery - Nuisance caused by, Include air conditioners, dishwashers etc.	15
Machinery - 'Nuisance' includes noise, fumes, vibrations, 'waves', electronic interference	25
Rubbish, Garbage	55
Littering	15
Defective goods	25
Goods & Services - Non-delivery	122
Goods & Services - Refusal to repair or refund, Unsatisfactory service	185
Drugs - illegal or proscribed	62
Alcohol	75
Gambling	3
Medical or Psychological - Problems caused by condition, Treatment for	95
Cultural differences - ethnic/religion	50
Cultural differences - racial/taunts, name calling	68
Gender	8
Sexual preference	18
Lifestyle, Environmental	380
Generation	115
Class	26
Expectation of relationship (eg. student/teacher)	57
Religious practices, Religious tolerance	5
Witchcraft, Superstition	5
Structure - Inclusion or exclusion of members (Incorporated Assoc.)	44
Structure - Interpretation of rules	55
Family - Emotional, Include intimacy, sexual, loss of love	173
Family - Practical, specific incidents, including repeated annoyances, general complaints about behaviour attitudes	305
Allocating family income	37
Parenting issues	335
Continuing residence in family home	80
Return to family home	49
Family – Division of responsibilities	153
Family - Relationships: jealousy, favouritism, rejection, alienation of affection, influence	115
Relationships with new partners	68
Other relationship (eg. extra marital affairs etc.)	48
Division of property	294
Residence of child	274
Family - Contact (formally access)	609
Extended Family - Relationships, Arrangements (eg. marriage or funeral)	73
Extended Family - Wills, bequests	27
Extended Family - Family Business	38
Work related complaints	158
water run off, drainage, joint sewer lines, flooding	46
Inmates	2
<b>Total no. of Behaviour Complaints</b>	<b>13,773</b>
<b>Total no. of Specific Complaints</b>	<b>8,737</b>
<b>Total no. of Complaints</b>	<b>22,510</b>
<b>Average no. of Complaints per file</b>	<b>3</b>

## Location of Regions

### Northern Region

Cnr Bolton & Church Streets  
Newcastle NSW 2300  
Ph: (02) 4929 1211  
Fax: (02) 4926 2420  
Toll Free: 1800 990 777

### Southern Region

2nd Floor, Transport House  
1 Rawson Street  
Wollongong NSW 2500  
Ph: (02) 4228 0433  
Fax: (02) 4226 3630  
Toll Free: 1800 650 987

### Sydney Region

Level 13, 227 Elizabeth Street  
Sydney NSW 2000  
Ph: (02) 9262 7844  
Fax: (02) 9262 7526  
Toll Free/TTY: 1800 671 964

### ***Sydney Region re-locating December 2002, to:***

*Ground floor, Civic Tower  
66-72 Rickard Road  
Bankstown NSW 2200  
Ph: (02) 9790 0656  
Fax: (02) 9796 3258  
Toll Free/TTY: 1800 671 964*

### Western Region

Level 1, 311 High Street  
Penrith NSW 2750  
PO Box 168, Penrith NSW 2750  
Ph: (02) 4732 1933  
Fax: (02) 4731 3578  
Toll Free: 1800 252 736

### Directorate

Level 8, Goodsell Building  
8-12 Chifley Square  
Sydney NSW 2000  
Ph: (02) 9228 7455  
Fax: (02) 9228 7456  
Email: [cjc\\_info@agd.nsw.gov.au](mailto:cjc_info@agd.nsw.gov.au)  
Website: [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)  
TTY: 1800 671 964