



City Administrative Centre
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Complaints Referral to the Community Justice Centre - Administrative Policy and Procedure

Policy Number: POL12/247 • **Adopted:** 10/07/2001 • **Amended:** 30/10/2007, 28/04/2009, 26/02/2013 • **Minute Number:** MIN01.935, MIN07.1601, MIN09.487, MIN13.130 • **File:** 22119E • **Produced By:** Finance & Corporate Services Group • **Review Date:** 1/12/2016

1. PURPOSE

The purpose of this Policy is to provide a means where complaints concerning third parties and those within Community Consultative Bodies that cannot be resolved by Council to the satisfaction of the parties are dealt with.

2. STATEMENT

This policy statement is based on the need for Council to establish a process for referring complaints to the Community Justice Centre, where matters cannot be resolved by Council alone.

3. PROVISIONS

Shoalhaven City Council has an arrangement with the Community Justice Centre to refer community members and groups to seek a mediated solution for disputes between members of the public, businesses, neighbours, community organisations etc.

The Community Justice Centre offers a free mediation service to help people solve their problems together. Mediation involves people coming together voluntarily, sitting down with mediators and settling their conflict in a fair and acceptable manner to all. Many complaints received by Council may be suitable for mediation. Research has shown that mediation results in better, more lasting solutions between the parties.

The role of Council will be to promote and encourage that process when the need arises.

4. IMPLEMENTATION

This policy shall apply to all complaints received by Council between third parties, including community groups, that cannot (for whatever reason) be resolved within Council. Those cases shall be referred to the Community Justice Centre with a view to the following objectives:

- To achieve lasting resolutions to disputes between members of the community.
- To provide staff with appropriate training in making referrals to the Community Justice Centre
- To minimise cost to Council of dealing with disputes between community members

5. REVIEW

This policy will be reviewed within one year of the election of every new Council.

6. APPLICATION OF ESD PRINCIPLES

None Applicable

Procedure for making a referral to the Community Justice Centre

Disputes which may be suitable for referral include:

- Repeat complaints about the same neighbour for the same or different matters e.g. barking dogs, noise, rubbish, etc.
- Matters where Council has tried to assist in a resolution previously.
- Matters outside Council's jurisdiction.

Matters which should not be referred include:

- Complaints against Council where no resolution process has been attempted previously.
- Initial complaints against parties other than Council which are clearly in Council's jurisdiction, where Council has not yet investigated eg initial complaints about barking dogs etc.
- Matters involving domestic violence/abuse.

The following questions will help you determine the suitability of the issue for referral.

If the answer to any of these questions is "Yes", it may be suitable to refer to the Community Justice Centre.

- Is the complaint against a neighbour, community organisation, business, sports club, or management committee?
- Has the same complaint been made by this person before?
- Has Council attempted to resolve this matter before?
- Was an agreed outcome achieved on the earlier complaint?

To make a referral

1. Complete the attached referral slip.
2. Give the client a copy of the Community Justice Centre fact sheet.
3. Advise the client to contact the Community Justice Centre on the number located on the back of the fact sheet.
4. Fax the referral slip to the Community Justice Centre central office.

Please note: No person is obliged to use the service of the Community Justice Centre.



Community Justice Centres
Attorney General's
department of nsw

REFERRAL FORM

Fax Referral Form to: (02) 4925 0300

or

Email Referral Form to: cjc_northern@agd.nsw.gov.au

Referrer Name:	Contact Referrer before contacting parties: <input type="checkbox"/>	
Organisation:		
Address:	P/Code:	
Phone:	Fax:	

So that the Community Justice Centres (CJCs) can assist you in a timely manner, I need your consent to collect your personal details.

1. This information will be sent to the Community Justice Centres.
2. This information will be kept by us and the Community Justice Centres for auditing purposes only.
3. If you wish to access or amend your personal details you provide, you can contact us or the Community Justice Centres. By law we have to respond to your request.

NB: Only provide contact details for party/ies that consent.

Party A Details

Name:		
Address:		P/Code:
Phone (H):	Phone (W):	Mobile:

Do you consent _____ signature

Party B Details (If Known)

Name:		
Address:		P/Code:
Phone (H):	Phone (W):	Mobile:

Do you consent _____ signature

* Please provide additional party details on separate sheet

Dispute Type:

Please provide a brief description of the dispute:

Is there any current legal action? Yes No Unsure

If Yes, please provide details:



Contact CJCs On 1800 990 777

TTY 1800 671 964 – Website www.cjc.nsw.gov.au - Email: cjc_northern@agd.nsw.gov.au
Reply Paid Mail: Community Justice Centres, Reply Paid 61824, NEWCASTLE NSW 2000



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FACT SHEET

Mediation at Community Justice Centres

What do Community Justice Centres do?

Community Justice Centres (CJCs) provide mediation and conflict management services to help people resolve their own disputes. Our service is FREE, voluntary, timely and easy to use.

What is mediation?

Mediation sessions at CJCs are conducted by two impartial, trained mediators who help people to understand each other's point of view and to work together to reach agreement acceptable to both parties.

What happens in mediation?

The mediators' role is to facilitate discussion so that people can reach their own common sense solution to their dispute.

The process typically takes between 2 and 4 hours and generally follows these steps:

- Mediators and the people involved introduce themselves and mediators explain the process and "ground rules" for the mediation.
- Each person in turn outlines their concerns and each person is listened to without interruption.
- Mediators encourage and facilitate discussion between the people on issues they have identified.
- Mediators see each person privately, while the other has time to think about their options.
- All participants are then brought back together and encouraged to negotiate future arrangements.
- If all agree, Mediators write up an agreement and give a copy to each person as a record of what was decided.

Why mediate?

Mediation provides a safe and informal environment for people to talk to each other to sort out problems.

Over 80% of mediations result in an agreement being reached. People are more committed to the outcome because they take part in the decision making.

Even if agreement cannot be reached there has been

The opportunity to clarify the issues and understand each other's point of view.

What disputes are suitable for mediation?

A wide range of disputes are suitable for mediation including

- neighbours
- families
- business
- civil and small claims matters
- workplace
- incorporated associations
- between and within communities

If you're not sure, please contact our staff.

When and where are the mediations held?

There are no waiting lists. Mediation sessions are arranged at times that suit everyone and are held at our offices or a place near you.

Who can come to a mediation?

All people involved must agree on who is attending the mediation before the session is held.

All people involved in the dispute should be encouraged to attend and participate.

People who are involved in making decisions should attend.

"Support people" may attend if required, though they do not participate in the session.

Witnesses are not necessary as the mediators are not there to assess the situation and make decisions.

Can my lawyer attend?

Lawyers and solicitors are not required as mediation is not a legal process, people involved should seek legal advice before mediation if necessary.

We ask that you do not bring children to mediation.

Is the agreement legally binding?

Agreements are made by both parties in "good faith". CJCs cannot enforce agreements which have been reached at mediation.



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CLIENT CHARTER

Community Justice Centres Information for Clients

Community Justice Centres (CJCs) provides mediation and conflict management services to the people of NSW. The services are free, impartial and culturally appropriate.

What you can expect from CJCs staff and mediators

You can expect our staff and mediators to be:

- Courteous, professional and confidential
- Culturally appropriate
- Respectful, honest and flexible

What we expect from you

We expect you to:

- Be courteous, honest and respectful
- Adopt a good faith approach to the service we provide you
- Inform CJCs staff of your intentions to attend or cancel any appointments
- To be unaffected by alcohol or drugs when using our services
- Read any letters and fact sheets we provide you (we can arrange for you to have access to an Interpreter for free if English is not your first language)
- Comply with any requirements for mediation
- If the information is not clear, please ask the staff for more information

Privacy

In order to assist CJCs staff will need to collect some personal details from you. Information collected is kept for auditing and statistical purposes and with your consent, may be provided to an organisation CJCs refers you to. Please contact CJCs to amend your personal details if required.

Confidentiality

Generally everything you say in mediation is confidential. However, there are occasions where our mediators might need to disclose something they have seen or heard. For example, if something happens or is said that makes the mediator fear for someone's safety, especially a child's safety, then that mediator might need raise those concerns with a Supervisor. A decision about how to proceed will then be made.

Feedback

We welcome your feedback and we encourage you to use our feedback form and complaints process.

If you want to register your feedback and/or complaint you may do so through the following procedure:

Contact CJCs on 1800 990 777 and ask to speak with the Supervisor. If calling is not an option you can also email or write to the Supervisor or fill out a "Have Your Say" form available on the CJC website.

If you are still not satisfied with the outcome you can contact the Director of CJCs.

Contact Details

Phone: 1800 990 777

Fax: (02) 49259300

Website: www.cjc.nsw.gov.au

TTY: 1800 671 964

Email: cjc_northern@agd.nsw.gov.au