

Community Mediation in New Zealand

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Aims of paper

1. Community-based mediation model;
2. History and development of community mediation (US and NSW);
3. The development of community mediation in NZ;

What is mediation?

- More flexible than other dispute resolution models.
- Informal process.
- Voluntary participation.
- Third party mediates.
- Joint outcome.

What is community mediation?

“The goal of the community dispute resolution movement is to teach people to resolve conflict by cooperation, negotiation and mediation, thereby empowering the participants, relieving court caseloads and preventing escalation of disputes.” – Robert Benham

Community mediation

- Minor disputes which can turn into a social problem.
- Damage to property and persons.
- Can these disputes be resolved at the community level outside of the court system?

1) Relationship of the parties

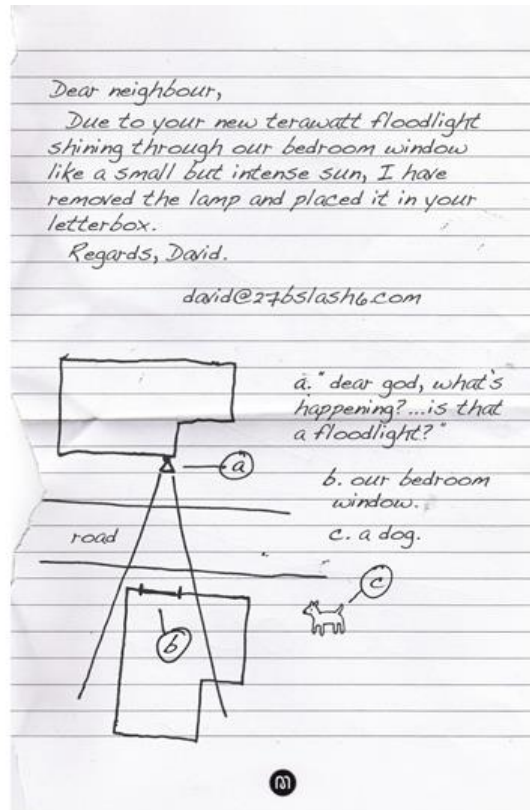
- “Community”
- Interpersonal relationship.
- Ongoing contact.

2) Nature of the dispute

- Jane Chart's example:
 - Greymouth resident murdered his neighbour after a dispute over boundary lines.
- “The whole thing between us got out of proportion.”
- David Thorne – “27b/6”

Example: David Thorne – “27b/6”

<http://www.27bslash6.com/halogen.html>



From: Justin Flecker
Date: Sunday 6 May 2012 6.52pm
To: David Thorne
Subject: Lamp

I received your note but you cant go onto other peoples property and take things, that's trespassing. Massanutten is a wooded area and I installed that light for security. It's a safety issue. I can't help it if some of the light goes across the road, close your curtains if it bothers you.

Example: David Thorne – “27b/6” (cont.)

<http://www.27bslash6.com/overdue.html>

From: David Thorne
Date: Tuesday 8 May 2012 10.32am
To: Justin Flecker
Subject: Re: Re: Re: Re: Re: Re: Lamp

Dear Justin,

No, I did not take the light again. I relocated it again. Its current location may be discovered by deciphering the following set of clues to its whereabouts. Perhaps you could invite your friend Ryan over and treat it as a kind of treasure hunt:

1. It's in the letterbox again.
2. Look in the letterbox.

As I realise this probably won't narrow it down much for you, I will give you a third clue in the form of a riddle:

What burns with the light of a thousand suns and is in the letterbox?

Regards, David.

From: David Thorne
Date: Tuesday 8 May 2012 12.27pm
To: Justin Flecker
Subject: Re: Re: Re: Re: Re: Re: Re: Re: Re: Re: Lamp

Dear Justin,

What if I need to borrow your lawn-mower? I can't invite people over for a barbecue and expect them to stand in long grass. Someone might be bitten by a snake. It's a safety issue.

Regards, David.

From: Justin Flecker
Date: Tuesday 8 May 2012 3.26pm
To: David Thorne
Subject: Re: Re: Re: Re: Re: Re: Re: Re: Re: Re: Lamp

[REDACTED]

3) Cost

- Low cost.
- Free.
- User-pays?

Other attributes

- Mediators reflect the community.
- Mediators are volunteers.
- Mediators are not professionally trained.
- Range of mediators.
- Non-profit centres.

Global history

- United States in the 1960s.
- Establishment of neighbourhood justice centres.
- New South Wales in 1980s.
- Mix of statutory regimes and grassroots initiatives.
- Successful.

NSW statistics

- 70% of cases involved neighbours.
 - 28% harassment and revengeful behavior.
- 20% of cases were family-related.
- Parties in 35% of cases referred themselves.
- Settlement rate of 70%.

New Zealand – 1980s

- 1984: Community Mediation Service.
- Set up under statute.
- Good resolution rate.
- Low referral rate.
- Low caseload.

“The overall societal impact of the Christchurch Mediation Service however is likely to be minimal.” – Jan Cameron

New Zealand – 1990 to 2010

- Quiet.
- “Cool Schools” peer mediation programme.
- Dunedin Community Mediation Assn.

New Zealand – Recent developments

- Five new centres developed.
 - Dunedin Community Mediation Project.
 - Mediation Services (Christchurch).
 - Waitakere Community Law Service.
 - Blenheim.
 - Welcomed (Wellington).

New Zealand – Outcomes

- Settlement rate
- Enforcement of settlement agreements
- Success?

New Zealand – Success?

- Problems evaluating success
- Found correlation between success and foundation ideologies:
 - Service delivery / satisfaction story
 - Social transformation / social justice story
 - Personal growth / transformation story

Conclusions

1. Community mediation is a good example of mediation and the traditional model can be successful adapted;
2. Successful in US and NSW;
3. 1980s pilot in NZ was unsuccessful;
4. Too early to judge success of recent developments;
and
5. Problems identifying success which leads to funding shortages in NZ.