

EVALUATION OF THE AURUKUN RESTORATIVE JUSTICE PROJECT



FINAL REPORT: REVIEW OF OUTCOMES

April 2017

Dr Michael Limerick, Limerick & Associates

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DR MICHAEL LIMERICK, LIMERICK & ASSOCIATES

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List of Acronyms

ARJP	Aurukun Restorative Justice Project
CJG	Community Justice Group
DJAG	Department of Justice and Attorney-General
DATSIP	Department of Aboriginal and Torres Strait Islander Partnerships
FRC	Family Responsibilities Commission
PLO	Police Liaison Officer
QPS	Queensland Police Service

EXECUTIVE SUMMARY

This document reports on the second and final phase of the independent evaluation of the Aurukun Restorative Justice Project (ARJP), established in Aurukun in 2014. The independent evaluation is examining both the implementation of the Project and the outcomes achieved in the first three years. The Interim Report in November 2016 reviewed the implementation of the project to date and made a series of recommendations about future implementation. This second report is focused on the outcomes of the project, drawing on a survey of community residents, qualitative data collected during interviews with key stakeholders and analysis of offence data about Aurukun. The key evaluation questions and the structure of this report are guided by a program logic that was developed in collaboration with Project's staff and stakeholders (see Figure 1). A graphical summary of the evaluation's conclusions about the Project's progress against the program logic is presented at the end of this Executive Summary.

The evaluation has found that in a little less than three years, the mediation project has been embraced by the Aurukun community to a remarkable extent. It clearly meets an urgent need and demand of Aurukun families for a peaceful alternative means of resolving inter- and intra-family disputes – conflict that has historically led to high levels of physical confrontation. That 95% of the population over 15 years of age are aware of the mediation project and 63% have been to a mediation or been assisted in some way by the mediators is an extraordinary level of community engagement for any Government-funded program in a remote Indigenous community.

Most importantly, the survey and the qualitative feedback show that people perceive that mediation works. Community members report that it typically results in a cessation of further fighting in the weeks following mediation and it stops minor disputes from escalating in a way that has previously led to large-scale family fighting and property damage. Confidence in the mediation process is leading to an ever-increasing number of self-referrals from the community and a regular flow of police referrals. Community members express a very high level of satisfaction with all aspects of the mediation and peacemaking process. Anecdotally, it seems parties to mediations are gaining a greater understanding of the perspectives of others and are starting to internalise non-violent dispute resolution skills, as the program model intends. There is solid evidence that the Project is achieving its key medium term outcomes of increased referrals, improved community relationships and better communication, and fewer disputes escalating into violence and property damage. There is also evidence of the 'green shoots' of a community-wide peacemaking movement, with sporadic instances of people practising peacemaking outside the formal mediation process – most notably, this includes some younger people viewed previously as key protagonists in inter-family conflict.

While it is too soon to expect substantial evidence of progress against the Project's key long term outcomes of transforming Aurukun's norms about conflict and moderating its turbulent social conditions, there are encouraging signs that mediation is contributing to a positive evolution in the community. The community's enthusiastic take-up of the mediation option underlines a growing community capacity and willingness to manage disputes peacefully. The overwhelmingly positive community and stakeholder views about mediation's contribution to community peace and harmony provide confidence that the assumptions in the Project's program logic are valid – that is, regular mediation over a period of years can bring about a more peaceful and harmonious community in a way that police and court interventions cannot.

At a practical level, it is clear that mediation is already reducing contact with the justice system by providing an alternative avenue for community members (and police) to deal with conflict. Attributing positive changes in reported offence rates to the mediation project is problematic, given the short period of time that mediation has been operating and the myriad other factors that influence these statistics. Total numbers of

reported offences have increased at Aurukun in recent years. However, in relation to offences that are committed without the involvement of alcohol, drugs or volatile substances, there are some important categories that have declined – namely, property damage, unlawful entry and good order offences. Whether these changes are sustainable and can be linked to the Project’s work to mediate inter- and intra-family conflict in the community will only become clear with the passage of further time.

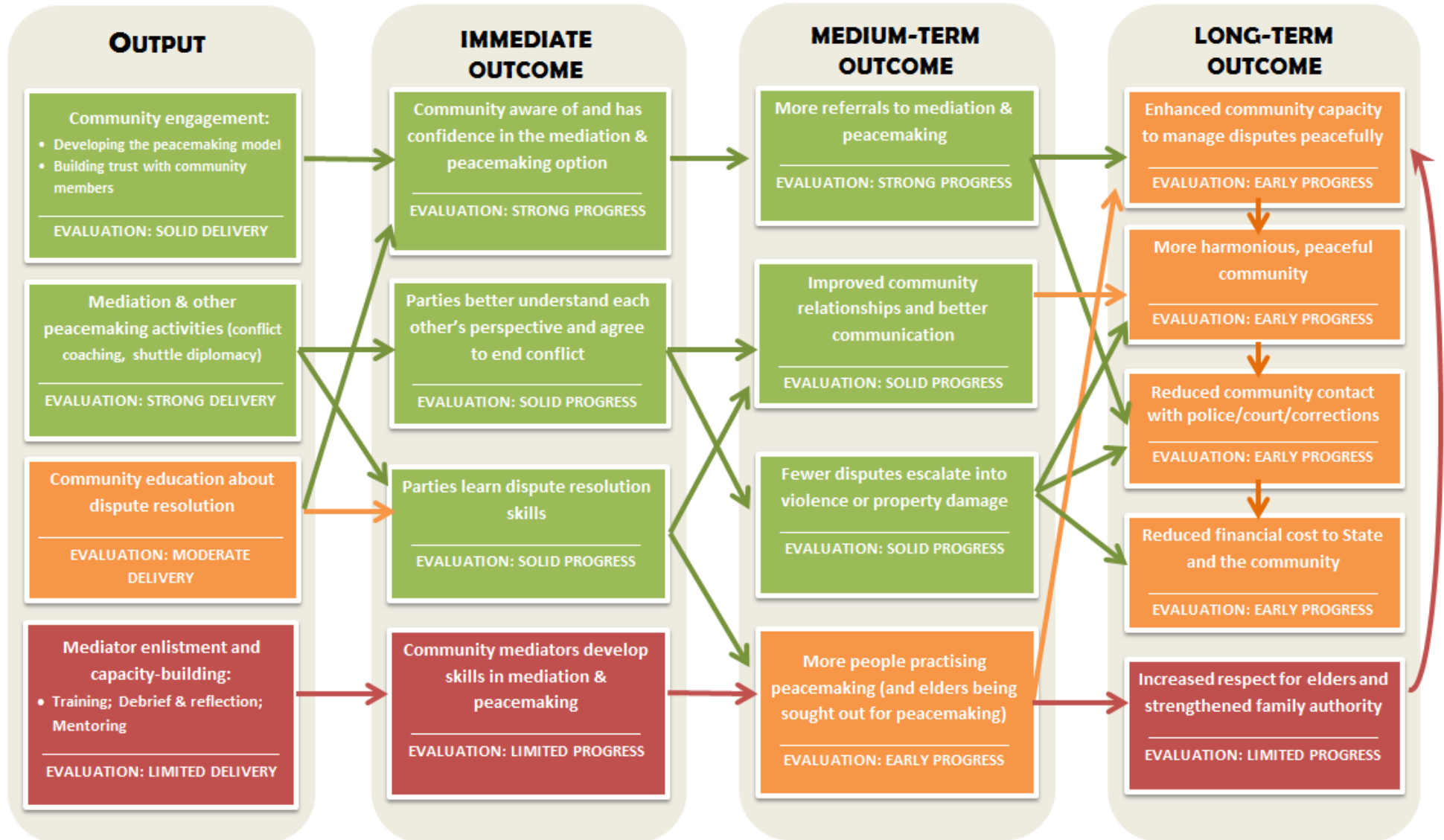
The evaluation has estimated the significant cost savings to the State that potentially flow where mediation prevents conflict from escalating into violence and property damage or diverts individuals from further contact with police, courts or the correctional system. The only evidence to attribute such outcomes to mediation at present is the anecdotal feedback of stakeholders such as police and community corrections officers and the positive views about mediation’s efficacy expressed by community members in the survey. However, the evidence about even a handful of instances where mediation can be proven to have directly prevented elevated community contact with the justice system underlines the potential for significant long term cost savings for the State and the community. Analysis of costs shows that if even a portion of the improvement in key offence data can be attributed to mediation, then combined with its general diversionary impact, it is conceivable that the cost of the mediation project is more than offset by savings in justice system costs alone. As a matter of public policy, this makes mediation projects an attractive proposition in remote Indigenous communities.

There are two key concerns regarding the sustainability of the Project and its potential to fully achieve its long term outcomes. First, the Project has been significantly constrained by the inadequacy of its staffing model and physical resources. Limitations on staff time have compromised the ability to respond promptly to demands for peacemaking and to deliver outputs around community education and mediator enlistment and capacity-building. There is a need for an additional mediator position to relieve the burden (and reduce the risk of burnout) for the current staff and enable the intended Project outputs to be fully delivered. The other resourcing constraint is the inadequate office facilities and mediation venue.¹

The second concern is that the Project has had limited success in enlisting and building the capacity of a substantial pool of community members as co-mediators. This is a difficult task for the Project, but vital to its sustainability. The lack of progress in this area has limited the achievement of the medium term outcome around more people practising peacemaking and the long term outcome around increasing respect for elders and strengthening family authority. The Interim Report highlighted this key weakness in the Project’s implementation and made detailed recommendations about addressing it through a process of engaging more community members through reinvigorating the Community Justice Group. This remains the highest priority for the Project in order to consolidate the strong foundations laid to date and realise mediation’s potential to bring about peace and harmony in Aurukun over the longer-term.

¹ A number of stakeholders suggested the need for a dedicated mediation centre, preferably near the police station. Several community residents raised concerns about holding mediations at the current justice centre as it is too close to the school and therefore the presence of children.

GRAPHICAL SUMMARY OF PROGRESS AGAINST PROGRAM LOGIC



1 INTRODUCTION

1.1 Background

Aurukun is an Indigenous community of about 1300 residents on the west coast of Cape York Peninsula in far north Queensland. The Aurukun Restorative Justice Project (ARJP) was conceived in late 2013 in response to requests from the Aurukun community for a peacemaking program to help mediate ongoing conflict between families and individuals. The Project essentially provides an option for local families to seek help from two full-time Project staff, supported by a network of local mediators, to sort out disputes peacefully. The service can generally be described as 'peacemaking', and while it centres on face to face mediation between disputing parties, it also encompasses other dispute resolution activities such as conflict coaching and 'shuttle diplomacy'. In this report, the ARJP is referred to interchangeably as a 'peacemaking project' and a 'mediation project', with both terms intended to capture the ARJP's wide range of conflict resolution activities.

Limerick & Associates was engaged by the Department of Justice and Attorney-General (DJAG) in April 2016 to conduct an independent evaluation of the ARJP. The scope of the evaluation is to review both the *process of implementation* (formative evaluation) and the *outcomes* (summative evaluation) of the Project. The Interim Report in November 2016 reviewed the implementation of the project during its first three years and made a series of recommendations about future implementation. This second and final report is focused on the outcomes of the project, drawing on a survey of community residents, analysis of crime data for Aurukun, and qualitative data collected during interviews with key stakeholders.

1.2 Evaluation objectives

DJAG's stated objectives and outcomes for the evaluation are as follows:

- a) measure the quality of the processes used to inform the design and implementation of the ARJP;
- b) compare the extent to which the program as implemented (and operating) is consistent with the culturally inclusive model of mediation developed in consultation with the community;
- c) determine whether the Project achieved its short term and medium term goals;
- d) identify factors that inhibited or facilitated implementation and operation of the ARJP, and the capacity of the ARJP to successfully achieve its goals;
- e) identify any unintended outcomes of the Project;
- f) provide guidance and recommendations to government and the Aurukun community to ensure the ARJP is fully equipped to achieve its long term goals, and transition to a community-run service where appropriate.

The Evaluation Steering Committee also agreed that an additional objective of the evaluation, as proposed by Limerick & Associates, was to actively involve the ARJP staff and local mediators in the evaluation process, with the intention of building their understanding and capabilities for monitoring and evaluation and refining their local data collection and monitoring practices.

The Interim Report focused on the evaluation objectives regarding implementation (i.e. objectives (a), (b), (d), (e) and (f) in the list above), whereas this report addresses objective (c) relating to achievement of the Project's outcomes. It is notable that the Department's evaluation objectives refer to evaluating whether the Project has met its short-term and medium term goals, but not its long term goals. This recognises that an evaluation of a Project after only three years does not provide a sufficient time period to observe long term change. Nevertheless, this evaluation does examine the Project's desired long term outcomes and makes some tentative observations about progress towards these.

1.3 Intended use of findings

The November 2016 findings about the implementation of the ARJP have been used in planning for the further development and implementation of the Project in Aurukun, and will assist the State Government in considering how to implement similar projects in other remote communities. It is expected that the findings in this report about the outcomes of the ARJP will be used in considering future funding of the Project in Aurukun, as well as the merits of mediation as a response to conflict in remote Indigenous communities more generally.

1.4 Key evaluation questions

For the *implementation evaluation*, the following key evaluation questions were developed by the consultant and endorsed by the Evaluation Steering Committee:

1. Were appropriate processes employed to develop the ARJP program model?
2. Is the program model consistent with best practices identified elsewhere for Indigenous mediation and restorative justice programs?
3. Has the ARJP been implemented in accordance with the program model?
4. What success factors have enhanced the implementation of the ARJP?
5. What inhibiting factors or barriers have hindered the implementation of the ARJP?
6. What risk factors may affect the future implementation of the ARJP and how can they be mitigated?
7. What has been the level and quality of output of the ARJP service?
8. Have there been any unintended results from the implementation of the ARJP?

The above questions were examined in the Interim Report. The *outcome evaluation* in this report investigates the following key evaluation questions:

9. Has the community's capacity to manage disputes without violence been enhanced by the ARJP?
10. Is the community safer and more harmonious as a result of the ARJP?
11. Has there been an increase in respect for elders and strengthened family authority as a result of the ARJP?
12. Has the community's reliance on the justice system to resolve disputes reduced as a result of the ARJP?
13. Has the ARJP resulted in reduced financial costs to society?

These preliminary evaluation questions align closely with the immediate, short and long term outcomes identified in the program logic (see Figure 1).

1.5 Evaluation plan

In consultation with the Evaluation Steering Committee, the evaluators developed an Evaluation Plan setting out a draft program logic, the key evaluation questions, the proposed data collection methods, a list of stakeholders to be consulted and draft interview running sheets. In line with the participatory approach proposed for the evaluation, in August 2016 the evaluators facilitated a workshop with ARJP staff and a small number of community members involved in mediation. The key part of the workshop was to refine the program logic for the mediation project in terms that are meaningful to the local staff and participants. Through input from the workshop participants, the evaluators identified the outputs of the Project (ranging from mediations to community education), and the immediate, medium term and long term outcomes of mediation for the community. The workshop also discussed the chain of causation between what the Project delivers (the outputs) and these short, medium and long term outcomes. Importantly, this discussion confirmed

that the range of outcomes posited in the draft program logic (and reflected in the key evaluation questions 9 to 13 above) were largely consistent with what local staff and stakeholders believe to be the objectives of the Project.

Workshop participants put forward a range of indicators that would suggest to them that mediation is having the desired effect, including:

- More people doing their own peacemaking and sorting out their own problems, especially younger people;
- Families going to their own elders to sort out problems;
- People socialising together more, attending more festivals and social functions, more prepared to attend funerals and generally more laughter, caring and sharing in the community;
- Less inconvenience to the community as a result of escalated conflict, such as damage to council assets, closure of the store, kids not attending school, damage to residential power boxes resulting in houses without electricity or having to be vacated.

Based on the workshop feedback, the program logic set out in Figure 1 was developed for the ARJP. The project outputs, outcomes and performance indicators identified through the workshop guided the evaluators in their enquiries with stakeholders during the field visit to Aurukun on 15-19 August 2016. They were also used to formulate the community survey for the further data collection about the Project's impact in February 2017.

1.6 Method

The Evaluation Plan set out the key evaluation questions, sources of relevant data, and methods for collecting the data. In relation to the assessment of the outcomes of the ARJP, the following sources of data have been relied upon:

- a desktop review of documents, including available Departmental documentation (program funding agreements, project plans, progress reports, etc) and project-level documents (mediation guidelines, counting rules for data collection, progress reports, activity spreadsheets etc);
- interviews and focus groups with a range of stakeholders (conducted between July 2016 and February 2017, including during two visits to Aurukun);
- analysis of police offence data;
- a survey of community residents conducted in February 2017.

Consultants Michael Limerick and Heron Loban visited Aurukun from 14-18 August 2016 and 20-24 February 2017. The first visit mostly involved interviews with key stakeholders, while the second visit was mostly concerned with conducting the community survey.

PROGRAM LOGIC

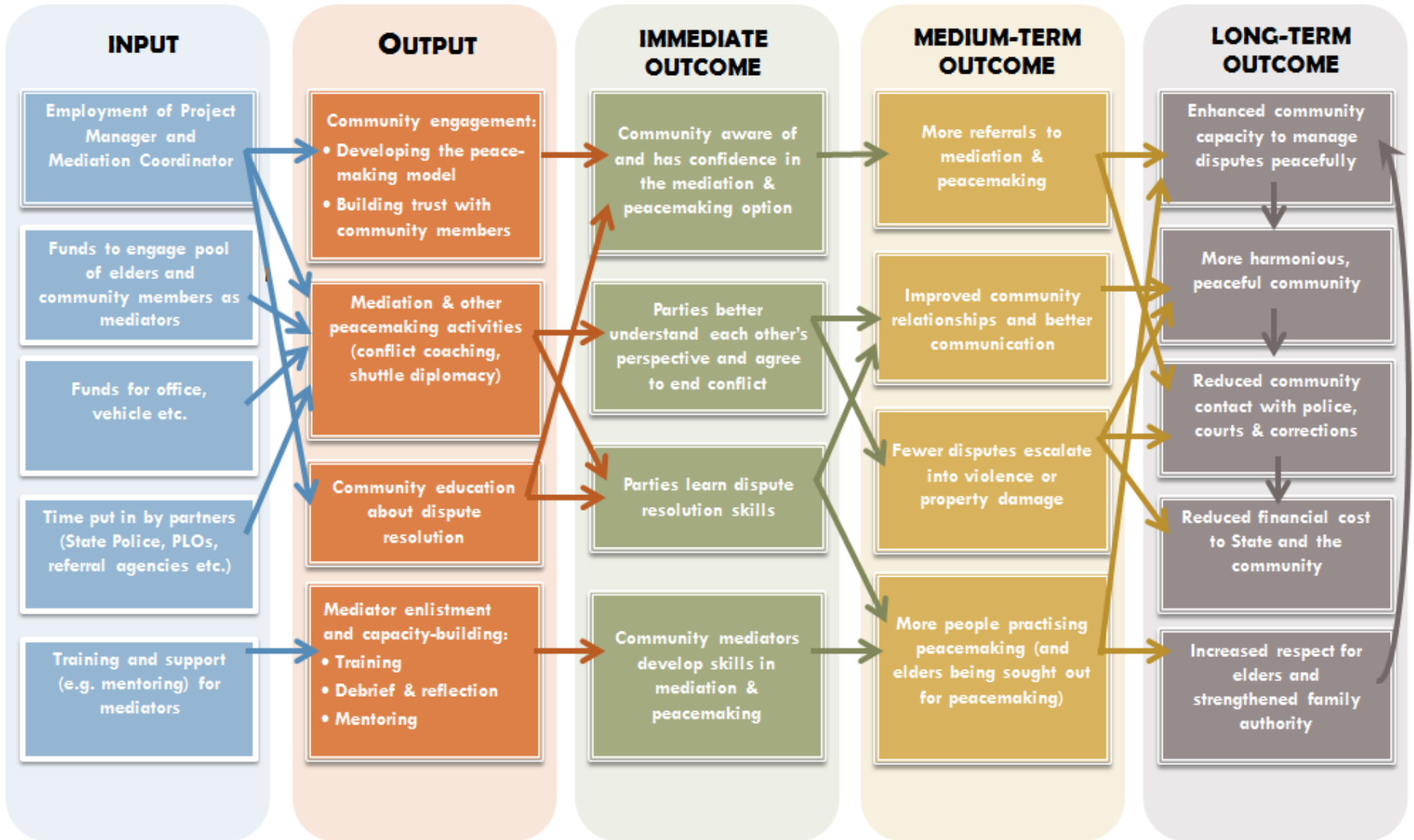


FIGURE 1. PROGRAM LOGIC FOR AURUKUN RESTORATIVE JUSTICE PROJECT

1.6.1 Interviews

Prior to the interviews or focus groups, a Background Information Sheet explaining the evaluation in plain English was provided to all participants and their consent was obtained. Commitments were given regarding the confidentiality of data collected, in accordance with the Australian Institute for Aboriginal and Torres Strait Islander Studies' (AIATSIS) *Guidelines for Ethical Research in Indigenous Communities*. An interview run sheet was prepared with question prompts exploring various elements of the key evaluation questions. Interviews were loosely structured in a way that enabled exploration of the focus questions in an informal manner, while still ensuring comparability of data.

Where appropriate or practicable, interviews were recorded and transcribed later. Where audio recordings were not possible, detailed notes were taken. Notes and transcripts of all interviews were entered into a database. This data was analysed and coded using qualitative data analysis software. This software permits the easy identification of patterns and common themes in qualitative data, enhancing the rigour of qualitative data analysis.

In total, 24 interviews and small focus groups were conducted, involving a total of 41 individuals. Of the 41 participants:

- 19 were women and 22 were men
- 23 were Indigenous persons and 18 were non-Indigenous persons.

Four interviews were conducted by phone and the rest of the interviews and focus groups were face-to-face. Twenty of the interviews and focus group meetings with stakeholders were conducted during the first field trip in August 2016 and four were conducted during the second field visit in February 2017. The second field visit was primarily concerned with the community survey.

The following breakdown indicates the types of organisations and groups consulted through the interviews and focus groups:

- DJAG – interviews with 2 relevant managers
- ARJP Project staff – interviews involving current and new Project Manager and Mediation Coordinator
- Aurukun Shire Council – focus group with 5 Councillors and CEO and interview with Mayor
- Women's group – focus group with 5 individuals
- Family Responsibilities Commission – interviews with Commissioner, Local Coordinator and Local Commissioners (who are also Councillors)
- Community Justice Group – interview with coordinator and focus group involving 3 members
- Queensland Police Service – interviews with current and former Officers in Charge for Aurukun, Senior Sergeant and 2 local Police Liaison Officers
- Community Police – interview with Community Police officer
- Aboriginal and Torres Strait Islander Legal Services – interview with 2 solicitors
- Local service providers – interviews and focus groups with mental health staff, Wellbeing Centre and Opportunity Hub staff
- Queensland Corrective Services – interview with probation and parole officer.

1.6.2 Community survey

The evaluation plan recognised that the in-depth interviews would be mostly with organisation-level stakeholders and would not provide a reliable indication of the views of the residents of Aurukun, and especially the clients of the peacemaking and mediation services. Hence, the evaluators ran a comprehensive survey of community members during the week of 20-24 February 2017.

The survey instrument was designed specifically to elicit community feedback about the key evaluation questions and to measure community perceptions about delivery of the outputs and outcomes identified in the program logic. The survey also took the opportunity to repeat some general questions about Aurukun (e.g. about community safety and crime) that had been asked in earlier surveys for other evaluations – because there is baseline data for these questions, it is possible to measure the change in perceptions of residents over time, which is highly valuable data.

The survey instrument was circulated to ARJP staff for feedback and piloting in early February 2017. It was then loaded onto tablet devices (i.e. iPads, tablet computers) using the SurveyGizmo software. This program enables the survey to be conducted on tablet devices in an offline environment. Results are automatically collated by the software once the researcher returns to a wifi environment.

As a matter of protocol, the evaluators met with the Aurukun Shire Council in August 2016 and discussed their intention to conduct a community survey in February 2017. This was followed by a formal letter to the Council on 13 February 2017 advising the details for when and how the survey would be conducted. Flyers were placed on noticeboards around the community advising about the survey and its purpose (see Attachment 1).

The evaluators enlisted two local female researchers to assist with administering the survey throughout the community. The local researchers were paid at a casual researcher rate and assisted the evaluators to approach community members and to translate survey questions into Wik Mungkan where necessary.

Each community member approached was given an information sheet about the survey (see Attachment 2) and their written consent was obtained prior to the survey. In recognition that people were giving up their time to participate in the interviews, respondents were offered a \$20 Ergon energy power card, which can be used in Aurukun home meter boxes to meet the costs of electricity.

Based on ABS census data for Aurukun, the evaluators developed a sampling frame to guide their efforts to survey a sample of Aurukun residents that is roughly representative of the community's demographic profile. The sampling frame and the actual sample achieved are set out in Table 1. Participants were enlisted through intercept interviewing at public places around the community as people went about their daily lives. At the end of each day, progress against the targets in the sampling frame was reviewed and particular cohorts (according to gender, age or clan group) were targeted the following day. On the advice of the community researchers, the evaluators were able to target particular locations or times of day to survey 'hard to find' cohorts. For example, the evaluators attended the Police and Citizens' Youth Club (PCYC) late in the afternoon to survey individuals in the 15 to 19 year old cohort, as this group is harder to engage earlier in the day.

The evaluators' target sample for the survey conducted over five days was 60 residents aged 15 and over. This target was exceeded, with 76 residents in the final sample. The comparison against the sampling frame in Table 1 indicates that the cohorts that are most under-represented in the sample are females aged 15-24 and males aged 25-44. The cohorts that are most over-represented in the sample are 45-64 year olds, especially females. There is also an over-representation of females in the overall sample, which comprised 44 females (57.9%) and 32 males (42.1%) – in the overall Aurukun population over 15, females comprise 50.7%

EVALUATION OF THE AURUKUN RESTORATIVE JUSTICE PROJECT

and males 49.3%. The evaluators found that women, especially those in their 40s and 50s, were the group most likely to be 'out and about' in the public places in the community and were most willing to participate in the survey. It took more targeted efforts to ensure participation by other cohorts.

There is also an over-representation of Indigenous people in the survey sample. Indigenous respondents were 97% of the total survey sample, whereas Indigenous people account for 90.1% of the Aurukun population over 15.

Although the final sample includes over and under-representation of some groups, sizeable numbers of respondents were sampled in each of the age/gender cohorts, giving confidence that no group's perspective has been substantially excluded from the survey results. The analysis of the survey data presented throughout this report makes note of any question where there was a significantly different response by age or gender compared to the average result for the whole sample. In most cases, the evaluation did not find significant differences, but these have been reported where noteworthy.

Indigenous participants were asked which of the five Aurukun clan groups they identify with: Wanum, Winchanam, Puch, Apalech, Sara or from elsewhere. There is no documented information about the exact size of these clans in Aurukun, but Winchanam and Apalech are widely recognised as the largest groups. The information in Figure 2 shows that the prevalence of these two groups is also reflected in the survey sample, but the survey did manage to include respondents from all of the Aurukun groups. It took a concerted effort to locate members of the Puch group to ensure their inclusion in the survey. Also, on the advice of a local person, one of the evaluators ventured away from the main business areas to survey people in a residential area on the edge of the community inhabited by a clan group that has been somewhat disengaged and marginalised in recent times. These residents spoke of how they were fearful to attend the shop or the bank due to an ongoing dispute with a more powerful family that dominated the public places in the community. Although the two largest clan groups dominate the survey sample, the analysis of the survey data found few significant differences between the responses of the members of the different clan groups.²

TABLE 1. SURVEY SAMPLE COMPARED TO AURUKUN DEMOGRAPHIC PROFILE

Cohort	Proportion of Aurukun population 15 or over ³	Number of people surveyed	Proportion of survey sample
15-24 years MALE	12.6%	7	9.2%
15-24 years FEMALE	14.0%	5	6.6%
25-44 years MALE	22.9%	10	13.2%
25-44 years FEMALE	23.5%	20	26.3%
45-64 years MALE	11.3%	13	17.1%
45-64 years FEMALE	9.2%	15	19.7%
65+ years MALE	2.4%	2	2.6%
65+ years FEMALE	4.0%	4	5.3%
TOTAL	100%	76	100%

² As reported in Part 6.5, one of the few consistent differences was in response to the question about the level of respect for Aurukun leaders, to which the Winchanam clan group respondents were much more positive.

³ Australian Bureau of Statistics, Census 2011.

Q5. Are you from any of the five Aurukun clan groups? (tick any that apply)

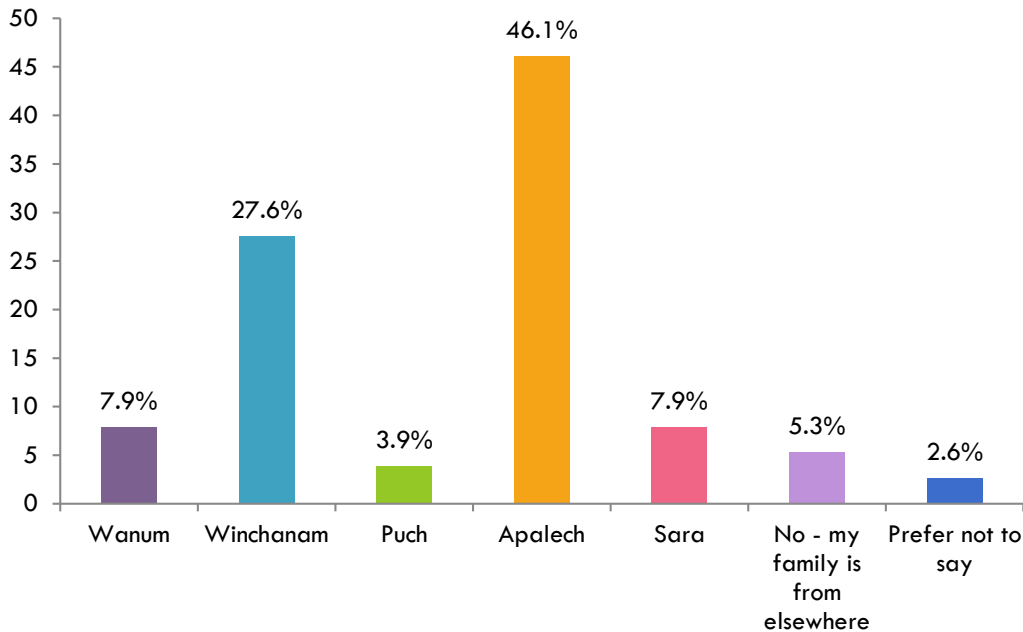


FIGURE 2. PROPORTION OF SURVEY SAMPLE FROM EACH AURUKUN CLAN GROUP

The total population of Aurukun over 15 years of age is 902.⁴ The survey sample of 76 therefore represents 8.4% of the Aurukun population over 15. The sample size gives a margin of error for the survey of 11%⁵ – in other words, the opinions of the sample could deviate from the total population by up to 11% margin of error.

1.6.3 Analysis of police data

The evaluators accessed detailed historical data about reported offences collected by the Queensland Police Service (QPS) for the Aurukun police district. Some of this material was publicly available on the QPS website, while more fine-grained data were sourced from QPS. The data were analysed to see whether they shed any light on changes in the level of conflict within Aurukun, which is a long term indicator of the mediation project's success. The analysis is presented in Attachment 5.

⁴ ABS, Census of Population and Housing, 2011.

⁵ At a 95% confidence level – i.e. we can have confidence that the response data will be within the margin of error 95% of the time.

2 CONTEXT FOR EVALUATING THE ARJP'S OUTCOMES

Evaluating the ARJP requires a careful examination of each of the elements of the program logic set out in Figure 1. The review of implementation contained in the Interim Report focused largely on the Project's inputs and outputs. It considered whether the Project had been implemented and was operating as originally planned – in other words, whether the Project is delivering the intended outputs. The overall finding of the Interim Report was that the Project was delivering each of the intended outputs to some extent, although some aspects of delivery had been constrained by the inadequacy of resourcing (ie. inputs) – in particular, the reliance on only one full-time mediator and a Project Manager position not based full-time in the community had constrained the ability to respond to the community demand for mediations and to attend to other developmental activities such as building consensus around the mediation model, enlisting and training more community mediators and providing community education about dispute resolution.

This report examines whether the delivery of the outputs has translated into the desired outcomes from the Project. The following questions are central:

- a) were the outputs in fact delivered?
- b) is there evidence that the desired outcomes have been achieved (or that there is progress towards them)?
- c) for any outcomes that are being achieved, is there evidence of a causative link between the outputs delivered by the ARJP and those outcomes being achieved?

In relation to question (a), obviously the degree to which the outputs have been delivered as planned will determine whether the project can deliver its intended outcomes. For example, if there has been little activity in enlisting and training community mediators, then there will be few outcomes in terms of increased community mediator skills in mediation and peacemaking. If there has been little community education about mediation, then the desired outcome of greater community awareness about mediation cannot be expected to be achieved. The first task for this report, therefore, is to review the extent of delivery of the outputs – this is contained in Part 3 and builds on the evidence base collected for the Interim Report.

Question (b) requires an assessment of each of the immediate, medium and long term outcomes contained in the program logic. These are each considered in terms of changes since the Project started, using a range of data sources such as project-level data, results of the community survey, qualitative feedback from stakeholder interviews and official statistics.

However, a finding that there is evidence of these outcomes occurring since 2014 is not sufficient. Question (c) recognises that the efficacy of the Project can only be established if there is some evidence of causation between the Project's outputs and the observed outcomes. For example, if there were evidence of the long term outcome of increased respect for elders in the community, this will not reflect on the ARJP's success unless it can be shown that the Project has contributed to this – for example, by showing that more elders were enlisted in mediation (a Project output) → that they gained skills in mediation (immediate outcome) → that they were increasingly playing the role of peacemakers in the community (medium term outcome) → and that these particular elders were gaining increased respect in the community for this role, thereby contributing to the overall increased respect for elders in the community (long term outcome). In other words, a chain of causation must be established for this long term outcome, linking it back to a direct output of the Project.

It should be noted that outputs might be fully delivered as intended, but certain intended outcomes not achieved at all. There are a couple of reasons for this. This might occur because the 'theory of change' underpinning the program logic is ill-founded. For example, the program logic contains an assumption that if elders become involved in mediation and are seen to be actively involved in this role, then the overall level of

respect for elders would increase in the community. However, it might be that some community members see elders performing this role as being partisan or judgmental or status-seeking, and that this reduces their respect for them. A second reason why intended outputs might fail to achieve intended outcomes is that there are many other more significant factors impacting on an outcome than the mediation project. In the example of respect for elders, there may be other political issues in the community undermining respect for elders and leaders that outweigh any benefit of a mediation project. The impact of other factors is a particular issue for the Project's long term outcomes, because overall conditions in the community (such as the level of peace and harmony) are influenced by such a diverse array of issues.

Causation will be easier to establish for immediate and medium term outcomes than long term outcomes. In the program logic, the *immediate outcomes* are framed in terms of the direct changes that the Project's outputs are expected to cause. These are changes in the awareness, knowledge, learning, skills, attitudes, motivations etcetera of the people who come into direct contact with the Project. For example, if community members attend mediation training, they would be expected to develop their skills in mediation and peacemaking.

The *medium term outcomes* are the changes in behaviour and actions that are expected to follow in the medium term from the immediate changes in the level of awareness, knowledge, skills etcetera of the people impacted by the Project. For example, if people develop skills in mediation and peacemaking, they might be expected to apply these skills and practise more peacemaking in their own families.

If the desired medium term changes in behaviour and action occur in a widespread way across the community, it can be expected that the *long term outcomes* will be evident through broader changes in the community. These long term outcomes relate to general conditions in the community, such as the level of peace and harmony. To continue the previous example, if more people are practising peacemaking in their own families, in the long term there will be an increased community capacity to manage disputes peacefully and a more harmonious and peaceful community.

The time that the ARJP has operated is an important final issue to be kept in mind for the outcome evaluation. The data was collected for this evaluation between August 2016 and February 2017. The ARJP commenced with a period of intense activity in the first few months of 2014, but did not establish a regular output of weekly mediation and peacemaking activities until March 2015 onwards. Therefore, the evaluation of the outcomes of the Project is being conducted roughly 2.5 to 3 years since its commencement, and only 1.5 to 2 years since it established regular services. In this timeframe, especially given the constraints on the level of Project outputs, it is unlikely that there will be evidence emerging of the Project's contribution to its intended long term outcomes. Even medium term outcomes will be difficult to gauge after such a short period of operation. However, the evaluation is able to assess achievement of immediate outcomes and to consider the evidence of *progress towards* the medium and long term outcomes. As several stakeholders commented, a mediation project will need to be sustained for many years in order to bring about key long term outcomes that rely on changes in behavioural norms in Aurukun.

3 ASSESSMENT OF PROJECT OUTPUTS

3.1 History of ARJP’s implementation

The key outputs for the ARJP have been defined in the program logic in Figure 2. In assessing the extent to which the outputs have been delivered, the history of the Project’s implementation needs to be considered. The history of the Project was discussed in detail in the Interim Report (Part 2). For reference, a timeline of the implementation is set out in Figure 3.

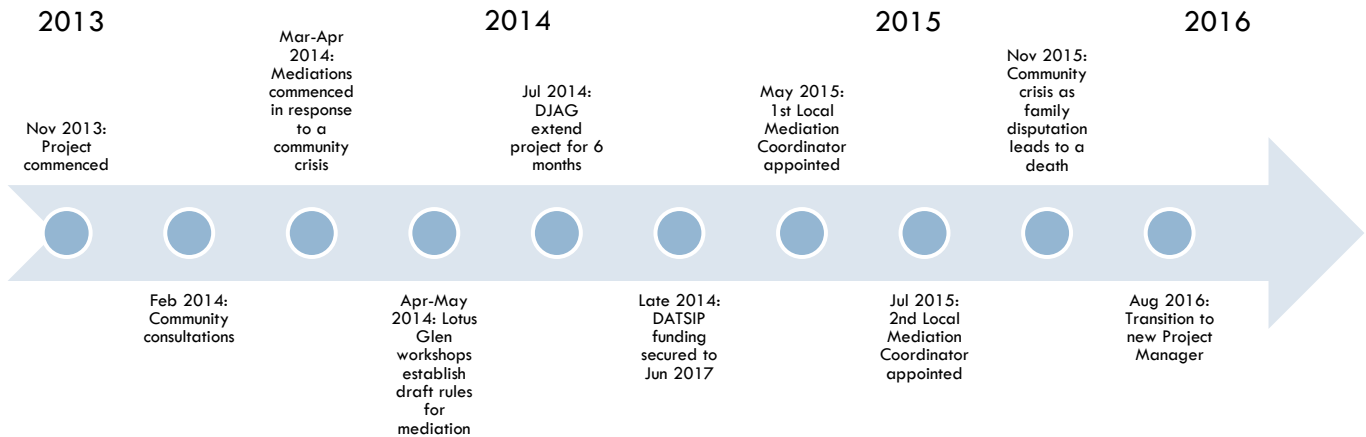


FIGURE 3. TIMELINE OF DEVELOPMENT OF AURUKUN RESTORATIVE JUSTICE PROJECT

In considering the level of outputs delivered, it is worth noting that certain aspects of the original plan for the Project were not implemented as originally intended:

- The original plan at the beginning of 2014 for several months of community consultation and co-design around an Aurukun peacemaking model did not eventuate due to an emergent need to start mediating in May 2014 in response to crisis events. The implementation review report concluded that although there was strong community support for peacemaking, a consequence of the limited ‘co-design’ phase was that a formal consensus about an ‘Aurukun model of peacemaking’ was never reached.
- The Project was established in the first half of 2014 with no guarantee of future funding. Funding was ultimately secured from DATSIP, but not until late in 2014.
- A local Mediation Coordinator was not appointed until May 2015, and the original incumbent did not perform as expected due to personal issues. The subsequent and current Mediation Coordinator started in July 2015 and has proven very effective.

The above factors have all impacted on the delivery of the Project’s intended outputs, as discussed below.

3.2 Output 1 – Community and stakeholder engagement

OUTPUT

Community engagement:

- Developing the peace-making model
- Building trust with community members

Evaluation: Solid Delivery

Evaluation Findings

- In establishing the Project, excellent work was done in engaging with Aurukun families to build trust and rapport.
- The staffing limitations have constrained the Project's ability to engage the community more around further development of the Aurukun peacemaking model, as was originally intended. This remains unfinished business.
- Resourcing also constrains the time available to engage with other community-based agencies.
- Nevertheless, the Project has strong relationships with police and community corrections. More work is required to consolidate referral processes with the courts.
- Engagement with non-government organisations is building.

The program logic highlights that a key activity for the Project is to engage with the Aurukun community and the agency stakeholders. The purpose of this engagement is to:

- develop the Aurukun peacemaking model;
- build trust and rapport with community members and service providers; and
- build awareness that the peacemaking project is available.

In terms of engagement with community residents, this output requires the Project staff to be out in the community engaging with residents in a range of formal and informal ways. For example, staff may spend time simply talking to people about what is happening in the community, and helping people with issues not directly related to the Project. It was envisaged that the Project staff would hold workshops and meetings with community members to develop and build consensus about the Aurukun peacemaking model.

In terms of engagement with organisational stakeholders, this output requires the Project staff to meet with stakeholders from organisations and attend inter-agency meetings to raise awareness of the Project and encourage organisations to refer matters and coordinate their activities.

Part 5.2 of the Interim Report outlined the evidence about delivery of this output to late 2016. In summary:

- The planned intensive consultation and co-design process involving community members had not occurred, due to the demand to immediately start mediating and the constraints on the time available to ARJP staff to continue the developmental work at the same time. Nevertheless, the Project Manager had consulted widely with families about the mediation project in early 2014 and there was strong support for mediation in the community.
- The Project Manager had worked hard to build rapport with families, getting to know people and helping them out in formal and informal settings.

- The Project had formed a close working relationship with police and had some engagement with probation and parole services and the court, although there was more work required to engage court stakeholders.
- Engagement with other community organisations and government and NGO service providers had been more limited, which had led to limited awareness of the Project and therefore less scope for referrals from these stakeholders.

The Interim Report made recommendations about how the Project could address gaps in the implementation around engagement with the community and other relevant stakeholders. In summary, it was recommended that the Project should:

- undertake a further process of community consultation and co-design to develop the Aurukun peacemaking model in collaboration with the community;
- promote the availability of mediation to organisational stakeholders;
- engage with court stakeholders (defence lawyers, police prosecutors and Magistrates) to devise a set of guidelines and procedures for identifying criminal matters that can be referred for mediation.

Since the Interim Report, the Project staff have taken steps to address some of these implementation gaps. The constraints on the staff time have not enabled a further process of consultation around the Aurukun peacemaking model. However, the availability of mediation has been promoted to organisational stakeholders and the Project has recently conducted mediations for staff at the Shire Council and at the school. There is still a need to engage with court stakeholders around victim-offender mediation, but the Project Manager has had discussions with visiting Magistrates about the role of mediation in the justice system. The Project Manager has worked with police to put in place a formal referral system using an online service.

The mediators have continued to actively engage with families and individuals out in the community, to build trust and rapport and engender confidence in the mediation project. This engagement has mainly occurred during the liaison with parties to disputes around organising mediations or resolving disputes through shuttle diplomacy. Once the Project staff receive a referral, follow up typically involves driving around the community and interacting with a large number of people to identify the issues in the dispute and broker agreement about how a mediation might proceed. During the survey of community residents, it was clear that most residents had either had personal contact with the mediators or had seen the mediators out in the community and understood what they were doing. The survey findings about this are discussed further in Part 3.4 (see Figure 14).

Overall, the evaluation found that the Project has been able to achieve a strong level of output in terms of informal engagement with grassroots community members, but constraints on staffing have limited both the opportunity for formal community engagement in developing the peacemaking model and the opportunity to engage more systematically with organisational stakeholders.

3.3 Output 2 – Mediation and other peacemaking activities

OUTPUT

Mediation & other
peacemaking activities
(conflict coaching,
shuttle diplomacy)

Evaluation: Strong
Delivery

Evaluation Findings

- The Project conducted 270 dispute resolution processes between March 2014 and March 2017, an average of 1.8 processes per week, including a mediation every 1.7 weeks.
- The rate of output has risen to 2.6 dispute resolution processes per week since January 2016 and is now similar to the Mornington Island project at the three year mark.
- Mediations now occur every 1.5 weeks. They involve significant conflict coaching and shuttle diplomacy as preparation time. There are few victim-offender mediations.
- Activity has been split 35% conflict coaching and shuttle diplomacy, 34% mediations, 25% intake and assessment only.
- The Project has achieved an extraordinary level of engagement of community members in its activities, across all ages and clan groups. Of 76 people surveyed, 52% had been to mediation, 11% had received help with peacemaking and 20% had heard things about mediation from a friend or relative. Only 17% had no direct or indirect connection with the Project. Most people who have been to mediation have been to more than one.
- A strong majority of community members are satisfied with the time it takes the mediators to respond to requests for help.
- Community members who had attended mediation expressed a very high degree of satisfaction with all aspects of the way mediations are organised and run by the mediators.
- About two-thirds (64%) of matters are recorded as having a successful outcome – 44% result in settlement of the dispute and 12% result in a deeper reconciliation between parties.
- Even though the mediations do not always result in a resolution to a dispute or even an agreement to stop fighting, community members overwhelmingly believe that mediation usually results in parties stopping fighting during the 2 weeks following mediation.

The core output of the ARJP is, of course, the delivery of mediation and associated peacemaking activities aimed at resolving conflicts between families and individuals in Aurukun. Delivery of a sufficient quantity of these activities at a high level of quality is crucial to achieving the Project's immediate, medium term and long term desired outcomes. Both quantitative and qualitative measures have therefore been used in assessing this output, including service-level data, interviews with stakeholders, and the survey of residents.

The Interim Report set out detailed service data about the delivery of mediation and peacemaking activities from 2014 to July 2016. The current report has updated this data to March 2017.

3.3.1 Number of mediations and other peacemaking activities

The first question to address is: what has been the level of output of the ARJP in terms of mediations and other peacemaking activities? The Project records these dispute resolution processes under the categories set out in Figure 4, which are further defined in Attachment 3. During the first three years of the Project’s operation, from March 2014 to March 2017, a total of 270 of these dispute resolution processes were logged. There are a few observations that can be made from the breakdown presented in Figure 4:

- conflict coaching and shuttle diplomacy (which have been counted together because they tend to occur as part of the same process) are the most common process used, at 35%⁶;
- the three categories of face to face mediations between parties account for 34% of all activity;
- one-quarter (25%) of all referrals are dealt with through intake and assessment only, with no further action taken (either because it is not required or not possible).

Dispute Resolution Process	#
Conflict coaching and shuttle diplomacy	95
Facilitative mediation	60
Kinship consultation / mediation	19
Victim offender mediation	13
Intake and assessment only	68
Group facilitation	11
Negotiated settlement	4
TOTAL	270

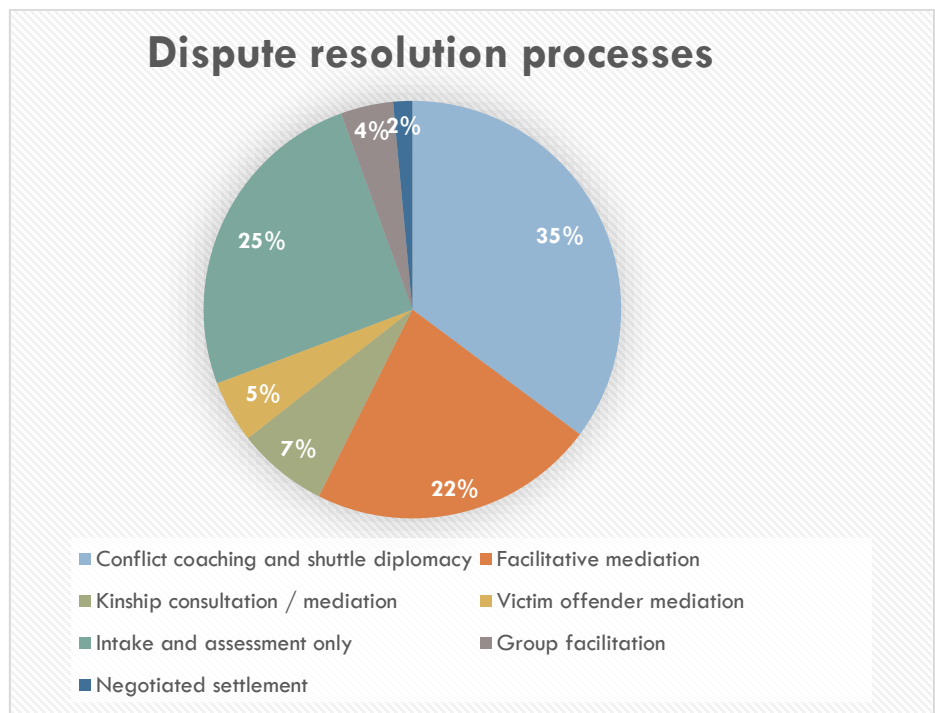


FIGURE 4. ARJP DISPUTE RESOLUTION PROCESSES MARCH 2014 - MARCH 2017

Averaged over the period of 154 weeks from March 2014 to early March 2017, the total of 270 dispute resolution processes represents about 1.8 dispute resolution processes per week. In terms of mediations alone, the data indicate a mediation roughly every 1.7 weeks (every 8-9 working days). This average is not indicative of the current output levels, as it includes the establishment phase in 2014 and 2015 when the Project was not operating at full capacity. A better indicator of the level of Project output is the activities undertaken since the beginning of 2016. During this period of 61 weeks, a total of 160 dispute resolution processes were delivered, at an average of 2.6 processes per week. The rate of mediations has risen to a

⁶ This is similar to the trend on Mornington Island, where the evaluation found 42% of matters were dealt with by shuttle diplomacy and conflict coaching.

mediation every 1.5 weeks on average. The ramp-up of dispute resolution output for the Project is clearly evident in the timeline in Figure 5.

Given the uniqueness of the ARJP, it is difficult to assess whether this rate of output is above or below benchmarks. The most relevant comparator is the Mornington Island Restorative Justice project, although there are significant differences in the projects. The rate of output of the ARJP has followed a similar trajectory to the Mornington Island project. That project handled an average of just over 1 dispute resolution per week in 2010 and 2011 (55 per year), rising to 2.3 per week in 2012 (119 per year) and 3.2 per week in 2013 (166 per year).⁷ At 2.6 per week during its third year, the Aurukun project's output is now similar to the output delivered at Mornington Island after three years of operation.

Other factors that need to be considered in interpreting the data about the rate of dispute resolution processes delivered at Aurukun are:

- the recorded instances of dispute resolution procedures do not capture all the dispute resolution efforts of the ARJP staff – progress reports indicate that ‘Parties to conflict are often approached informally without a referral and decline any suggestion of mediation. Incidences of this are not recorded as they often occur away from the community and/or out of working hours’;⁸
- a mediation in fact includes significant preparation time that involves both conflict coaching and shuttle diplomacy, so a complex mediation may take several days to organise.

The Project Manager described the importance of the preparatory work for mediations:

People greatly underestimate... how much preparation work is done. I think the purist in the Dispute Resolution Branch has the intake officer sitting in the office, and gets a phone call or someone comes in and says ‘I would like to organise a mediation’, and they sit down and interview them and then they ring the other person up, and they say ‘okay’ and then it’s all done. But here if there is one mediation, it’s a week of work and it may not come off. But at the same time, there is a benefit in that because you are personally involved and on the ground out there and you could well resolve it in that process. (Project Manager)

Figure 5 provides a weekly timeline of the Project's mediation and peacemaking output over the past three years. As discussed at length in the report on implementation, the graph highlights the ongoing resourcing issue for the Project, as the weeks where no activities take place generally correspond to periods of unavailability or leave of one or both of the two full-time Project staff. The ramp up of activities in the past year is a combination of the Project coming up to full capacity (as the Mediation Coordinator has gained accreditation) and an increase in demand for mediations as referral rates increase. The challenge for the Project is evident in the figures for early 2017, where the level of activity has picked up at a time the Mediation Coordinator was taking extended leave. Many matters have had to be deferred or have only been dealt with by intake and assessment, with no staff available for further follow-up.

The Interim Report raised a concern that the Project had dealt with only nine victim-offender mediations (VOMs) up to July 2016, which was about 14% of mediations conducted. A lack of coordination and communication amongst the court stakeholders, including police prosecutors, magistrates, defence lawyers, the CJG and the mediation staff, had limited the scope for referrals.

⁷ Ibid, p.191.

⁸ ARJP Progress Report, July-December 2015, p.4

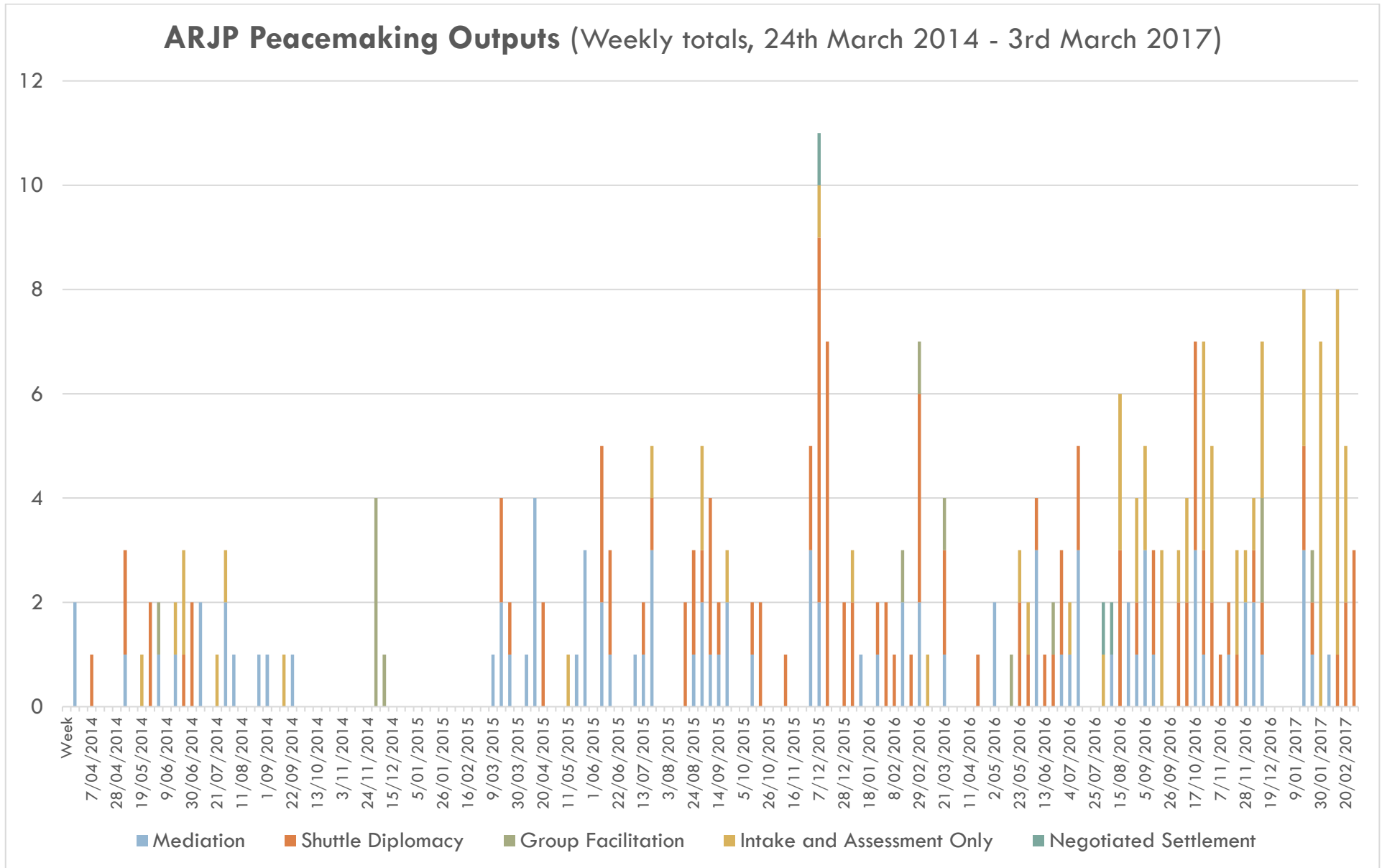


FIGURE 5. TIMELINE OF ARJP PEACEMAKING OUTPUTS 2014-2017

The rate of VOMs has continued to be low, with only another four conducted since July 2016. The implementation review’s recommended process to engage relevant court stakeholders to devise guidelines and protocols for VOMs needs to be expedited to address this gap. At the local level, the Project Manager has been communicating with police and magistrates about this issue, but a formally negotiated process is required. This need for clear guidelines and processes is highlighted by a recent incident where the court referred a young woman charged with assaulting an older woman to mediation. The mediation proceeded and the woman apologised, but when she did not subsequently attend the court hearing, the matter was dealt with ex parte and the charge dismissed. The Project Manager is concerned that if a person charged with a serious offence is not required to attend court following mediation, referral to mediation will be seen as an ‘escape route’ and it will undermine individual accountability.

On the face of it, dealing with 2.6 matters per week and convening a mediation every 7 or 8 working days may appear a modest level of output. The survey of community residents, however, revealed that the Project has achieved an extraordinary level of reach into the community in terms of participation in mediations and other peacemaking activities. Most significantly, as Figure 6 indicates:

- 52% of the respondents⁹ had actually been to a mediation meeting run by the mediators in the past three years;
- a further 11% had received some other form of help from the mediators with a dispute or problem; and
- a further 20% had heard things about mediation and peacemaking from a friend or relative who had been directly involved.

Q20. Have you been to a mediation meeting run by Keri, Phil or Trevor in the past 3 years? (for example, at the Justice Centre, courthouse or in the street)

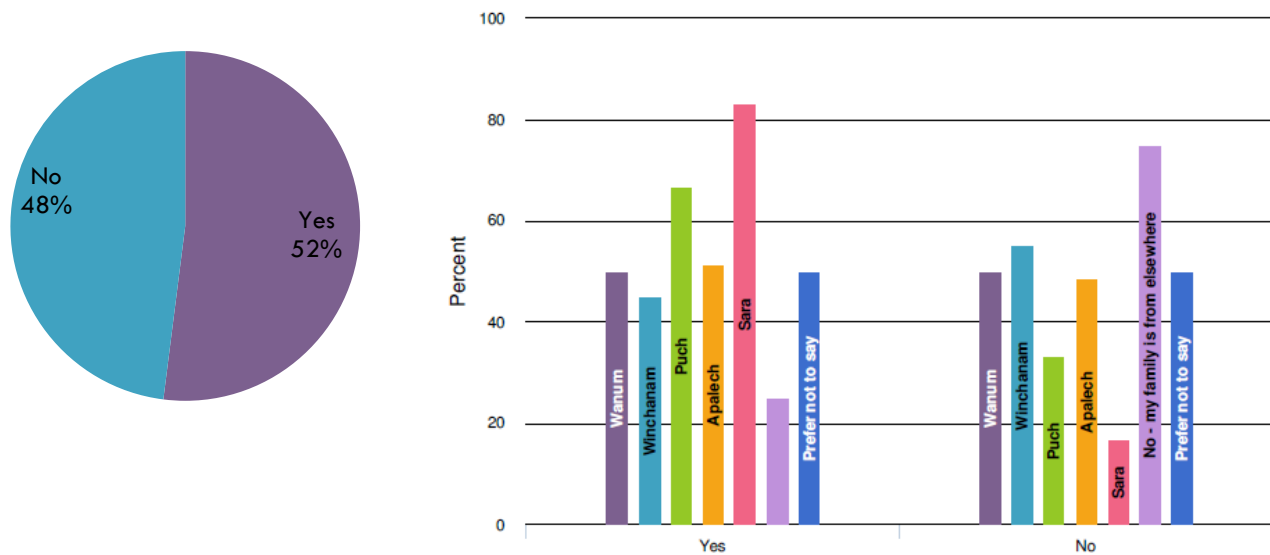


FIGURE 6. PROPORTION OF COMMUNITY MEMBERS WHO HAVE ATTENDED A MEDIATION IN PAST 3 YEARS

In other words, 63% of all respondents reported having some direct contact with mediation and peacemaking, another 20% had some indirect involvement, while only 17% reported no involvement. People of all age

⁹ 59% of female respondents and 42% of male respondents.

groups reported having been to mediations, although respondents aged 15-24 were much less likely to have attended a mediation.¹⁰ Another positive indication is that attendance at mediations is spread across all of the five Aurukun clan groups, rather than limited to certain groups – see Figure 6.

Of those people who said they had attended a mediation, most people (59%) had been to more than one. As Figure 7 indicates, more than half of respondents had attended between 2 and 5 mediations, and a small proportion had been to 7, 8 or more mediations. The numbers differed for males and females, with females much more likely to have attended only one mediation (54% as opposed to 15% of males), and males more likely to have attended multiple mediations. Young people aged 15-24 were more likely to have attended only one or two mediations, while people aged 45-64 were most likely to have attended several mediations.

Q21: How many mediations have you been to? (approximately)

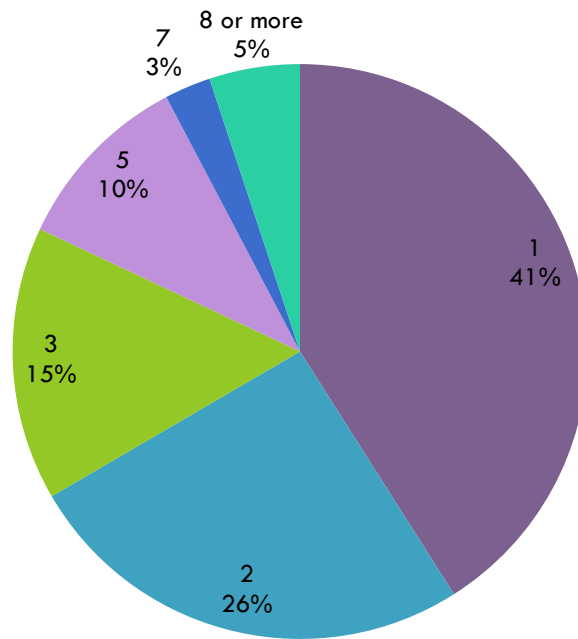


FIGURE 7. NUMBER OF MEDIATIONS ATTENDED BY RESPONDENTS

Residents had attended mediations in a variety of roles, as indicated in Figure 8. It is notable that the highest proportion (55%) was ‘supporting a family member or friend’, while only 39% said they had attended as a ‘party’ to the dispute.

¹⁰ The proportion who had attended mediation was: 33% of people aged 15-24; 57% of people aged 25-44; 54% of people aged 45-65 and 60% of people aged 65 or older.

Q21: When you went to a mediation, what role did you play? (tick all that apply - e.g. may have had different roles at different mediations)

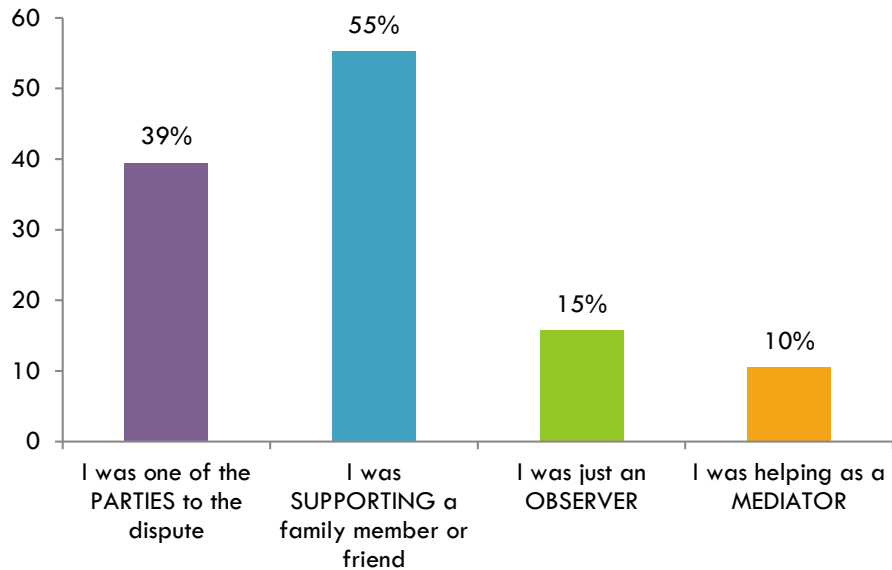


FIGURE 8. ROLES PLAYED BY PARTICIPANTS AT MEDIATIONS

The survey shows that the mediation project has involved a surprisingly high proportion (63%) of the community directly in mediation and other peacemaking activities. This is a level of grassroots involvement that would be the envy of any other service in Aurukun, and illustrates the extent to which mediation has been embraced by the community.

3.3.2 Responsiveness

The number of mediations that the Project can actually deliver is naturally dependent on the number of referrals. Thus, a better measure of this output than a simple count of peacemaking activities is the extent to which the community considers the Project is adequately responding to the demands for peacemaking. During qualitative interviews in August 2016, most stakeholders were generally satisfied with the response time from the Project staff, although it was acknowledged that the Project was constrained by the fact that the Project Manager was not based full-time in the community and there was only one local mediator position. There were a small number of stakeholders who were dissatisfied with the responsiveness of the Project.

This issue was explored in the community survey. As indicated in Figure 9, a substantial majority of residents (73%) were 'happy' or 'very happy' with the time it took for the mediators to respond.¹¹ Only 9% (3 respondents) said they were unhappy. Positive comments included:

[It was] dealt with very quickly and there was a prompt response to avoid it getting worse and then the quality of work it took to form some resolution between the parties. Highly satisfactory. (Resident)

It needed immediate attention and Phil provided it. Would have blown up. (Resident)

¹¹ 100% of respondents aged between 15-24 were 'very happy' with the response time.

Trevor went and talked to the other family member and it got sorted out. Didn't even need mediation. (Resident)

Of the respondents who were 'unhappy' (3 respondents) or responded that it was only 'OK' (2 respondents), one said that they had wanted the mediation to happen immediately, another was concerned the mediation staff did not follow up on their issue and another commented that there was a 'waiting list'.

Q18: When you asked for help from the mediators, how happy were you with the time it took for them to respond?

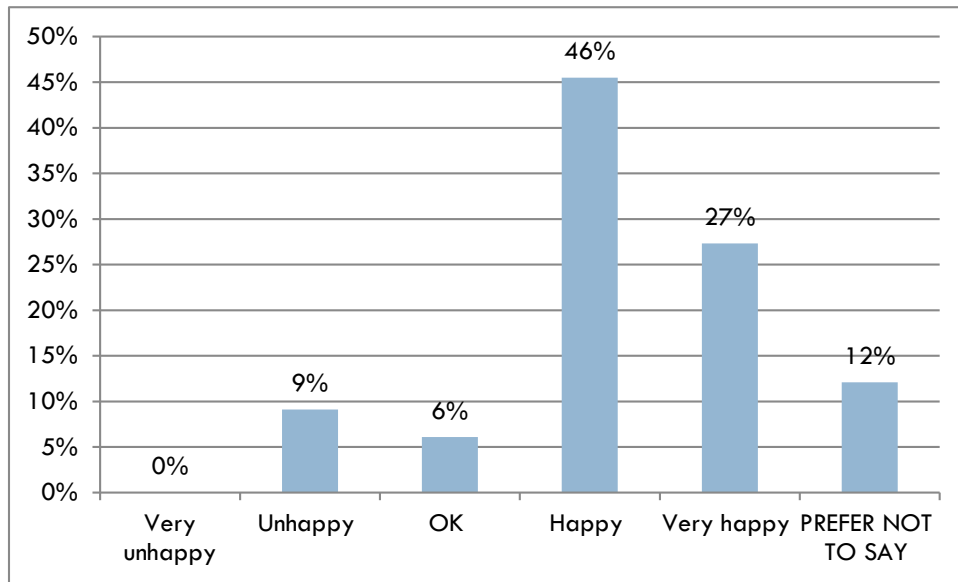


FIGURE 9. SATISFACTION WITH PROJECT STAFF'S RESPONSE TIME

Feedback from State police also indicated that they were generally happy with the response time in cases where they referred matters, but they were also conscious that the mediation service was constrained by the current staffing situation:

Personally I think they could do with more mediators here. I think both [the mediators] are under the pump a bit and now [one] is on leave... there are some days when we are trying to refer two, three or four matters and everybody wants to get it done now. Like as soon as we say 'let's go to mediation', they want it now. And trying to explain to them that it can't always happen because they just don't have the staff to facilitate it – they don't want to hear that. (Police officer)

3.3.3 Satisfaction of parties

The implementation review noted that one of the weaknesses in the current operation of the Project is that there is no mechanism to gain feedback about the satisfaction of the parties with the mediations and other peacemaking activities. It is not practicable to administer a client satisfaction survey following mediations, so the Project has relied on the two week verbal follow-up to find out whether the dispute had been resolved and whether the parties had any feedback about the process.

The community survey presented an opportunity to independently gather feedback about the Project. As indicated in Figure 10, the evaluators asked people who had attended mediations about a range of quality

measures, including some used generally for mainstream mediations (e.g. the mediators treated people fairly and gave people an equal say, and the mediation was well-run and things were kept confidential), plus some specific Aurukun issues that arose during the implementation review (e.g. were the right family members there, was the size of the meeting OK and was the mediation run the proper way according to culture?).

Q23. Thinking about the mediation/s you went to, do you agree with the following?

		Strongly disagree	Disagree	Neither	Agree	Strongly agree	DON'T KNOW
The RIGHT FAMILY MEMBERS came to the mediation/s Count	0	3	2	26	7	1	
The SIZE of the meeting/s was OK (not too many people) Count	0	7	2	23	3	4	
The mediators were the RIGHT MEDIATORS Count	0	0	1	25	12	1	
The mediators treated everyone FAIRLY and didn't take sides Count	0	0	2	22	14	1	
The mediation/s was run the PROPER WAY according to culture Count	0	0	1	22	12	2	
Everyone had an EQUAL SAY Count	0	0	2	23	13	1	
Afterwards, things were kept CONFIDENTIAL unless the meeting agreed people could be told Count	0	2	4	21	8	4	
Overall, the meeting/s was WELL-RUN by the mediators Count	0	0	2	21	15	1	

FIGURE 10. PARTIES' SATISFACTION WITH MEDIATIONS

The results of the survey are unambiguous: respondents who had attended mediation meetings expressed a high degree of satisfaction with all aspects of the mediations. This feedback was consistent across both genders, all age groups and all five clan groups. It is noteworthy that the highest level of agreement was with the statements that ‘the meeting was well-run by the mediators’, ‘the mediators treated everyone fairly and didn’t take sides’, ‘everyone had an equal say’, ‘the mediators were the right mediators’, and ‘the mediation was run the proper way according to culture’. During the August 2016 consultations, a small number of stakeholders raised a concern that the Mediation Coordinator was not neutral on occasions, but this

is clearly not reflected in the survey feedback. In fact, no respondents from any of the five clan groups expressed the view that the mediators did not treat people fairly or that the meetings were not well-run.

The only areas where respondents indicated any disagreement were the statements that ‘the size of the meetings was OK (not too many people)’ (20% disagreed), ‘the right family members came to the mediation’ (8% disagreed) and ‘afterwards, things were kept confidential unless the meeting agreed people could be told’ (6% disagreed). This is consistent with the qualitative feedback from August 2016, where a few people raised the issues that sometimes too many people attended the mediations, sometimes the key people in a dispute were not coming to the mediations and sometimes parties did not respect confidentiality after the meeting. Some of the qualitative comments to the survey confirmed that all of these remain issues of concern for the mediation process.¹² These are all issues that the mediation staff are aware of and try to manage, but are to some extent outside their control.

The survey also asked for feedback from people who had not been to mediations, but had been assisted in some other way by the mediators – half of these had been assisted through conflict coaching (the mediators talking about how to manage the dispute) and half had been assisted through shuttle diplomacy (the mediators took a message to the other person in the dispute). These eight respondents all agreed or strongly agreed with the statements in Figure 11, that the mediators treated them fairly and didn’t take sides, that the mediators were respectful of culture and that the mediators kept things confidential unless they agreed they could pass on something.

Q30. Thinking about the help the mediators gave you, do you agree with the following?

	Strongly disagree	Disagree	Neither	Agree	Strongly agree
The mediators treated me FAIRLY and didn't take sides Count	0	0	0	2	5
The mediators were RESPECTFUL of culture Count	0	0	0	2	4
The mediators kept things CONFIDENTIAL unless I agreed they could pass on something Count	0	0	0	5	2

FIGURE 11. PARTIES' SATISFACTION WITH PEACEMAKING ASSISTANCE

Those respondents who had not been to a mediation or been assisted by the mediators in some other way were asked if a friend or relative had ever told them anything about going to mediation or getting help from the mediators. Fifteen respondents replied ‘yes’ – of these, a substantial majority (73%) said that their friend/relative was ‘happy’ with the mediation or the help with peacemaking they received, while 7% said

¹² For example: “Don’t want too many people there – just my family”; “Some people don’t respect confidentiality”; “Sometimes the other family won’t come”; “Sometimes wrong people turn up and the right ones stay home, dodging it”; “Too many people go because then it starts getting bigger, too many people supporting;” “I make sure we only take 5 or 6 family members. I just take mother, elder sister, daughter. When you take too many people, that’s when the fight starts. If you take a small group, then people might shake hands”.

they were ‘very happy’, and 13% said they were ‘OK’ with it. None of them said that their friend or relative was unhappy with the mediation or peacemaking assistance.

Overall, the community feedback is an extremely strong endorsement of the way the ARJP staff, both past and present, have run mediations and provided other peacemaking assistance to the community in Aurukun.

3.3.4 Outcomes of mediations and peacemaking activities

Part 5.3.4 of the Interim Report included an analysis of the Project’s data about the outcomes of mediation and peacemaking activities, as assessed by Project staff according to the categories set out in Attachment 4. Figure 12 sets out an update of these figures to include the data between July 2016 and March 2017. It shows that 58% of disputes referred to the ARJP have had a successful outcome (either settled or reconciled). The figures have been affected in the past six months by a significant number of matters (26, or 10% of the total) that have had to be ‘deferred’, due to increased referrals combined with ongoing staffing constraints. If these are excluded, the success rate rises to 64%. The number of matters where peacemaking has been attempted (e.g. a mediation conducted) but which are deemed ‘unsuccessful’, cannot proceed due to a ‘no show’, or result in a ‘walkout’, was 18, representing only 7%. The remaining matters that do not lead to successful settlement or reconciliation are: ‘unable to mediate’ (e.g. because a party has left the community) – 11%; and ‘unwilling to participate’ – 14%. The mediators report that, in practice, even where parties do not show up for mediations or walk out of the mediation, the process often contributes to the dispute being resolved shortly thereafter.

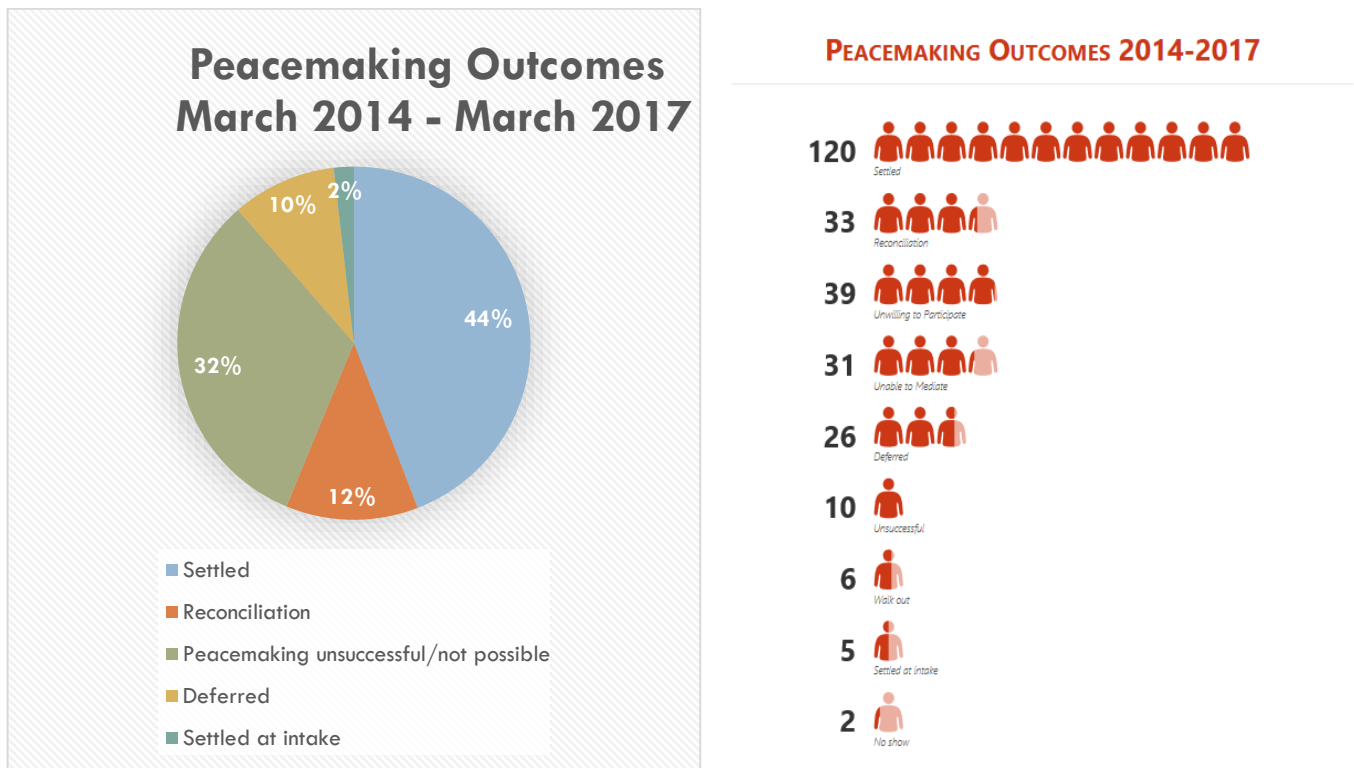


FIGURE 12. OUTCOMES OF PEACEMAKING PROCESSES 2014-2017

The uniqueness of the Aurukun community and the Aurukun mediation project mean that there is no existing benchmark for an acceptable success rate for peacemaking. The Mornington Island project has had 83% of matters resolved successfully. At Mornington Island, more matters are finalised with reconciliations (33%) and

are resolved at intake (13%). The rate at which parties are unwilling to participate in Aurukun (14%) is about the same as the level of non-engagement (12%) at Mornington Island.

The survey was an opportunity to gauge community members' perceptions about the success of mediation and peacemaking activities. This was explored through questions to community members who had either themselves been to mediations, received some other assistance from the mediators, or who knew someone who had been to mediations or received peacemaking assistance. Recognising that there are degrees of 'success' in dispute resolution outcomes, the survey asked respondents whether the mediation or peacemaking activity had ended in agreement about a way to finally settle the dispute or whether it had simply ended in agreement to stop fighting (i.e. regardless of whether there was any agreement about settling the dispute). They were further asked whether the outcome was that the parties actually did stop fighting about the issue for the two weeks following the mediation or peacemaking. The results are set out in Figure 13.

The most striking feature of the feedback from those who had attended mediations is that even though they perceive mixed results in terms of the parties resolving the dispute or even agreeing to stop fighting at the mediation itself, they overwhelmingly believe that the mediation usually results in the parties actually stopping fighting during the two weeks following the mediation. Of the 34 respondents who expressed an opinion, 50% (17) said that it stopped the fighting 'every time', 41% (14) said it stopped the fighting 'most times', while 9% (12) said it only stopped the fighting 'sometimes' – no respondents believed that the mediation 'never' or 'hardly ever' resulted in a stop to the fighting in the two weeks after the mediation. Young people aged 15-24 were most positive about the impact of mediations in stopping fighting – 67% said this happens 'every time' and 33% said this happens 'most times'.

In other words, those who have attended mediations largely report that it works to put an immediate stop to the fighting between parties. Yet, it seems that this will not necessarily be evident at the conclusion of the mediation itself, because the feedback indicates that the parties only sometimes agree on a resolution to the dispute and do not always even agree to stop fighting at the end of the mediation. For example, 29% (10) of respondents said that at the end of the mediations they attended, the people who were there 'never' or 'hardly ever' agreed on a way to finally settle the dispute (e.g. an apology or some other solution). On the other hand, 35% (12) said that the mediations they attended ended in agreement to settle the dispute 'most times' or 'every time' and another 35% said this was the case 'sometimes'. So mediation is successful in resolving many disputes at the mediation itself, but by no means all the time.

Likewise, 64% (23) of participants reported that mediations ended in an agreement to stop fighting 'most times' or 'every time', but 28% (10) said this was only the result 'sometimes' and 8% said this was the result 'never' or 'hardly ever'. Again, mediations appear to have strong success in eliciting agreement to stop fighting, but this result is not guaranteed. However, the important finding indicated above is that even where there is no agreement to stop fighting, participants' feedback suggests that the parties do in fact stop fighting for at least the next two weeks.

Similarly, for the small number of respondents who received some other form of assistance from the mediators (e.g. shuttle diplomacy or conflict coaching), 86% (6) reported that the help resulted in them avoiding fighting with the other party for two weeks following the assistance. More than half (57%) of these respondents indicated that the assistance had actually resolved the dispute 'every time', while 12% said this had happened 'sometimes' and 25% said it had 'never' resolved the dispute.

Q26. At the end of the mediation/s you went to, how often did the people who were there:

	Never	Hardly ever	Sometimes	Most times	Every time	DON'T KNOW
agree on a way to finally settle the dispute (e.g. apology or some other solution)? Count	7	3	12	2	10	3
agree to stop fighting? Count	1	2	10	9	14	3
actually stop fighting (e.g. yelling or physical fighting) about the issue for the 2 weeks following the mediation? Count	0	0	3	14	17	5

NOTE: Q26 was answered only by people who had attended mediations.

Q31. As a result of the help from the mediators, how often did you:

	Never	Hardly ever	Sometimes	Most times	Every time	PREFER NOT TO SAY
manage to sort out the dispute or issue? Count	2	0	1	0	4	0
avoid any fighting (e.g. yelling or physical fighting) between you and the other party for at least 2 weeks? Count	1	0	0	1	5	0

NOTE: Q31 was answered only by people who had received peacemaking assistance (but not attended mediations).

Q35. At the end of the mediation or peacemaking, how often did the people involved:

	Never	Hardly ever	Sometimes	Most times	Every time	DON'T KNOW
agree on a way to finally settle the dispute (e.g. apology or some other solution)? Count	0	1	8	2	1	2
agree to stop fighting? Count	0	2	7	2	2	2
actually stop fighting (e.g. yelling or physical fighting) about the issue for the 2 weeks following the mediation? Count	0	0	5	5	2	2

NOTE: Q35 was answered only by people who had heard from friends or family about the outcomes of mediations or peacemaking assistance provided to those friends/family.

FIGURE 13. PERCEPTIONS ABOUT OUTCOMES OF MEDIATION AND PEACEMAKING ACTIVITIES

The feedback from the 14 respondents who had not been to mediation themselves but had a friend or relative who had attended mediation was less categorical. Their responses tended towards the outcome being an actual cessation of fighting 'most times' (41% of those who expressed an opinion) or 'every time' (17%). However, another 41% said this was only the outcome 'sometimes'. As to whether mediations they knew about resulted in a resolution of the dispute or an agreement to stop fighting at the end of the mediation, the majority responded 'sometimes', with the remaining responses mostly indicating these outcomes were achieved 'most times' or 'every time'.

The survey feedback about the outcomes of mediations is strongly correlated with the qualitative feedback from stakeholders. For example, mediation staff and police interviewed for the evaluation had both observed that while mediation meetings were often heated and on the face of it, unsuccessful in reaching any agreement to resolve the dispute or even to cease fighting, they nonetheless usually had the effect of stopping the fighting in the weeks that followed.

Some mediations that we have done have been screaming matches. We have considered them failures, but it has brought an end to the fighting... [By yelling], people can validate the worth of their family in public and the other party validates theirs. So it's a moot point whether we can call those successful, but they settle the fight. It is certainly not reconciliation, but reconciliation often comes later – parties go off having yelled and shouted, but we hear two days later that the parties have reconciled. (Mediator)

The following example related by the current Project Manager describes how apparently unsuccessful mediations often result in a cessation of fighting:

We recently had a mediation where we had up to 12 people involved. It was a multi-faceted dispute which involved two diverse family groups. There was one mediator with a Justice Group member as a moderator. The dispute became quite hostile where on a number of occasions a male participant picked up a chair and threatened to strike a female participant. The mediator intervened by standing between both parties and requested them to desist. The aggressive threat ceased but as a result all parties left the room. That in a normal sense of the word would be considered a 'walkout'. All parties continued to stand around outside in separate groups for approximately half an hour and then progressively started to come together and speak civilly to one another and walked off together. One of the more aggressive male members came back into the centre and apologised to the mediator for their threatening behaviour and then left. There has been no further trouble in the community involving that group of people. I would suggest that despite not following through the 12 steps of mediation, that intervention under the name of mediation was a 'success' (Aurukun Mediation Project Progress Report, July- December 2016)

In summary, both the qualitative feedback and the opinions of community members expressed in the survey indicate that mediation is generally very effective in bringing about and immediate cessation of fighting, even though the meeting itself does not always result in either an agreement to resolve a matter or an agreement to stop fighting. Community members report that other peacemaking activities such as conflict coaching or shuttle diplomacy are also generally effective in preventing further fighting.

3.4 Output 3 – Community education about dispute resolution

OUTPUT

Community education
about dispute
resolution

Evaluation: Moderate
Delivery

Evaluation Findings

- Staffing constraints have limited the time available for formalised community education about dispute resolution.
- However, the mediators' everyday work of 'getting out and about' and talking to disputing parties and organising mediations is engaging a considerable number of people and having a strong educative effect. 52% of respondents had heard the mediators talking about mediation in their street or at their house.
- The Project has started engaging the school in a junior mediator program.

Separate from running peacemaking activities, a further output for ARJP staff is delivering education to the community about dispute resolution generally. This output is contrasted from the first output in the program logic in that this activity is not focused on engaging the community to raise awareness of the mediation service (although that might be part of the reason for engaging), but specifically to educate people about ways to deal with conflict.

The implementation review noted that it is not possible to quantify the delivery of this output because the Project does not collect data about the proportion of staff time spent on community education activities. The Interim Report concluded that the constraints on staff time, the demand for peacemaking, and the regular community upheavals due to unrest had limited the opportunity for general community education activities. Community education had consisted of occasional visits by the mediators to the Cape York Employment compound to talk to workers about mediation, and visits to the men's group and women's groups. Planned community workshops about dispute resolution had never taken place.

Since the implementation review in August 2016, it has remained a challenge for staff to find time to organise community education activities. The Project Manager reflected that the Project's efforts in community education were "not as much as we would like - I think we need to up the ante... it's a resourcing issue." The main development has been an agreement with the school to implement a junior mediator program modelled on the one developed at the Mornington Island school:

So even if you are just going to educate the kids in the process of talking to each other, sitting and respecting one another, you've come a long way because their brain is still fresh and unimpeded by all this aggression and bad memories. (Project Manager)

In the absence of organised community education activities, the Project has instead relied on community members learning about dispute resolution through 'experiential learning' – by participating in mediations and pre-mediation discussions as either parties or co-mediators.

The survey explored the extent to which residents had heard the mediators out in the community talking about peacemaking and whether they had learnt anything from this. When asked whether they had ever heard the mediators (Keri, Trevor or Phil) explaining or teaching about mediation and peacemaking out in the community, only 12.3% said 'no' – see Figure 14. The most common response was that they had heard the

mediators talking about it out in the street or at their homes (52%). This reflects the fact that organising mediations or conducting conflict coaching and shuttle diplomacy is a highly interactive process of engaging with individuals and families throughout the community. Organising a single mediation can take several days of visiting various homes across the community. Inevitably, a large proportion of community members come into contact with the mediators.

Other respondents had heard the mediators explaining mediation at their work (12%), at Cape York Employment (3%), at a community meeting (10%), and in various other places (25%) which included mediation meetings, the police station, the justice centre, or interagency meetings.

Q10. Have you ever heard the mediators (Keri, Trevor or Phil) explaining or teaching about mediation and peacemaking out in the community - for example, at Cape York Employment, at men's or women's group, at a public meeting, or just in the street? (tick all that apply)

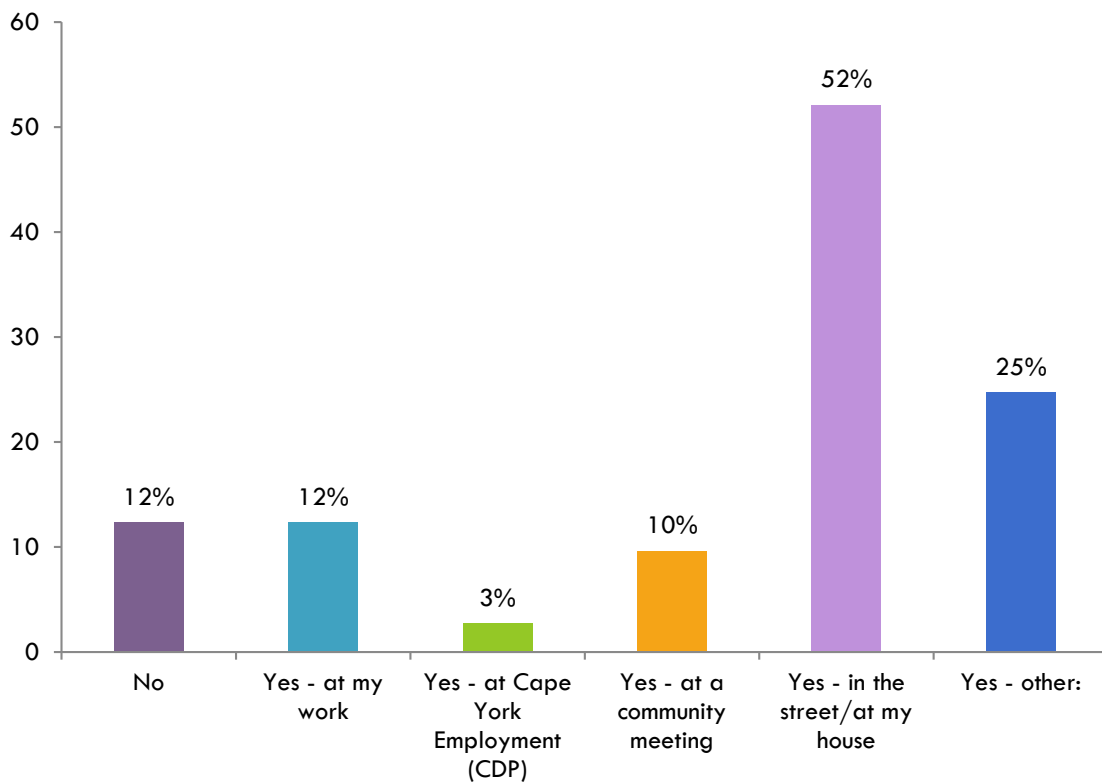


FIGURE 14. PLACES WHERE PEOPLE HAVE HEARD THE MEDIATORS EXPLAINING MEDIATION

Respondents were further asked whether they had learnt anything about how to sort out disputes from hearing the mediators explaining or teaching about mediation and peacemaking. Figure 15 shows that 26% said they learned 'a lot' and 42% said they learned 'a little', while 32% said they did not learn anything.

Q11. Did you learn anything from hearing the mediators speak about how to sort out disputes?

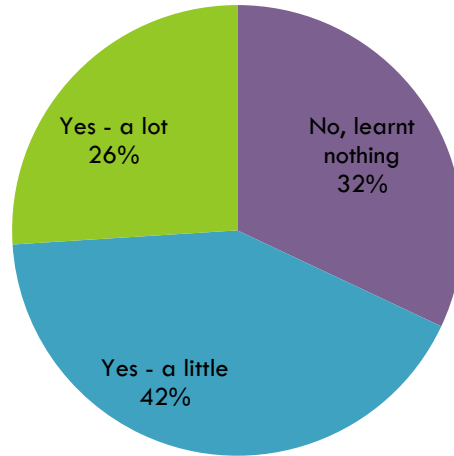


FIGURE 15. WHETHER RESPONDENTS LEARNT ANYTHING FROM MEDIATORS

Those who answered affirmatively were asked what they had learned. The responses are set out in Box 1. Most responses were that people learned about the mediation process, but responses also indicated some reflection on how mediation was a peaceful alternative to violent confrontation.

BOX 1. LEARNINGS FROM MEDIATORS' ENGAGEMENT WITH COMMUNITY

Q12. What did you learn from hearing the mediators speak about how to sort out disputes?

- *'Explain how mediation works.'*
- *'Good to resolve the conflict in community. To find a mechanism with how to use mediation to reduce the different social issues in the community and help the families who have the conflict. Let's go to mediation.'*
- *'How it works and what the people have to do. Better way to have mediation with the community.'*
- *'How mediation is best way to sort things out, rather than fighting'*
- *'How to talk things through and how to talk in a civilised manner instead of solving things in a fist fight.'*
- *'How to talk things through and stop people from fighting. Talking is better.'*
- *'Taking it to the mediation and doing it in a proper manner.'*
- *'Talk about need for mediation.'*
- *'Talked about going to mediation.'*
- *'Talked about having peace in the community.'*
- *'That it helps to settle people down in the community. Talk to them.'*
- *'Their cooperative approach with a white man and a local Aurukun woman.'*
- *'When people fight and then people have a mediation.'*
- *'Helps people.'*

In summary, despite the limited time for formalised community education activities, it is clear that the mediators' everyday work of 'getting out and about' and talking to disputing parties and organising mediations is engaging a considerable number of community members and having a strong educative effect. Given the limited staffing of the Project, the level of output in relation to engaging and educating the community has been impressive. The planned program with the school will help to reinforce the positive messaging about peacemaking with younger people in Aurukun.

3.5 Output 4 – Mediator enlistment and capacity-building

OUTPUT

Mediator enlistment and capacity-building:

- Training
- Debrief & reflection
- Mentoring

Evaluation: Limited Delivery

Evaluation Findings

- Growing and building the capability of a pool of community mediators remains the weakest output delivered by the Project to date.
- There have been only a small number of reliable co-mediators and few new people have stepped up.
- Formal mediator training has been unsuccessful.
- In the community survey, the most common suggestions were that there should be more younger people and more people from different clans involved as co-mediators.
- There is strong support for a strengthened Community Justice Group to be involved in mediation.
- There is strong support for the continued involvement of an outsider on the mediation team.
- The sustainability of the Project will be contingent on the emergence of another generation of community members willing to step up as peacemakers.
- The evaluation reiterates the need for the process recommended in the Interim Report to build a pool of co-mediators through a revitalised CJG.

A central feature of the original project plan for peacemaking at Aurukun was to build up a pool of capable local mediators to make community-owned and run peacemaking sustainable in the longer term. The implementation review assessed the progress made to date, and found that this aspect of the Project had been challenging. The most significant success has been recruiting and upskilling a highly effective local Mediation Coordinator, who learned mediation on the job from the Project Manager and also achieved full accreditation following training in Brisbane. On the other hand, enlisting and training a broader pool of community members as casual co-mediators has proven very difficult. The Project has been assisted by a handful of reliable co-mediators, but few new people have stepped forward during the past three years.

In the implementation review, stakeholders consistently raised the need to expand the pool of local mediators. They emphasised the need for a full-time male mediator, a spread of co-mediators across the clans, strong leaders who could act impartially, and more younger people. Revitalising the Community Justice Group was

frequently raised by community and agency stakeholders as a way to expand the pool of co-mediators. The Interim Report recommended a process to achieve this.

Mediation training delivered in the community during September 2016 was unsuccessful, with few people attending. To build the capacity of community mediators, the Project has relied on on-the-job training – involving ‘experiential learning’ by participating as co-mediators alongside the trained mediators, and participating in de-briefing after the mediation.

In the survey, residents were asked whether they knew about any of the community people who had sat as co-mediators with the full-time staff. Most people were aware of the co-mediators; 68% of respondents could name one of the people who had sat as a co-mediator. The most commonly mentioned names were Harriet Pootchemunka, who has been the most regular co-mediator, and Maureen Karyuka, who is the Chair of the CJG. It is a positive indicator that the community is aware that there are co-mediators working alongside the full-time staff, as this shows that people realise there is a strong community involvement in the program.

To test the qualitative feedback received in August 2016, the survey asked residents for their suggestions about the number and mix of community people sitting with the full-time staff as co-mediators. Figure 17 shows that there were a range of suggestions, with the most common ones being that there should be more younger people involved (52%) and there should be more people from different clans/families (44%).¹³ There was also some support for the idea that there should be more men involved (22%). Other suggestions were typically about the need for more elders, particularly people who are willing to be impartial and “who don’t just back up their own family”.

Q50. Do you have any suggestions about the number or mix of community people sitting with Keri and Trevor as mediators?

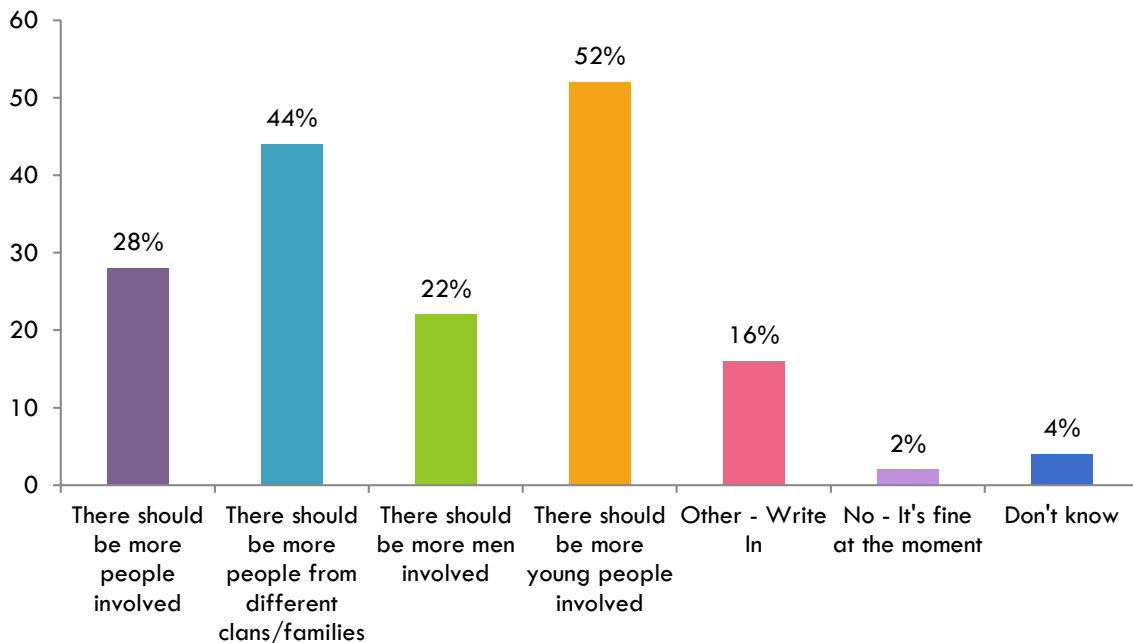


FIGURE 16. SUGGESTIONS ABOUT NUMBER AND MIX OF COMMUNITY MEDIATORS

¹³ Younger males were most likely to say there should be more young people involved and older females (65 or older) were most likely to say there should be more co-mediators drawn from different clan groups.

Asked about whether the Community Justice Group should be more involved in mediation, 74% said ‘yes’, 3% said ‘no’ and the remainder did not know (see Figure 16).¹⁴ CJGs are often criticised for being dominated by one or two clans, so it is notable that respondents from all five Aurukun clan groups responded to this question in much the same way. This confirms the qualitative feedback from the implementation review and reinforces the recommendation that the CJG should be reinvigorated with a greater role in conducting mediations.

Q53. Do you think the Community Justice Group should be more involved in mediating?

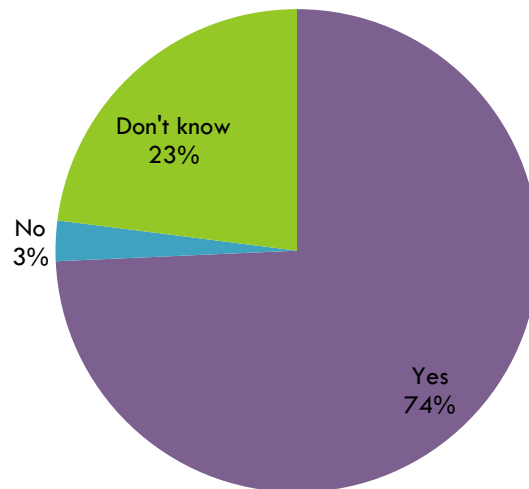


FIGURE 17. SUPPORT FOR GREATER COMMUNITY JUSTICE GROUP ROLE IN MEDIATION

The survey further asked whether people thought that mediation will only work if there is a person who is not from Aurukun sitting with locals on the mediation team. As Figure 18 indicates, a significant majority (72%) thought that an outside mediator would always be essential for the Project to work. Another 15% thought an outsider was only required until locals could run the service, while only 5% thought local people could run it now without an outsider’s help.

The survey also sought to measure this output by asking co-mediators about the training and capacity-building they had received. As there have only been a handful of co-mediators and not all of them completed the survey, the sample size for these questions was small – four respondents. Asked about the sort of preparation or training they had received so they could sit as a mediator, one person said they had received no preparation or training, two said they learnt on the job, and one mentioned the debriefs after every mediation. One person mentioned attending mediator training and another spoke about how their father had taught them to mediate. One of the four respondents said that as a result of the experience they had learned ‘a great deal more’ about being a good mediator, one had learned ‘much more’, while the remaining two had learned ‘not much more’.

¹⁴ Women (86%) were more likely to say ‘yes’ than men (58%).

Q48. Do you think mediation will only work if there is a person who is from outside Aurukun sitting with locals on the mediation team?

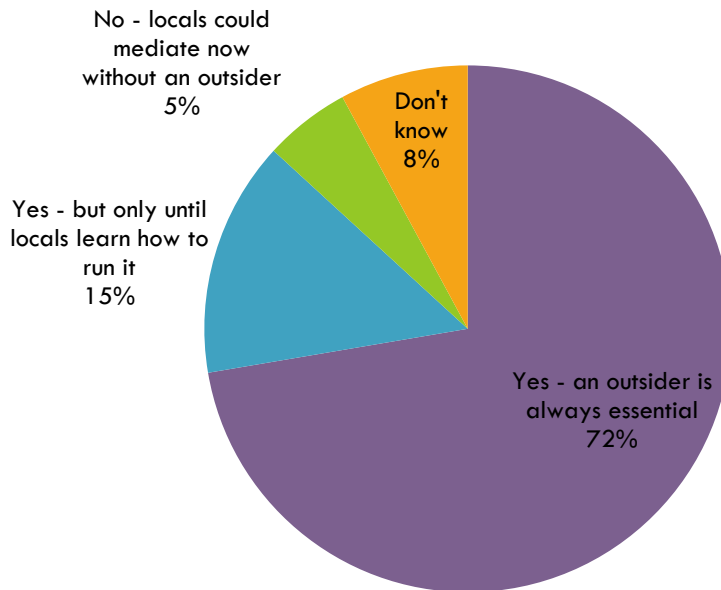


FIGURE 18. PERCEIVED NEED FOR AN OUTSIDER MEDIATOR

Growing and building the capability of a pool of community mediators remains the weakest output delivered by the Project to date. As the qualitative feedback in the Interim Report suggested, it can be a slow process to encourage community members to step up to show leadership in mediating community conflict. At Mornington Island, this has taken several years. Some Aurukun stakeholders suggested that elders were reluctant to put themselves in the middle of conflict, or were simply tired. Many spoke of the time in the mid-2000s when the Community Justice Group was active in resolving conflict, led by some strong elders who have since passed on. The sustainability of the mediation project seems to be contingent on the emergence of another generation of community members willing to step up as peacemakers. This will be the key challenge for the mediators in consolidating and building on the progress made in the first three years of the Project. The evaluators reiterate the recommended process in the Interim Report to address this challenge.

4 IMMEDIATE OUTCOMES

4.1 Community aware of, and has confidence in, the mediation & peacemaking option

IMMEDIATE OUTCOME

Community aware of and has confidence in the mediation & peacemaking option

Evaluation: Strong Progress

Evaluation Findings

- Both the interviews and the survey responses indicate that the community has developed a high level of awareness and confidence in the mediation project.
- A remarkable 95% of the survey respondents knew about the mediation project.
- Community members expressed a strong willingness to ask for assistance from the mediation project with sorting out serious disputes, and to recommend the option to friends and family.
- Community members see mediation as a process that combines both non-Indigenous and Aurukun ways of addressing conflict.

As indicated in the program logic in Figure 1, the immediate outcome that is intended from the Project's efforts to engage the community and agency stakeholders (output 1) and to educate the community about dispute resolution (output 3) is to ensure that the community is aware of, and has confidence in, the mediation and peacemaking option. The stakeholder interviews in August 2016 indicated that there was a very high level of awareness of the mediation project in Aurukun, suggesting that this outcome had already been achieved. Stakeholders described how people have gradually gained awareness about the mediation option and started embracing it:

The thing that happened was that the people gradually came [to realise] 'this is really what mediation is about, we've got the impression of how it works now' and then the second thing that comes along is they realise there's someone who can do it, and they don't have to go ask the police and wait until it suits them – they can get it done. (Agency stakeholder)

What was happening before, when we go out and try to tell them to go to mediation, they say 'no, we don't want to go to this mediation,' but nowadays I see when we come over to them, it's 'yep, yep', and they will jump in the car and we take them down to the justice centre... A few of them here don't want to have problems anymore – they're just tired of arguments and all they want is to sort it out. (Community police officer)

People know that they can [go to the Justice Centre] and ask for mediation without feeling intimidated and you know that they want these things resolved. They actually see this as a process that can happen. (Community organisation stakeholder)

More people are open to saying we will go to mediation and talk this through. When I first got here, it was 'nope, nope, nope,' now it's more, 'yeah, we will go to mediation, we will

talk to Phil, we will talk to Keri, we will talk this through.’ So there is more acceptance for the program now in town than there was originally. (Police officer)

The survey data confirms that the Project has achieved a high level of awareness and confidence within the community. A remarkable 95% of respondents (all but four people) had heard about mediation generally and the same proportion knew specifically about the mediation project in Aurukun – see Figures 19 and 20. Of the four people who had not heard about the mediation project, two were young people and two had not lived permanently in the community for all of the past three years.

Q8. Mediation is where a mediator helps people to come together in a meeting to sort out a dispute or argument they are having. Have you heard about mediation before?

Q9. Have you heard about the mediation project in Aurukun, which is run out of the Justice Centre by Keri Tamwoy and Trevor Adcock (and previously by Phil Venables)?

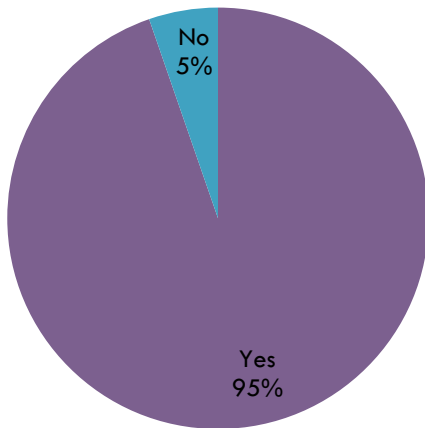


FIGURE 19. AWARENESS OF MEDIATION GENERALLY

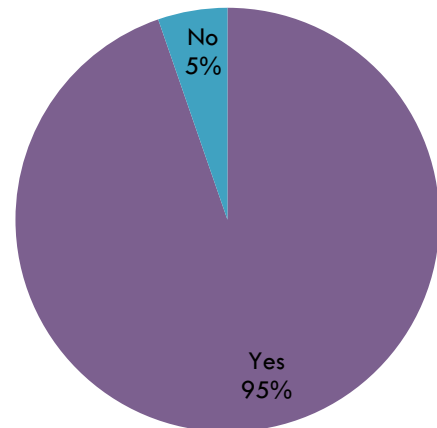


FIGURE 20. AWARENESS OF AURUKUN MEDIATION PROJECT

The high level of trust and confidence of community members in the mediation project is evident from the responses in Figures 21 and 22. Figure 21 indicates that 39% of respondents said that they would ‘definitely’ ask for mediation or other help from the Project if they were involved in a serious dispute, and 33% said they would ‘probably’ ask. Interestingly, men were slightly more likely to say they would seek mediation themselves than women.¹⁵ Another positive finding for the Project is that young people aged 15-24 were more likely to say they would seek mediation rather than deal with the dispute themselves (see Figure 21). If a friend or family member were involved in a dispute, 53% said they would ‘definitely’ tell them to ask for mediation or other help from the Project, and 19% said they would ‘probably’ tell them (see Figure 22). Women were more likely to say they would definitely tell their friend to seek help than men (59.5% of women and 43.8% of men).

¹⁵ The proportion who said they would ‘definitely’ ask for mediation was similar (37.5% for men and 39.5% for women) but the proportion who would ‘probably’ ask for mediation was 40.6% for men and 27.9% for women. The proportion who said ‘maybe’ was 3.1% for men and 14% for women. The proportion who said ‘no chance’ was 9.4% for men and 11.6% for women.

Q13. If you were involved in a serious dispute, what is the chance you would ask for mediation or other help from Keri or Trevor to sort it out? (a serious dispute is where people get very angry)

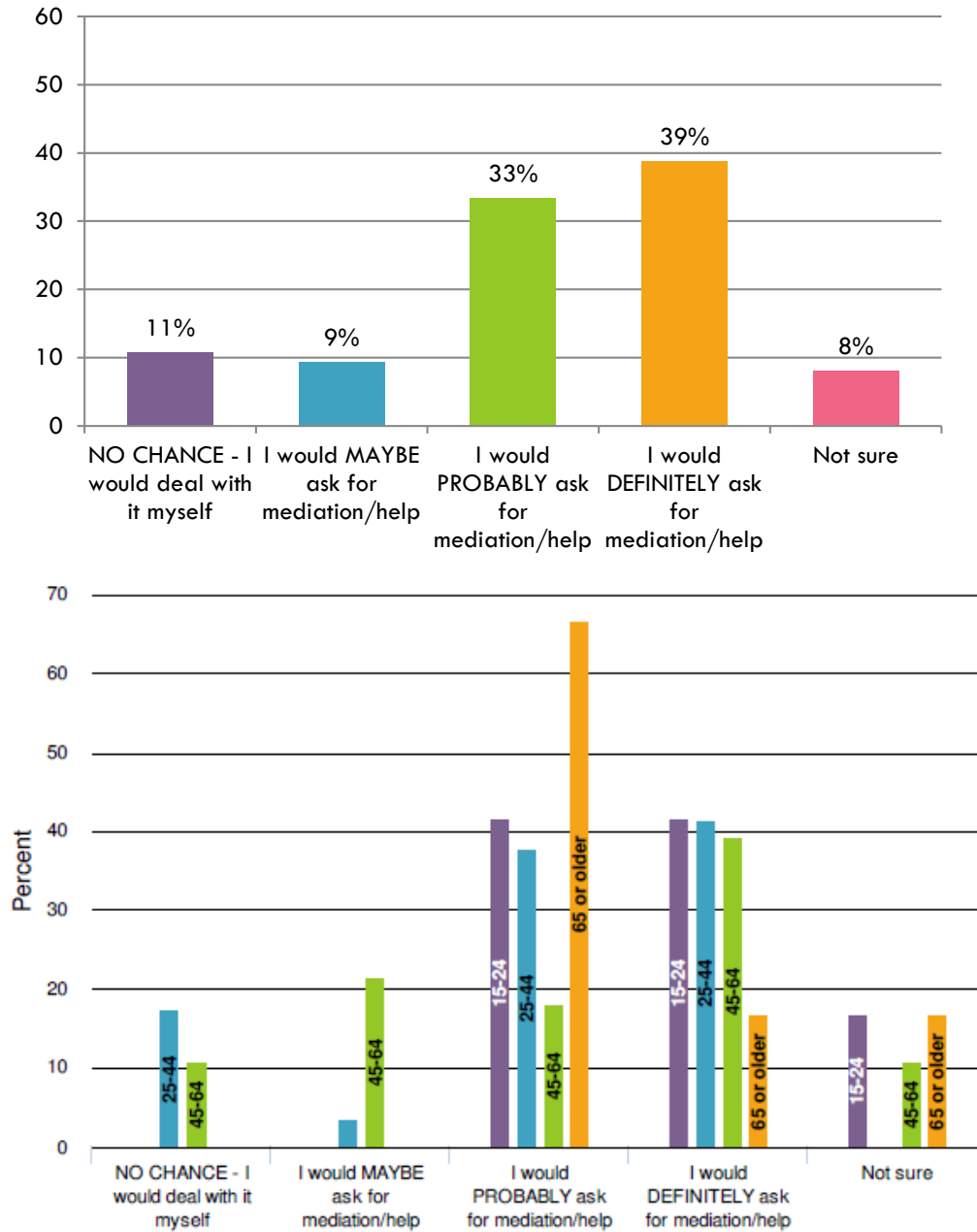


FIGURE 21. LIKELIHOOD OF ASKING FOR MEDIATION

Q14. If a friend or family member was involved in a serious dispute, what is the chance you would tell them to ask for mediation or other help from Keri or Trevor to sort it out?

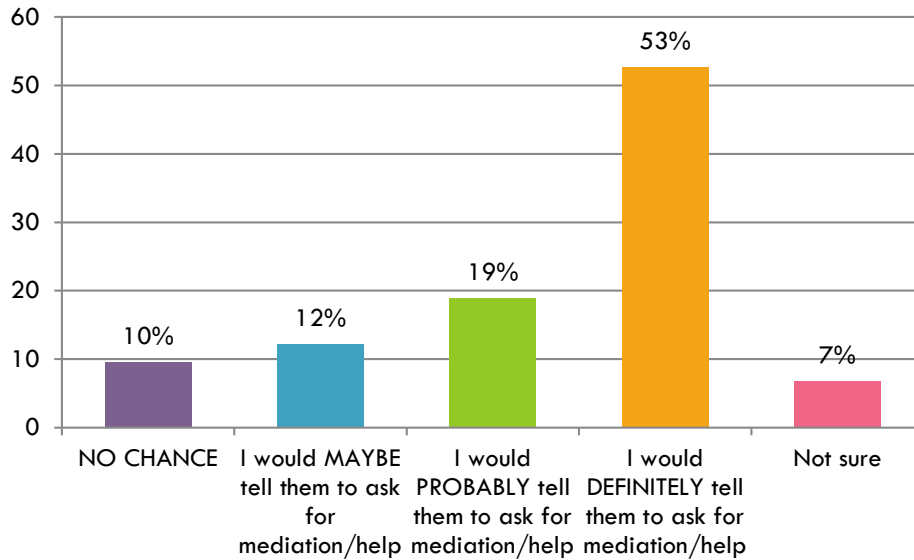


FIGURE 22. LIKELIHOOD OF REFERRING A FRIEND TO MEDIATION

An important factor in building the community’s trust in the mediation project is establishing that the model of dispute resolution employed by the mediators is appropriate to the Aurukun community. As indicated earlier in Figure 10, almost all of those who attended mediation agreed that the process was run in the ‘proper way according to culture’.

Q51. Does the mediation process feel like it’s an ‘Aurukun way’ of sorting out disputes or is it a ‘whitefella way’?

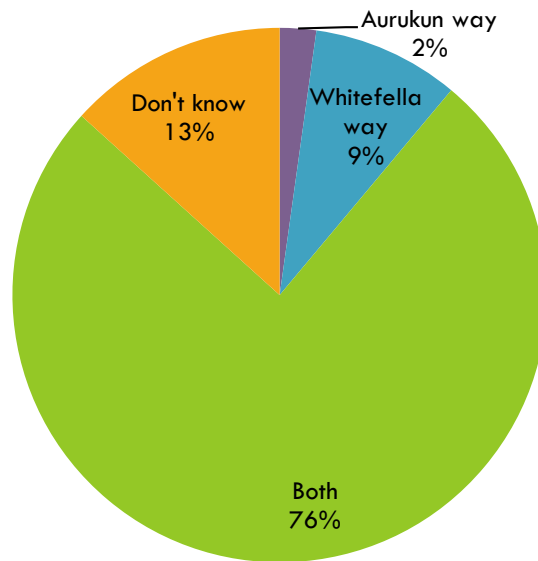


FIGURE 23. PERCEPTION OF MEDIATION AS WHITEFELLA WAY OR AURUKUN WAY

Respondents were also asked whether the mediation process felt like it's an 'Aurukun way' of sorting out disputes or a 'whitefella way' – see Figure 23. There was strong feedback (76%) that mediation felt like both a whitefella way and an Aurukun way. People seem to be aware that mediation is a 'whitefella' model but that it has been modified to the Aurukun way of doing things, such as by conducting the meetings in the Wik Mungkan language.

In many of the open-ended questions in the survey, community members made comments that reinforced their high level of trust and confidence in mediation generally, and in the mediation project at Aurukun in particular. The comments in Box 1 are illustrative, as are the following:

It is the best way to deal with problems in Aurukun.

There was no fighting, no arguing, people talking calmly.

We need to talk one at a time and sort it out. I tell family 'don't go yelling when you get to the mediation – do what Keri says.' And when we go out, go out quietly – no more growling and rowing.

It is clear that the work of the mediation staff to engage with the community, especially at the grassroots, has been very successful in achieving the immediate outcome of making the community aware of the mediation and peacemaking option and ensuring they have trust and confidence in the service. As Part 5.1 will show, this has manifested in a strong level of community referrals.

4.2 Parties better understand each other's perspective and agree to end conflict

IMMEDIATE OUTCOME

Parties better understand each other's perspective and agree to end conflict

Evaluation: Strong Progress

Evaluation Findings

- It is difficult to measure the impact that mediation has on parties' understanding of the dispute and how to resolve it.
- However, anecdotally, people highlight how mediation can effectively clear up misunderstandings and miscommunication.
- In the survey, participants in mediations responded positively that the process helps them understand the other party's perspective.
- Participants also report that mediations have a strong rate of success in helping parties to agree to end conflict.

The main mechanism by which mediation helps to resolve disputes is by facilitating processes of communication and negotiation: the communication enables each party to vocalise their perspective and hear the other party's perspective, leading to better understanding of each other's perspective and greater self-reflection about one's own role in the dispute; the negotiation enables the parties to jointly work out a way to end the conflict. As the former Project Manager described it:

What mediation does is provide an environment and an opportunity for people to say what they need to say, to get it out and say 'this is why I said it, this is what I meant by it, and

now I understand you, well perhaps I shouldn't have overreacted' and we walk away from it... Because any argument is about emotion and you need to allow that emotion to flow. Mediation deals with the emotional side of things. If you can at least get that to be mellowed then you have made progress. (Former Project Manager)

In the stakeholder interviews, many people referred to how often the cause of disputes is a misunderstanding or poor communication, which can be readily sorted out through mediation. As indicated in the Interim Report,¹⁶ common causes of conflict in Aurukun that relate to miscommunication include: perceived imbalances in resources between families and individuals; 'swearing' the name of a deceased person; belittling or shaming a person; divulging information about someone without the right to do so; jealousy and sexual innuendo; allegations of sorcery. With the range of potential flashpoints that relate simply to things that people say or are alleged to have said, it is clear that a process that facilitates better communication and understanding between parties is a key tool in resolving conflict.

An improved understanding of each other's perspective leading to agreement about how to end conflict is therefore a key immediate outcome sought from the Project's mediation and peacemaking activities. Because this involves a change in attitudes and behaviour, it is a difficult outcome to measure. The survey attempted this by asking participants in mediations whether attending mediation helped them to better understand the point of view of the other person they or their family or friends were fighting with (see Figure 24). Almost all respondents (96%) indicated that this was the case, with 52% saying they understood the other party's point of view 'a little more' and 44% saying 'a lot more'.

Q25. Thinking about when you went to a mediation, how much did it help you to better understand the point of view of the other person you or your family/friends were fighting with?

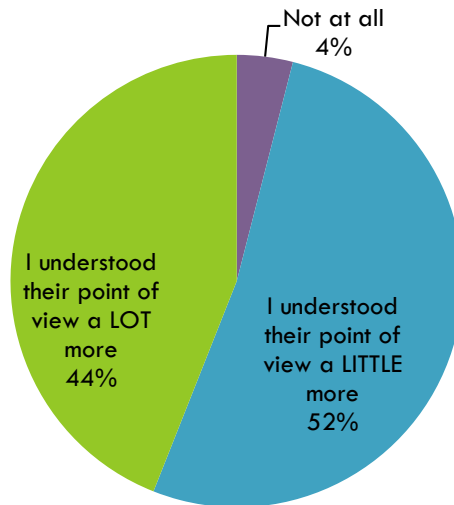


FIGURE 24. MEDIATION'S EFFECT ON PARTIES UNDERSTANDING EACH OTHER'S POINT OF VIEW

As discussed in Part 3.3.4 above, mediation's intended outcome of facilitating an agreement to stop fighting is not guaranteed, but seems to occur a good proportion of the time. Based on the feedback of 36 people who have attended mediation, as set out in Figure 13:

¹⁶ Part 5.3.7.

- 39% said mediation resulted in an agreement to stop fighting EVERY time;
- 25% said mediation resulted in an agreement to stop fighting MOST times;
- 28% said mediation resulted in an agreement to stop fighting SOME times;
- 6% said mediation HARDLY EVER resulted in an agreement to stop fighting;
- 3% said mediation NEVER resulted in an agreement to stop fighting.

In short, participants believe that mediation at Aurukun is effective in helping them to understand other parties' point of view and in most cases it helps them reach agreement to stop fighting.

4.3 Parties learn dispute resolution skills

IMMEDIATE OUTCOME

Parties learn dispute resolution skills

Evaluation: Solid Progress

Evaluation Findings

- It is difficult to measure what parties have learnt from being involved in mediations.
- Stakeholders told various anecdotes of where individuals who have participated in mediations seem to be applying non-violent dispute resolution skills in other parts of their lives.
- More than half (57%) of survey respondents said that going to mediation had made it much more likely they would try to sort out future disputes peacefully through communication.
- On the evidence, it is reasonable to assume that repeated exposure to mediation and peacemaking assistance will gradually change people's approach to conflict.

In addition to sorting out the dispute at hand, a secondary objective of mediations is that the parties will themselves learn dispute resolution skills that they can apply later in their own lives. Even where a mediation is not necessary or possible, the mediators can provide 'conflict coaching' to parties to disputes, whereby they help them reflect on the issues, manage their emotions, communicate better with the other party and work out peaceful resolutions to the conflict. This coaching is intended to bolster parties' dispute resolution skills to enable them to manage conflict better in the future.

When I did intake, I said 'how do you really feel when you are fighting, what does that make you feel like inside?' And that question opens them up – they said 'we feel really bad and we want to stop fighting'. (Mediator)

The community education about dispute resolution (output 3) is also intended to teach people dispute resolution skills. As Part 3.4 discussed, the Project's outputs in formal community education activities have been limited, but the staff's high level of grassroots engagement around following up referrals and organising mediations has led to the community being well aware of mediation as a dispute resolution option.

Anecdotally, stakeholders believe that exposure to mediation does change people's mindset and increase their willingness to seek non-violent avenues to resolve disputes in the future.

My younger brother is a fiery man and will bash anyone, but over the last 18 months, he's been involved in some mediations and has started to become the mediator. For a young fellow, he seems to have grasped and instilled those leadership qualities, where he can see the value of mediation because he's been part of a few mediations. And now he's got some capacity to reflect on ways of dealing with things... (Community organisation stakeholder)

There's a chap who... has been quite closely involved in mediation. Whereas historically he may have gone down a different avenue, he may have entered a physical fight, now he is actually trying to resolve things so that he doesn't have to hide in the community. (Government stakeholder)

If it is settled, reconciled or whatever, and both parties are satisfied with the outcome, they will then go back and when something starts up out there, they will actually be the ones saying to whoever, 'mediation worked for me, come on, come on, I will take you.' Because I know one lady who came to mediation, a few weeks later she came back in with her cousin and said 'I brought her in because she needs mediation.' And it's good that other family members are telling them about mediation, and that that's a better option than getting angry. (Mediator)

An anecdote told by the mediators exemplifies how people can apply what they learn in mediation in their own lives. The mediators were liaising with members of two disputing families when they came across one of the young men who had been central to the fighting:

We went around the street and we saw that fellow marching up and we asked him 'where are you going? we're trying to sort this', and he said, 'I will apologise, I don't care what my family says, I've been fighting for nothing, this has got nothing to do with me.' So we told him to hop in and we took him around all the different houses where he wanted to apologise, and that was the first time I actually had tears when I saw that reconciliation. (Mediator)

The survey sought to assess the extent to which parties were learning dispute resolution skills through attending mediations. Figure 25 shows that the 57% of respondents said that as a result of going to mediation, the next time they are in a dispute there is a much higher chance they will try to sort it out peacefully by talking about it with the other person. Another 19% said there was a slightly higher chance, while 19% said going to mediation had made no difference.

It is important not to overstate the change in thinking that can be achieved through one-off exposures to mediation. As the former Project Manager told the evaluators, 'mediation is not a magic wand' and cannot change people's thinking through a single intervention, but repeated exposure over a period of time can change attitudes to conflict. This is discussed below in relation to the desired medium term and long term outcomes.

Q27. Has going to mediation increased the chance that next time you are in a dispute, you will try to sort it out peacefully by talking about it with the other person?

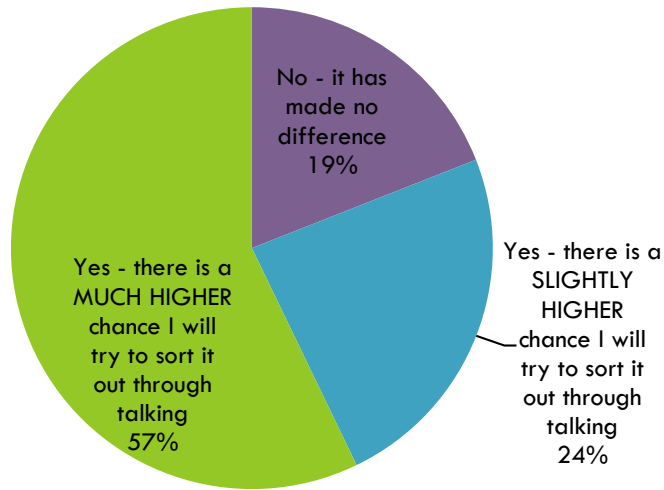


FIGURE 25. MEDIATION IMPACT ON FUTURE APPROACH TO DISPUTE RESOLUTION

In summary, it is difficult to definitively measure the Project’s success in teaching people dispute resolution skills through their exposure to mediation, but there is a perception amongst stakeholders that mediation is having this effect. As the program logic illustrates (see Figure 1), it is hoped that if people learn dispute resolution skills from participating in mediation, then they might start to practise peacemaking in their own lives. This is a desired medium term outcome discussed in Part 5.4 and evidence of this will be a good indicator that the Project is succeeding.

4.4 Community mediators develop skills in mediation & peacemaking

IMMEDIATE OUTCOME	Evaluation Findings
<p style="text-align: center;">Community mediators develop skills in mediation & peacemaking</p>	<ul style="list-style-type: none"> • The Project’s minimal output in terms of enlisting and training community mediators has constrained the outcomes in relation to development of community mediators’ skills. • The handful of community members who have regularly co-mediated are likely to have gained new skills and confidence – the small sample of co-mediators in the survey generally confirmed this.
<p style="text-align: center;">Evaluation: Limited Progress</p>	

As discussed in Part 3.5, the Project has been least successful in relation to output 4 – enlisting and building the capacity of a pool of community mediators. This will inevitably limit the achievement of the immediate outcome that flows directly from this output – i.e. that community mediators will develop more skills in mediation and peacemaking. Nevertheless, the survey sought to measure this outcome for the small number of

community people who have been involved as co-mediators. Of the four individuals in this category who answered the survey, one said that as a result of being part of the Aurukun mediation project, they had learnt 'a great deal more' about being a good mediator, one said that they had learnt 'much more' and the remaining two said they had learnt 'not much more'.

Community members surveyed were complimentary about the role played by the small number of elders who have been co-mediating. The most regular co-mediator told the evaluators that she was proud of her role as a mediator.

In summary, the Project has not yet had a significant effect in developing skills in mediation for a pool of community co-mediators. To succeed in this area will require greater attention to enlisting more community mediators and more time dedicated to training and capacity-building – in other words, increased delivery of output 4 (Part 3.5 above).

5 MEDIUM-TERM OUTCOMES

5.1 More referrals to mediation & peacemaking

MEDIUM-TERM OUTCOME

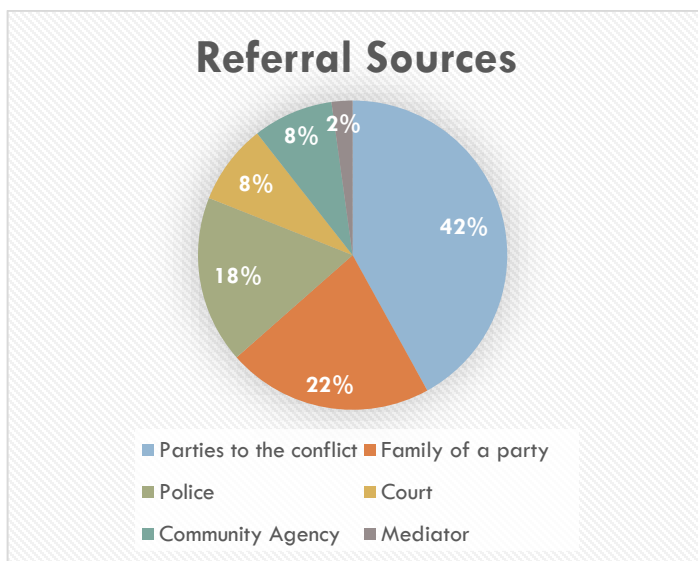
More referrals to mediation & peacemaking

Evaluation: Strong Progress

Evaluation Findings

- The Project has had significant success in encouraging referrals directly from community members – this accounts for 64% of all referrals.
- Residents are willing to refer matters both on their own behalf (44%) and on behalf of friends or family (22%).
- A remarkable 45% of community members surveyed said they had sought assistance from the mediators at some point, and 70% of these had done so more than once.
- Police have referred 18% of matters to date, and this has increased to 72% in 2017 with the institution of a new online referral process. Police continue to show a high level of confidence in mediation.
- Community agency referrals have remained steady at 8%.
- Court referrals are still low, at 8% of the total. Agreed protocols for referrals from the court remains a priority.

The efforts of staff to make the community aware of mediation and peacemaking and to build community trust and confidence in the process (Immediate Outcome 1) are aimed at increasing the number of referrals to mediation and peacemaking. As discussed in Part 4.1, the Project has been very successful in building awareness and trust around the mediation service. There is a very high level of community awareness of the Project and survey respondents expressed a strong willingness to self-refer or refer others.



REFERRAL SOURCES

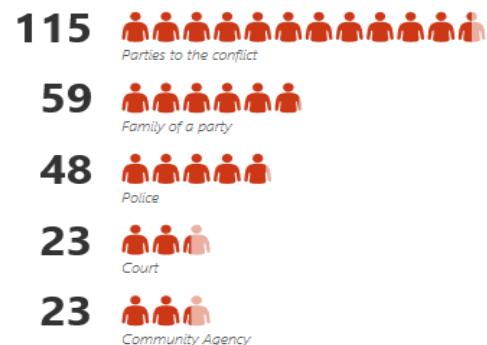


FIGURE 26. SOURCES OF REFERRALS TO ARJP

Both the service data and the community survey confirm that there is a strong rate of referrals to the Project. The Project referral sources for the first three years (March 2014 to March 2017) are summarised in Figure 26. The figures show that 42% of referrals have been from parties themselves and a further 22% are from family members of the parties. In other words, about two-thirds (64%) of referrals are directly from individuals and families in the community.

In the survey, community members were asked whether they have ever contacted the mediators or gone down to the Justice Centre for help to sort out a dispute or problem. As Figure 27 illustrates, 45% had done so. Cohort analysis showed that women were more likely (48.8%) than men (38.7%) to self-refer. Further, many respondents had sought help both on their own behalf and on behalf of other people (see Figure 28). Of those people who had accessed the Project, many had done so on multiple occasions. As Figure 29 shows, only 30% of these respondents had sought assistance only once. Some people (6%) had sought assistance more than five times. Women were much more likely to have only sought help once (43% of women, compared to only 8% of men), whereas men were more likely to have sought help multiple times.¹⁷ People aged 45-64 were most likely to have accessed the mediators on several occasions.

That 45% of community residents aged 15 or over have sought dispute resolution assistance from the Project shows the extent to which mediation has become an accepted avenue for dispute resolution in the community. Stakeholders confirmed this in the qualitative feedback.

They're doing it actively; they're coming here and asking for mediation. Before it was just bang, bang, they mediate with their fists, but now they come and ask for the mediation. (Mediator)

You go out there and people say 'maybe we should do some mediation'. Where it used to be 'we'll get him to fight for him and him to fight for him, have a punch up'. Now they're having mediation instead. (Agency stakeholder)

A lot of people do say a lot of time: 'well, we want to sort it out in front of the justice [the mediators]... Someone was saying the same thing this morning – he said 'I want to go to mediation' and I said 'that's a good idea – it's better than arguing'. (Community police officer)

I think some of these offences and things occur in the moment when people are intoxicated or emotional. And then when they have a moment to sit back and think about it, they're actually quite willing to resolve the issue, they don't want to stay involved in the argument, that's the general feeling I get... So some people take their own initiative to get something mediated. (Parole officer)

Some people almost march themselves down [to the mediation office] because they think that's the way to go... We definitely, push mediation as much as we possibly can. (Police officer)

¹⁷ 58% of men had asked twice (33% of women), 25% had asked three times (14% of women) and 8% of men has asked 5 times or more (5% of women).

Q15. Have you ever contacted the mediators or gone down to the Justice Centre to ask for help to sort out a dispute or problem?

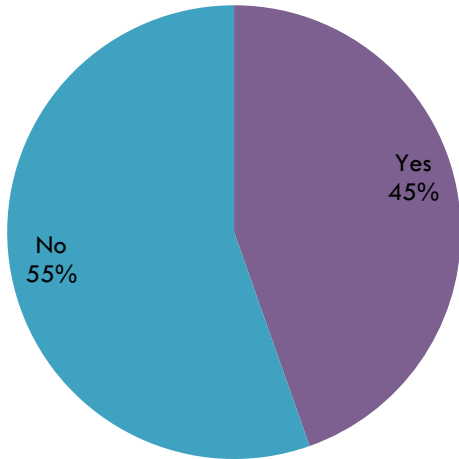


FIGURE 27. SELF-REFERRALS TO THE MEDIATION PROJECT

Q16. Were you looking for help with a dispute or problem you were involved in or was it for someone else (friend or family)?

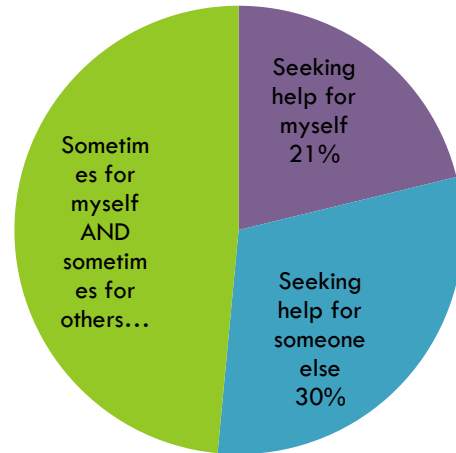


FIGURE 28. WHO REFERRALS ARE FOR

Q17. How many times did you ask for help from the mediators? (approximately)

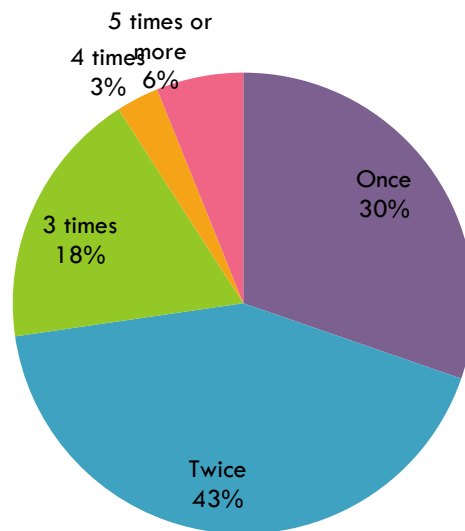


FIGURE 29. NUMBER OF TIMES RESPONDENTS HAVE MADE REFERRALS

Apart from community members, Figure 26 shows that the other sources of referrals are from police (18%), the court (8%), community agencies (8%) and the mediators themselves (2%). In 2017, there has been a significant rise in police referrals, as a result of a new online system for formal referrals from police. In the first quarter of 2017, 26 of 36 referrals (72%) were made by police. Police officers attending disputes in the community can refer the matter on the online portal at the police station, with the mediation project automatically receiving notification. Previously, police had to call or visit the mediation centre to make a referral. While this has streamlined and formalised the referral process, it will potentially lead to a significant increase in the demand for mediation, which will need to be managed by the Project. The strong rate of referrals by police reflects their high level of confidence in the process as a means of resolving conflict.

There are things that we go to, where if people are happy to mediate, that's the end of it. We come and put the referral into the system, and we are done, so definitely it has reduced our workload and we would prefer it to continue and even do more. (Police officer)

Police have been a bit more liberal about it – instead of taking action against everybody, they offer them that opportunity [to go to mediation] (Mediator)

The proportion of referrals from the court has also increased in 2017. There were five referrals in the first quarter of 2017, which is 14% of all referrals – up from 7% in 2016. Despite this increase, there is scope for more court referrals for victim-offender mediations, as discussed in Part 3.3.1.

Overall, the Project has had significant success in achieving its medium term outcome of ensuring a high rate of referrals to mediation at Aurukun, and particularly by Aurukun residents themselves.

5.2 Improved community relationships and better communication

<p>MEDIUM-TERM OUTCOME</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0; text-align: center;"> <p>Improved community relationships and better communication</p> </div> <div style="border: 1px solid black; padding: 5px; margin: 10px 0; text-align: center;"> <p>Evaluation: Solid Progress</p> </div>	<p>Evaluation Findings</p> <ul style="list-style-type: none"> • Qualitative feedback provides some evidence that mediation is helping community members to communicate better and restore harmonious relationships. • The success of the Project's efforts to prevent re-escalation of conflict in the aftermath of the death in the community in November 2015 illustrates the role peacemaking can play in facilitating communication and restoring relationships.
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During the evaluators' workshop with ARJP staff and stakeholders to develop the program logic in August 2016, participants emphasised improved community relationships and better communication between people as a very important desired outcome of the Project. They further said this would be evidenced by community members socialising with each other more in public, especially across family groups. The program logic assumes this outcome to be a direct result of people participating in mediations – parties will better understand each other's perspectives, communicate better and negotiate a cessation of conflict, leading to improved relationships.

Reconciliation occurs with the clearing up of the misunderstanding, which has allowed close relationships to resume. People have insight into each other's view and are truly sorry. They are closer now because of the emotional process they have been through. (Mediator)

The program logic also assumes that parties who attend mediation will learn dispute resolution skills – particularly the importance of communication in resolving disputes – which will pave the way for better ongoing communication beyond the mediation process. It is also hoped that the Project's community education efforts will contribute to this – for example, the proposed 'junior mediator' program with the school:

So even if you are just going to educate the kids in the process of talking to each other, sitting and respecting one another, you've come a long way, because their brain is still fresh and unimpeded by all this aggression and bad memories. (Mediator)

This medium term outcome can only be measured qualitatively, and could only be expected to be evident after a period of years of regular peacemaking activity. The evaluators explored stakeholders' perceptions about this during interviews in August 2016 and February 2017. A number of people expressed the view that mediation was contributing to improved relationships and better communication.

It's a good idea to have the mediation, because then when they come together in the shops or the bank, they respect each other. (Community member)

People need to talk to each other nicely, and tell their problems... not screaming at each other, because screaming at each other won't work. That's what [the mediator] was doing: giving people the opportunity to tell their story first, to listen to what the other said, then when that person finished talking somebody else can respond to it. (Councillor)

I think this project has gotten families talking more amongst themselves and with other people and I think they are feeling comfortable enough now to start talking and solving their own problems with each other. (Mediator)

I've been to a mediation. And for me I reckon mediation is better. Some families don't like it, but I tell them: 'Mediation is the proper thing to solve problems. You can't solve problems by fighting. You have to discuss it, talk it over amongst each other and with the other clan – what's happening, who started it, and is there some way we can live in peace, resolve it.' I lost my three teeth from fighting. (Community member)

All the ladies were fighting with this problem, [but] after that mediation now they're socialising through playing card games and gambling. Which is good because then they also sit around without playing games, and talk. That gives me butterflies in my stomach because it makes you think that from those things it connects the families back again. (Community member)

The Project has worked hard to facilitate communication between parties around key sources of conflict, such as the death of a community member during the unrest of November 2015. In the months that followed, the mediators worked with police to keep the families informed of the court processes and to manage simmering tensions. At key cultural events such as the 'house opening' of the deceased's home in the year after his death, the Project worked with families to communicate arrangements that would ensure the event passed peacefully. A Government officer described how the mediation project had helped with communication in the aftermath of the incident:

With this [incident that led to a death in the community] – that had the potential to cause a major disaster again, but the mediation side has been [responding]. Not mediation in where we'd sit down and talk, but basically a lot of shuttle diplomacy stuff, to the point where if we keep on top of it like that, there won't be any major incidents. (Government officer)

The anecdotal evidence therefore supports the view that the mediation project is assisting people in Aurukun to restore relationships and communicate better with each other. As Part 3.2.1 of the Interim Report

described, the centrality of kinship and relational factors is a defining feature of the model of mediation practised at Aurukun, and is key to its success. Whether there is evidence that this is contributing significantly to the long term goal of a more peaceful and harmonious community is discussed in Part 6.2.

5.3 Fewer disputes escalate into violence or property damage

MEDIUM-TERM OUTCOME

Fewer disputes escalate
into violence or
property damage

Evaluation: Solid
Progress

Evaluation Findings

- The impact of mediation in preventing disputes escalating is difficult to quantify because there is no way of predicting how a successfully mediated dispute might have turned out.
- However, the survey results indicate that people believe a mediated dispute is much less likely to result in violence or property damage than an unmediated dispute.
- Stakeholders told the evaluators that before mediation was an option, disputes commonly escalated into violence involving extended family members, as well as property damage.
- There is a widespread view in Aurukun that mediation prevents many disputes escalating in the way they previously tended to.

The theory underpinning the program model for the Project is that mediation/peacemaking interventions will over time result in fewer disputes escalating into violence or property damage than would otherwise be the case. It is hoped that this medium term outcome will follow from the immediate outcome of participants in mediation gaining a better understanding of each other's perspectives and therefore agreeing to end conflict (see Part 4.2).

It is difficult to measure the impact of mediation in preventing violence or property damage because this involves comparing the actual aftermath of mediations to a hypothetical situation where disputes were not being mediated. As the former Project Manager said, *'I don't know what [incidents] we have stopped by mediation – i.e. because we've nipped things in the bud – because I don't know what they would have led to?'*

To try to gauge what effect people believe mediation has on the outcomes of serious arguments and disputes in Aurukun, the survey asked respondents how these events typically play out (i.e. without intervention), and then how these arguments/disputes play out following mediation or peacemaking. Figure 30 sets out the responses to these questions. It shows that respondents believe it is not uncommon for serious arguments/disputes to lead to either physical fighting between two people, physical fighting involving more than two people or damage to property (see Q45). By contrast, where people have gone to mediation or received other assistance from the mediators about a serious argument/dispute, respondents believe that it is less likely that it will result in physical fighting or property damage.¹⁸ The responses acknowledge that mediation is not a 'magic bullet', because respondents say that physical fights or property damage do sometimes still occur following mediations, especially where people are under the influence of alcohol.

¹⁸ This response was similar across the 15-24, 24-44 and 45-64 age cohorts, but people aged 65 or older were less positive about the impact of mediation in stopping fighting.

However, a much higher number of respondents said this happened ‘rarely/hardly ever’ following mediation than in the usual situation.

Thus, Aurukun residents believe that mediation can alter the normal trajectory of serious arguments and disputes, reducing the chance that they will escalate into physical fighting or property damage. This is consistent with the experience reported by those who had actually attended mediation – as Figure 13 illustrates, these respondents said that parties generally do stop fighting for at least the two weeks following the intervention.

Q45. When people have a serious argument or dispute (i.e. where they get very angry), how often does it lead to:

	Never	Rarely/ Hardly ever	Sometimes	Most times	All the time	DON'T KNOW
a physical fight between 2 people? Count	0	9	35	8	5	17
a physical fight involving more than 2 people? Count	0	7	29	13	4	22
someone damaging property? Count	0	11	31	9	4	18

46. When people have gone to mediation or got other help from the mediators with a serious argument or dispute, how often does it still end in:

	Never	Rarely/ hardly ever	Sometimes	Most times	All the time	DON'T KNOW
a physical fight between 2 people? Count	2	13	16	8	1	32
a physical fight involving more than 2 people? Count	1	11	14	8	1	36
someone damaging property? Count	5	14	5	6	1	43

FIGURE 30. PERCEPTIONS OF FIGHTING AND PROPERTY DAMAGE IN USUAL SITUATION COMPARED TO MEDIATION/PEACEMAKING

The survey findings also mirror the views expressed in the stakeholder interviews. Community members described how in the past, minor family disputes had commonly escalated into larger scale conflict; whereas now, they felt that mediation was helping to prevent that.

It's settling down – they come here to the mediation and everyone just says 'forget about it'. Not like before used to happen here... where they just argue and argue and it will just start getting bigger, and then you will see four or five fighting out here... But now, we get them to come here [to mediation] and they sort it out, and then they go home. (Community police officer)

If there is no intervention it can end up with a few hundred people armed on the street. There will be a lot of retaliatory smashing of power boxes and windows and cars and things like that. (Police officer)

Before it would escalate and that's where most of them started start going to jail, when there was no mediation. Especially when [certain clans] get involved with [rival clans], then big fight would take place in the middle of the park where Woyan Min used to be. It could escalate with state police getting hurt, and it was unsafe. (Community elder)

They're coming here and asking for mediation. Before it was just, bang, bang, they mediate with their fists, but now they come and ask for the mediation. (Mediator)

If you pulled mediation out of here now, you'd have every family fighting and every night there'd be a punch up in the streets. (Police officer)

Stakeholders also described how minor disputes often result in parties damaging property, both private and public. A common tactic in carrying on feuds is to destroy the power meter boxes in a home, thereby rendering the home without electricity. The Council told the evaluators that this had been a very common and costly occurrence over several years. Other stakeholders spoke of how angry parties often took out their frustration on Council vehicles and other public property.

[If you don't bring them together to sort out the fight], they normally go and smash houses, and they don't understand it's the Government's, it's the Council's, it's not a private house and it costs a lot of money to get it repaired again. Sometimes they see cars pulled up at the Council and they just go and smash the car. They normally do that out in the village – walk all the way to the supermarket looking for a car to attack. Because they're angry. (Community police officer)

The survey data in Figure 30 suggest that respondents believe that such property damage is less likely after mediation.

In summary, the stakeholder feedback and survey data indicate that mediation has an impact in preventing disputes escalating into violence or property damage. The evaluation looked at crime statistics to see whether there are any data to support this view. These statistics are discussed further in Part 6.2 and Attachment 5. There has been no reduction in offences against the person, but since the mediation project started there have been declines in property damage, unlawful entry and good order offences that do not involve alcohol, drugs of volatile substances. However, establishing a causative link between crime trends and mediation is difficult. This is examined in more detail in Part 6.2.

5.4 More people practising peacemaking (and elders being sought out for peacemaking)

MEDIUM-TERM OUTCOME

More people practising peacemaking (and elders being sought out for peacemaking)

Evaluation: Early Progress

Evaluation Findings

- A positive development is stakeholders reporting that some young people who have attended mediations have started stepping in more as peacemakers.
- The survey indicates that it is still not the norm for community members to step in and help to sort out disputes. However, one-third thought this was happening more often than three years ago and over half of these thought that involvement in mediation might have contributed to this.
- The potential for the trained co-mediators to increasingly play this role is limited by the fact this is still a small pool. However, those who have been co-mediating report that they are doing more peacemaking in the wider community.
- Overall, there are 'green shoots' visible for a community-wide peacemaking movement, but stakeholders acknowledge it will take a number of years of exposure to mediation and building capability of peacemakers for this to emerge.

A final, very important, medium term outcome desired from mediation is that more people who are exposed to it will themselves start practising peacemaking out in the community at large. As indicated in the program logic, it is hoped that peacemakers will emerge over time, not only from the pool of community mediators who are provided training and experience as co-mediators, but also from the community members who attend mediations as parties or observers. This is clearly a medium term outcome, as these peacemakers could only be expected to emerge after prolonged exposure to the work of the mediation project, over a period of years.

This outcome was explored both in the interviews and through the community survey. In the interviews, several stakeholders commented that they had observed some individuals who had participated in mediations had started playing a role as peacemakers in other contexts.

My younger brother is a fiery man and will bash anyone, but over the last 18 months, he's been involved in some mediations and has started to become the mediator. (Community organisation stakeholder)

At the CYE, there were 30 to 40 workers getting ready for work and they were telling me 'see this guy here, he is one of the major ones stopping fights' and he was pretty embarrassed, but they were all commending him. (Government stakeholder)

I have definitely seen that. I've been in a situation where it was bad and I thought it was going to get a lot worse and people have stepped in who I would have thought there was no way they would do that, and they've stopped it all. (Police officer)

Reinforcing these observations, the evaluators interviewed a man who told how his involvement as a party in mediations had prompted him to want to play a greater role as a peacemaker in the community.

When there is a fight... people stand and watch. Maybe the mature ones try to break it up. I try but my family say 'you are just shit scared.' I say 'no, now I'm 37 I see the big picture now' and I wish that they could grow out of it. I tried to explain to them that this is not the life for us, to be living like this...

I'm doing my best to see that the community is getting back to how we were before: happy people, looking out for the kids' future. I wish some of my people could see it how I see it, because I can see the big picture, how it's not okay to think you're the tough guy – you're not; a tough guy looks after his kids. (Community member)

Although there have only been a limited number of community mediators participating in the Project (see Part 3.5), some stakeholders had observed that these people were increasingly peacemaking within their own families and in the wider community.

[Mediator X], especially on weekends, she tends to do little mediations by herself... And I know [Mediator Y] educates her family on mediation and she has these little pep talks with them, saying 'we don't fight, it's not our way, we should encourage people to come to mediation.' And she tells her children to pass on the message. (Mediator)

In the survey, respondents were asked how often they observed community members stepping in to try to sort out arguments or disputes in a public place, and whether this had changed in the last three years – see Figures 21 and 32.

Q42. When there is an argument or dispute between people in a public place in the community, how often will someone else step in to try to sort it out?

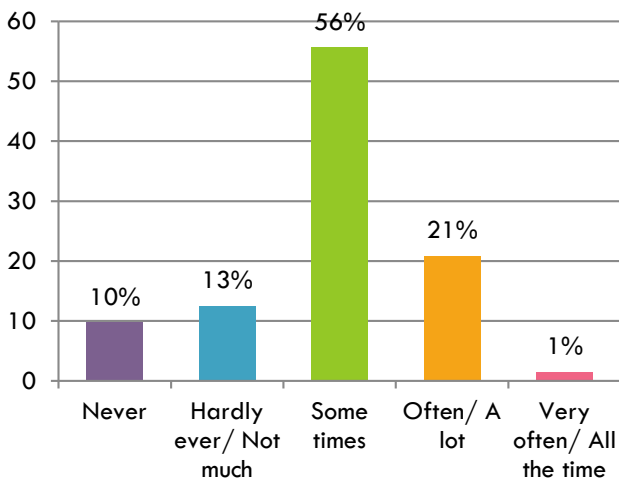


FIGURE 31. INCIDENCE OF PEACEMAKING IN THE GENERAL COMMUNITY

Q43. In the last 3 years, have you noticed any change in how often someone steps in and tries to sort out an argument or dispute in a public place?

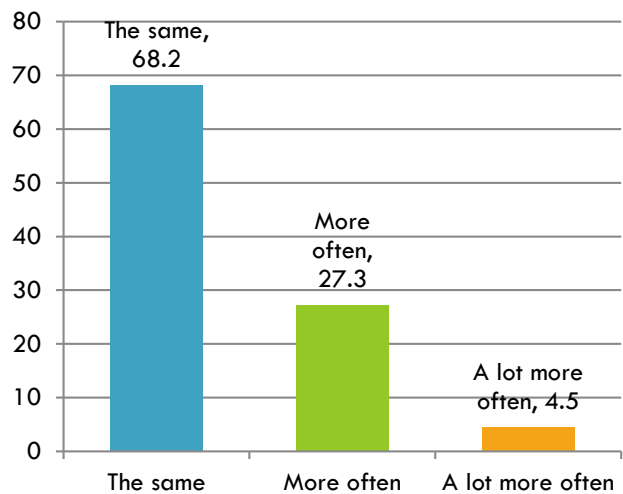


FIGURE 32. CHANGES IN INCIDENCE OF PEACEMAKING IN THE PAST 3 YEARS

As Figure 31 indicates, the responses were mixed about how often people step in, with the most common response being 'sometimes'. Clearly, the community has not reached the point where it is common for people

to step in as peacemakers. However, the data also indicate that almost one third of people (31.8%) think that this is happening more often than it was three years ago (Figure 32). Those respondents who had noticed it happening more were asked whether they thought some of these people who are stepping in as peacemakers had learnt this from the mediation project – 55% of people thought this was the case, while the remainder said they did not know. These results confirm the anecdotal feedback that some people have noticed more community members stepping in as peacemakers as a result of their exposure to the mediation project; however, the project's impact in this regards appears to be still quite limited. The survey further explored whether the community members who had been participating as co-mediators were conducting more peacemaking in the wider community as a result of the skills, experience and confidence gained from the mediation project. Community members who had acted as co-mediators for the Project were asked how much more they have been trying to sort out disputes in their families or in the general community in their own time (i.e. outside the formal mediation process). All four of the respondents reported that they had been doing this more, with two saying 'a lot more', one saying 'somewhat more' and one saying a 'little more'. These co-mediators were also asked whether they have noticed more people asking them personally for help with disputes (i.e. outside the formal mediation process). Three (75%) said they had been asked for help 'much more', while the other respondent had not noticed much difference. All respondents were asked whether, in the past year, the respondent or anyone they knew had asked one of the community mediators (i.e. not the full-time Project staff) for help sorting out a dispute or argument. Almost one-third (31%) responded that they had. This is a positive indication that some community members are calling on the community mediators for help with disputes outside the formal mediation process.

Overall, the survey provides evidence that the Project has made some – albeit still limited – progress in stimulating more peacemaking activity in the broader community. The survey results and the anecdotal examples above can perhaps best be seen as the 'green shoots' of a community-wide peacemaking movement. However, most stakeholders acknowledged that these examples were not yet widespread and there were not enough people stepping up to sort out conflict in the community. Some stakeholders were critical that elders and community leaders needed to show more leadership in this regard:

If you see a fight over there... they need to be stepping in on the spot, that is the best way, but I don't see no one doing that. If you see two people argue, just go and step in. But I think people here would be frightened from the other side of the family. (Community member)

Stakeholders emphasised that this would take time.

In Mornington Island it's taken six years to get young people coming and stepping up to the mediation. You want it to happen, but you can't engineer it. [It happens] over a long grind of mediating and mediating and mediating. In Mornington Island after four years they were still saying 'people don't respect elders', but I reckon they do. It's improved in Mornington – when fights occur in the street, elders are now stepping in, without going to a mediator. (Former Project Manager)

It's going to take time. The more local people from Aurukun that you get involved, the better. (Police officer)

6 LONG-TERM OUTCOMES

The immediate and medium term outcomes of the mediation project discussed in Parts 4 and 5 are intended over a period of years to contribute to the broader desired changes in the Aurukun community, represented in the program logic as the long term outcomes. It would be unrealistic to expect strong evidence of these outcomes linked to the mediation project after only three years of operation. Furthermore, given the Project's variable level of mediation and peacemaking output due to its staffing and resourcing limitations, it is unlikely that it could have made a significant contribution to the changes in community attitudes and behaviour necessary to bring about these long term changes. As such, the job of the evaluation at this stage is to determine whether the achievement of the immediate and medium term outcomes is contributing to progress towards the long term outcomes.

6.1 Enhanced community capacity to manage disputes peacefully

LONG-TERM OUTCOME

Enhanced community capacity to manage disputes peacefully

Evaluation: Strong Delivery

Evaluation Findings

- This outcome requires a normative change, where long-established tendencies to physical confrontation give way to new norms based on peaceful dispute resolution processes.
- Deep-rooted cultural norms and historical practices at Aurukun make this change particularly challenging.
- However, the way that Aurukun residents have actively embraced the mediation option is the most positive indicator of progress towards this outcome.
- Progress is also being made through mediation's impact in improving communication and relationships.
- There has been more limited progress in developing internal community dispute resolution capacity through a pool of community peacemakers.

The key long term outcome for the sustainability of the Project is an enhanced community capacity to manage disputes peacefully. This is essentially a normative change, where the previous practice of often resorting to physical confrontation to resolve disputes gives way to a new norm whereby communication, mediation and peaceful negotiation are the preferred means to manage conflict. It will be clear that this normative change has taken place when the behaviours discussed in Part 5 become commonplace – for example:

- people routinely refer disputes to the mediation project or seek assistance from elders or community members who have learnt peacemaking skills;
- people are more likely to try peaceful communication with other parties to a dispute, rather than getting angry and engaging in physical confrontation;
- when conflict arises, there are a number of community members stepping in informally and spontaneously as peacemakers to assist with peaceful resolution of the problem.

This outcome will require a high level of community engagement in the Project, both in terms of parties to disputes willingly self-referring to mediation, and elders and respected persons stepping up as mediators and

peacemakers. As discussed in Part 5.1, there is very strong evidence that Aurukun residents are increasingly willing to refer matters to mediation. There is also anecdotal evidence that mediation is helping to improve communication between community members and build better relationships (Part 5.2). The growth in community members practising peacemaking outside the Project has been slower, however (Part 5.4). Only a small number of community people have been reliably participating as co-mediators and efforts to recruit and train more people have had limited success to date (Parts 3.5 and 4.4). This is the main risk to sustainably building the long term capacity of the community to manage disputes peacefully.

A number of stakeholders emphasised the enormity of the challenge of bringing about a normative change in how disputes are managed in Aurukun. Community members and agency stakeholders alike spoke about Aurukun's long-established pattern of physical confrontation as the primary means of resolving differences. This observation is consistent with ethnographies written about Aurukun in recent decades by anthropologists Peter Sutton and David Martin.¹⁹ These studies describe the common practice of ritualised public fighting in Aurukun. They also emphasise how aggressiveness and a willingness to physically fight for one's autonomy has traditionally been a highly valued trait encouraged in children growing up in Aurukun.²⁰

Three different agency stakeholders who had worked in various Aboriginal communities all made a similar observation that Aurukun was different in that it seemed more difficult to engage people in peaceful conversation about issues causing conflict. These stakeholders talked about how quickly people defaulted to shouting and confrontation. The survey responses about the regular incidence of disputes leading to physical fighting and property damage reinforce this observation (see Figure 30).

A community member who had been heavily involved in physical fighting reflected on how his own upbringing and the general culture of confrontation had affected him.

My uncle brainwashed us – that we have to fight each other, that if you want to solve your problem you have to go out and fight that guy. Then you are a real man.

...

The best way to sort out the problem is by sitting down and talking about it. Otherwise people say 'I'm just going to fight you', without understanding it. You might get a sucker punch. And if you go to jail, they treat you like a celebrity. You're a bad ass. It's back to front in this community – if you are a tough guy and a bad man, everybody love you. If you try to make a change and try to do something with your life, then they will bring you down. (Community member)

In 2016, a series of videos emerged on YouTube of street fights in Aurukun, some depicting police watching on. These incidents exemplify how conflict has tended to play out physically in Aurukun, a practice that is said to go back many decades. People speak about the concept of a 'fair fight', where two disputing parties resolve a dispute through a bare-knuckled fist fight observed by family members. In the past, this has finally resolved disputes without further escalation, so police sometimes supervised but did not intervene. However, with the recent government campaign around 'one punch can kill', police now adopt a 'zero tolerance' approach to public fighting. A police officer told the evaluation, '*I don't know if you've heard the term 'fair fight', but we are trying to eliminate that term altogether.*'

¹⁹ Martin, D. 'Autonomy and relatedness: An ethnography of Wik people of Aurukun, western Cape York Peninsula', PhD Dissertation, ANU, 1993; Sutton, P. *The politics of suffering: Indigenous Australians and the end of the liberal consensus*, Melbourne University Press, 2009.

²⁰ Sutton, *ibid*, p111; Martin, *ibid* p.143.

With such entrenched historical and cultural practices around resolving disputes by physical confrontation, it will clearly be a long term endeavour for the mediation project to change these attitudes and behaviours. Many people referred to it as a 'generational' change, where the next generation are taught about and observe peaceful dispute resolution rather than modelling their behaviour on the practices of the older generations:

[At the mediation], I said: 'When is this thing going to stop? Are the kids going to keep on watching this – what we do.' I'm just worried about the kids' future. I'm looking at what are they going to go through. They are playing at gammon fighting school. They should be kicking football. I tell them, 'that's not the way.' (Community member)

The continuing outbreaks of occasional violence on the streets of Aurukun show that this change has some way to go. However, stakeholders expressed optimism that continued mediation could bring about this change, and that there were already signs that the mindset was starting to shift.

Because you go out there and people say 'maybe we should do some mediation'. Where it used to be: 'we'll get him to fight for him and him to fight for him, have a punch up'. Now they're having mediation instead. (Police officer)

So if you look at the small gains that mediation can make, it can be that a big fight doesn't happen, that kind of stuff. But when that's repeated twice a week for five or six years as it has on Mornington Island, you look at that as kind of a lasting change. Repeated mediations over a long period of time brings about a change in community attitude. (Former Project Manager)

The evaluation concludes that there are early signs that the mediation project has started to shift attitudes in the community towards peaceful dispute resolution in preference to confrontation. The most significant indicators that this is occurring are the increasing willingness of community members to self-refer or refer others to mediation, and the qualitative feedback about how mediation helps restore relationships and foster better communication.

6.2 More harmonious, peaceful community

LONG-TERM OUTCOME

More harmonious,
peaceful community

Evaluation: Early
Progress

Evaluation Findings

- More than half the survey respondents believe there has been no change in the level of fighting between and within families in the past three years, but a sizeable proportion (about 40%) believe this has reduced.
- More than half of respondents believe that vandalism and property damage has reduced in the past three years.
- These responses are more positive than when the same questions were asked in a 2011 survey, especially in relation to changes in property damage.
- Around half the people who think that fighting and property damage has reduced believe that mediation has contributed 'a little' to this reduction, while over a quarter believe it has contributed 'a lot'.
- Total offences in Aurukun have increased in the past two years, driven largely by increased liquor offences, public nuisance, breach of DV orders and assaults (although assaults not involving alcohol or other substances have stayed the same since 2010).
- Since 2014, there have been significant reductions in property damage, unlawful entry and good order offences, where no alcohol, drugs or other substances were involved.
- These data are consistent with community perceptions about reduced property damage and increased community safety, and the survey indicates that many people think mediation plays a role. However, after such a short time and with many factors at play, attributing improvements to mediation is problematic.
- Consistent with historical patterns, there have continued to be periodic flare-ups of inter-clan violence in Aurukun in the past three years. The evaluation believes it is unrealistic to expect a mediation project could eliminate these occurrences. However, mediation can reduce the risk that minor disputes will erupt into wider conflict and also help manage ongoing conflict that is sparked by these upheavals.
- The evaluation heard anecdotal comments about how mediation can help reduce stress in people's lives. However, a substantial proportion of community members continue to live with significant levels of stress, with almost a third saying they feel calm and peaceful only some or none of the time.
- About two-thirds of people believe that the community is safer than it was three years ago. People cite a range of reasons for this, especially increased police and security cameras. About a quarter cited the mediation project as a factor.

A greater community capacity to resolve disputes peacefully and a break in the cycle of minor disputes escalating into violence and property damage will, over the longer-term, lead to a more harmonious and peaceful community. Community participants in the evaluation planning workshop were clear that this was the most important objective for the entire project. The evaluation has sought to assess progress towards this outcome by analysing community responses to the survey, police data and qualitative feedback from interviews.

6.2.1 Survey feedback about changes in fighting and property damage

The survey asked respondents about changes in the past three years in the level of fighting in families, fighting between families and vandalism or deliberate damage to property. The results are set out in Figure 33.

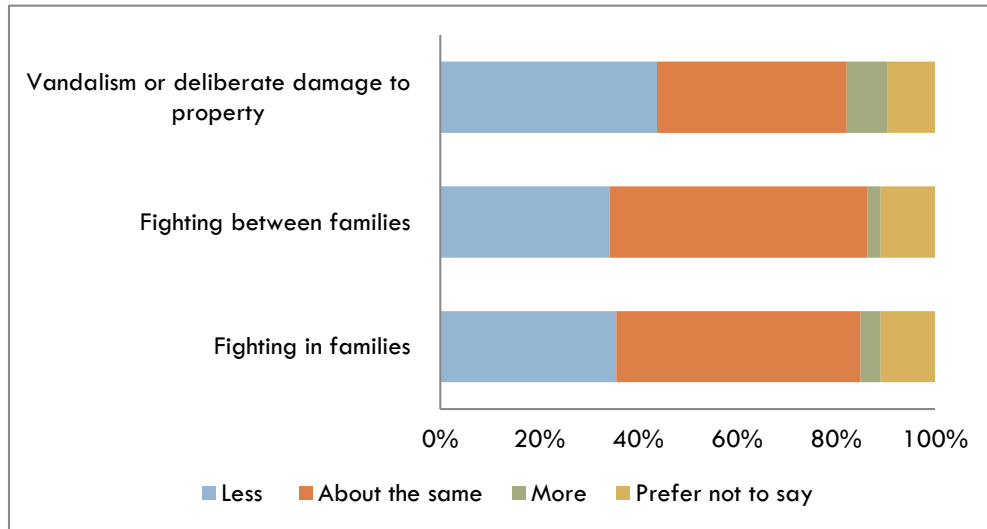
This question mirrored a question asked in Aurukun in a November 2011 social change survey conducted for the evaluation of the Cape York Welfare Reform trial.²¹ These results are also set out in Figure 33. For inter- and intra-family fighting, the most common response in the 2017 survey was to say that these things had stayed about the same in the past three years, but where people thought things had changed, far more said they had reduced than increased. People aged 25-44 were most likely to say that there had been a reduction. Very few people thought there had been an increase in family fighting. In the 2011 survey, the results were more polarised between those who thought there was more fighting and property damage and those who thought there was less. In relation to intra- and inter-family fighting, slightly more 2011 respondents said this had reduced than 2017 respondents. However, a lot more 2011 respondents thought family fighting had *increased* than 2017 respondents. Overall, the 2017 results show that the vast majority of people believe there has been no increase in family fighting and a solid proportion believe there has been a decrease in the last three years. This is a more positive result than the 2011 survey, because although a solid proportion then also believed family fighting had reduced, there was also a notable cohort who thought this had increased.

In relation to property damage, the improvement in community perceptions in the past three years and since the 2011 survey is marked. In the 2017 survey, more people thought property damage had reduced over the past three years than thought it had stayed the same. Only six respondents thought it had increased – interestingly, all these respondents were from the Apalech clan group. By contrast, in 2011, more than half the respondents thought vandalism and property damage had increased over the previous three years.

²¹ Colmar Brunton, *Cape York Social Change Research Study: Aurukun Community Report*, May 2012.

Survey about Aurukun mediation project, February 2017

Q57. In Aurukun, compared to 3 years ago, do you think there is now more or less:



Cape York Social Change Research Study: Aurukun Survey, November 2011²²

Question: Do you think things have changed in the past three years:

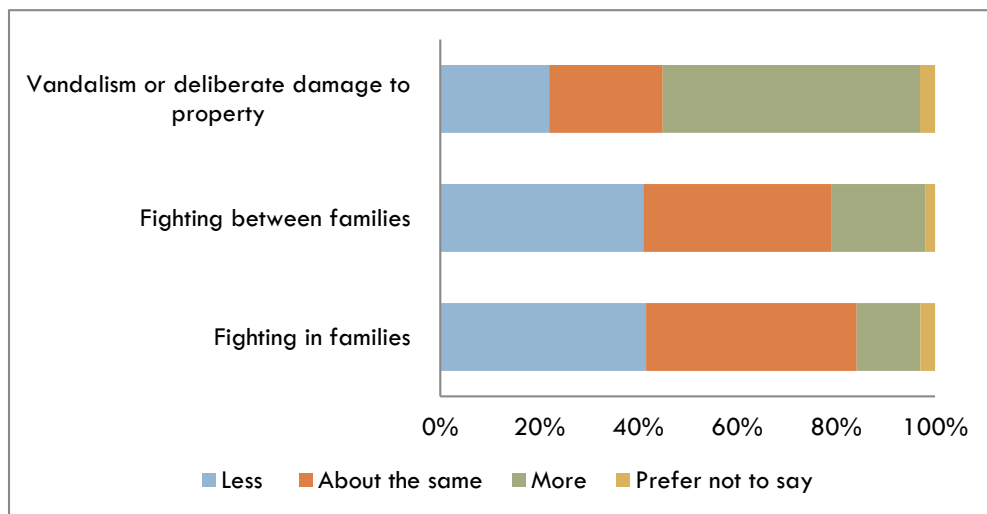


FIGURE 33. PERCEPTIONS OF CHANGE IN AURUKUN, 2011 AND 2017

Where people expressed a view that family fighting or property damage had reduced in the past three years, the survey asked the further question whether they believed the mediation project has made any difference in this regard. The results are in Figures 34 and 35. The graphs show that 54% of respondents who had noticed a reduction in family fighting believe that mediation and peacemaking have made ‘a little bit of difference’ in this outcome, and 31% think it has made a ‘big difference’. Likewise, where respondents believed there had been a reduction in property damage, 47% thought the mediation and peacemaking had made a ‘little bit of difference’ in this outcome and 25% thought it had made ‘a big difference’. In short, the

²² Ibid.

overwhelming majority of those people who have noticed a reduction in family fighting and property damage believe that the mediation project has contributed to this outcome in some way.

Q58. Do you think mediation and peacemaking has made any difference in reducing family fighting over the past 3 years?

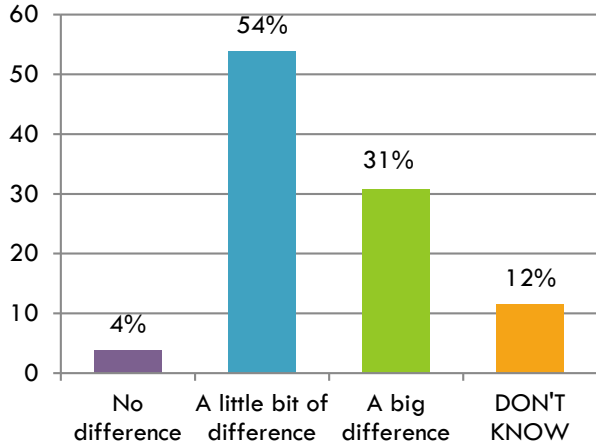


FIGURE 34. MEDIATION'S PERCEIVED IMPACT IN REDUCING FAMILY FIGHTING

Q59. Do you think mediation and peacemaking has made any difference in reducing vandalism and damage to property over the past 3 years?

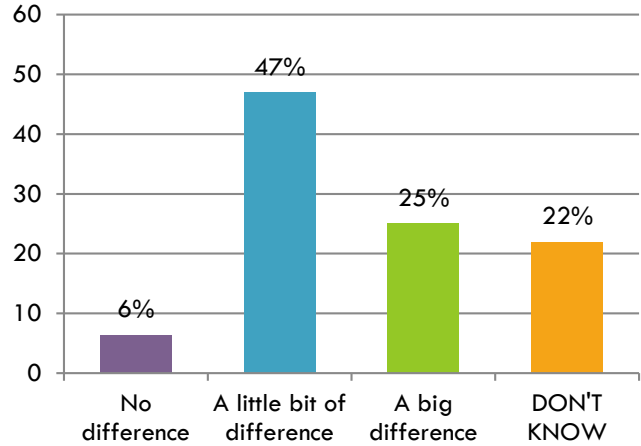


FIGURE 35. MEDIATION'S PERCEIVED IMPACT IN REDUCING PROPERTY DAMAGE

6.2.2 Prevention of community upheavals

A question that emerged during the evaluation is whether the success of the Project should be measured in any way by the incidence of large-scale community upheavals, often characterised by the media as 'riots'. After all, one of the objectives of mediation is to prevent minor conflict from escalating into wider conflict and ultimately to create a more peaceful and harmonious community.

Aurukun is known for a pattern of periodic wide-scale conflict between family groups, often kindled by minor disputes between individuals that 'snowball' rapidly as members of the extended families fall in behind the protagonists. Anthropologist David Martin has described how the rivalry between the tribal groups in Aurukun, often characterised geographically as 'topside' versus 'bottomside', extends back to the early days of the mission.²³ In the past decade, community upheavals sparked by these rivalries have been reported by the media at regular intervals.²⁴

Since the mediation project started in early 2014, there appear to have been three major instances of widespread upheaval. Firstly, in March 2014, the accidental death of a child with a firearm sparked major conflict between families. As the Interim Report described, the mediation project had just commenced at this time and the incident prompted the police to work with the new Project Manager to arrange a series of large-scale public mediations at the police station. This process was very successful in preventing further escalation of the situation and cemented the early reputation of the mediation project as an effective tool.

²³ Martin, op cit.

²⁴ For example: 'Shot fired in Aurukun riot', *Courier Mail*, 9 January 2007; 'Up to 200 riot in Aurukun', *SBS News*, 20 September 2007; 'Shots allegedly fired as hundreds riot in Aurukun', *ABC News*, 6 March 2013; 'Eleven arrested after Aurukun riot', *Brisbane Times*, 1 October 2013; 'Aurukun riot triggers greater police presence', *Brisbane Times*, 27 April 2015.

The second instance of widespread community unrest occurred in April 2015, when a police car attending a street disturbance accidentally drove over a man's foot. This led to an angry group of residents damaging the police station and property in the community. The mediation project does not seem to have been called on in this instance and it is not clear what role it could have played.

The third flare-up in community tensions was in November 2015, when ongoing tensions between families resulted in the running down by vehicle of a man carrying a firearm. As the Interim Report described, some stakeholders were critical that in the month leading up to this incident, the mediation service was unavailable (due to staff absences) to mediate the rising tensions between families. Others felt that there was little that mediation could have done in this situation as the key parties were people who had never been willing to participate in mediation before. Stakeholders did acknowledge that the mediation project had played an important role in managing ongoing tensions in the months and the year following this incident, through conflict coaching, shuttle diplomacy and occasional mediations.

I don't know where this community would be – there certainly would be a lot more repercussions after the incident last year, if this [mediation] project wasn't in the community. (Community organisation stakeholder)

The evaluation takes the view that because of the nature of conflict in Aurukun, it is unrealistic to expect a mediation project to prevent every major incidence of community upheaval – the causes of these episodes are complex and seem to have been a feature of Aurukun life for many decades. As a police officer explained:

Even though crime has dropped off, I don't think you can relate that directly to mediation, because there are so many other factors that influence what's going on. Simply because it's dropped off or it's spiked, that may not have anything to do with the mediation side of it – it's simply because an incident has happened that's kicked off a stretch of three weeks where there is a lot of violence and stuff. (Police officer)

However, mediation can play a preventative role in first, reducing the risk that minor disputes will erupt into wider conflict and second, managing ongoing conflict that is sparked by these upheavals. As the former Project Manager explained:

Mediation should be judged on its impact at the community level over a long period of time. So [over time] people can say 'I can't really see individuals changing because we're still mediating and there's still fights, but the community is a more peaceful place because large-scale fights don't happen and fights no longer go on for months as they used to.' (Former Project Manager)

Thus, as the Project matures further – contributing more to changes in people's approach to conflict and increasing its reach in dealing with some of the more troubled and conflict-prone Aurukun families and individuals – a reduced incidence and level of intensity of wide-scale conflict might be a valid long term indicator of the Project's success. For now, it would be unfair to judge the Project's success on the fact that these episodes have continued to occur in the first three years of the Project's operation. It should also be acknowledged that upward trends in reported offences are often driven by these incidents, as they can result in multiple arrests and charges involving multiple individuals.

6.2.3 Police reported offence data trends

The evaluation reviewed police data about reported offences in Aurukun over the past several years to ascertain whether there is any evidence that crime levels are reducing, possibly indicating the community is

becoming safer and more harmonious. When the original KPIs for the Project were set in 2014, the Government included 'reduction in offences against the person' as a Project Objective, to be measured by a comparison of the incidence of violence in the five years prior to commencement of the Project compared to during the Project.

During the evaluation, Project staff and a number of other stakeholders expressed the view that reduction in offences against the person, or indeed other offence categories, was an unrealistic measure of the success of a mediation project. There were three main concerns expressed: first, whether the Project had been fully functional for long enough to make a difference to offending; second, whether an intervention like mediation could actually address the myriad underlying causes that lead to people committing offences; and third, whether data about offences are a valid indicator of the level of conflict in the community (or simply reflect other factors such as policing practices).

In relation to the first concern, it is important to keep in mind that although the ARJP commenced at the beginning of 2014, the first phase of the Project involved a focus on consulting with the community and building up acceptance of mediation in the community. As Figure 5 shows, in response to emergent demands some mediations and other peacemaking activities did occur in 2014, starting at the end of March. However, after a period of peacemaking activity between April and September 2014, there was then very little activity for a period of six months until March 2015. With the recruitment and training of a Mediation Coordinator in mid-2015 and growing awareness of the Project, peacemaking output has steadily risen since March 2015. To interpret whether mediation might have made any difference to reported offence rates, therefore, it is important to keep in mind when mediation started gaining momentum in Aurukun. Any impact on offending could not be expected before mid-2015, and the period of data since that time is not nearly long enough to establish any downward trend.

In relation to the second concern, several stakeholders questioned whether mediation can effectively address some of the key known causes of offending in Aurukun, such as alcohol and drug abuse, or underlying issues such as boredom and lack of employment.

In relation to the third concern, stakeholders pointed to other factors that affect trends in data about offences. The main issue raised is that changes in policing practice and police numbers have a major effect on reported offence data. For example, police exercise a discretion whether to charge individuals involved in street fighting. It was noted by police stakeholders and community members that at Aurukun, police are now more likely to arrest people involved in street fighting than they were a few years ago. This is partly in response to the Government's 'one punch can kill' campaign.

Offence against the person data are also affected by changes in legislation and practice around family violence in recent years. Police told the evaluation that the wider definition of family violence and the Government's expectation that police take a 'zero tolerance' approach led to more charges in family violence situations.

The other change at Aurukun likely to affect reported offences is the significant increase in police numbers since 2016. Additional police were posted to the community in response to widely-publicised community disturbances in mid-2016 when juvenile delinquency led to the closure of the school. Having more police resources increases the ability of police to respond to and take action in relation to every matter that comes to their attention, leading to an increase in reported offences.

The small size of a community like Aurukun also makes it difficult to discern consistent trends in offence data. One or two individuals committing a large number of offences can create 'spikes' in official statistics. Conversely, when repeat offenders leave the community (voluntarily or through incarceration), offence rates

can fall rapidly and create the illusion that there has been a generalised fall in offending. For this reason, it is useful to also look at the number of unique offenders, as well as the number of offences.

Keeping in mind these known issues with relying on police offence data to gauge the impact of a mediation project, the evaluation nevertheless collected and analysed a range of police offence data from the past decade. Whether any observed trends can be linked to mediation or not, they are useful to understanding the law and order context in the community.

The analysis of police offence data is contained in Attachment 5. Key findings from this analysis are as follows:

- Across all offence categories, the rate of reported offences in Aurukun has generally increased since 2010, from a rate of 260-300 offences per 1000 people in 2010 to 2012, to a rate of 330-400 in 2015 and 2016.
- The trend in the number of unique offenders has varied considerably from year to year since 2008, ranging from 275 to 400 individuals. In 2015/16, it was 399 individuals, the highest number since 2009/10. However, there is no clear trend in the past few years that the mediation project has been running.
- The rate of offences against the person also displays considerable variability, but has generally trended upwards since 2008/09. Assaults, which make up 84% of offences against the person, have also trended upwards. A breakdown shows this to be the case across all categories of severity of assault. A major spike in assault offences occurred in early 2015 as a result of a community disturbance.
- Although the overall rate of assaults has trended upwards, the rate of assaults that are not related to alcohol, drugs or volatile substances (about 30% of all assaults) has been remarkably constant over the last nine years, suggesting that alcohol and drugs play a large role in the upswing. The consistent historical pattern at Aurukun has been about 30 to 40 assaults not related to alcohol and other substances annually – on average, fewer than one every week.
- Offences against property rose steadily from 2010 to 2013 but have fallen from 2014 to 2017. Based on qualitative feedback from stakeholders in Aurukun, it is considered that mediation might have a preventative effect regarding 'unlawful entry' and 'other property damage' offences, especially those that are not related to alcohol and other substances. Both these categories have trended downwards since 2014, and there has been a 31% reduction in the annual number of property damage offences not related to alcohol and other substances in the last three years compared with 2008 to 2014.
- The rate of 'other offences' (ie. not against persons or property) has trended upwards since 2014. In terms of mediation's potential to prevent these offences, the most relevant categories are public nuisance and resist/incite/hinder/obstruct police (together known as 'good order' offences). The number of good order offences that are not related to alcohol or other substances has generally declined over the past nine years. There has been a 72% reduction in the annual number of good order offences not related to alcohol and other substances in the last three years compared with 2008 to 2014.

Given that the output of the mediation project has only been regular since about March 2015, it is very difficult to draw any conclusions from offence data about the long term impact of the Project on offending levels in Aurukun. Where reported offence rates have increased since 2016, this may be related to a significant increase in police numbers. Episodes of community unrest also lead to major spikes in offences.

The qualitative feedback and survey results indicate that mediation's greatest crime prevention potential is where peaceful resolution of a dispute prevents escalation into either: physical fighting that can lead to assault and public nuisance offences; or property damage motivated by retaliation (such as damage to houses) or frustration and anger (such as damage to cars and public property). Stakeholders further indicated that mediation is less likely to prevent offending where alcohol or drugs are involved. Hence, to gauge mediation's impact, it is most relevant to look at offences that do not involve alcohol or other substances in the following categories: assault, property damage, unlawful entry, and public nuisance/good order offences. On these measures:

- assaults not involving alcohol or other substances have remained the same for the past nine years;
- property damage not involving alcohol etc has reduced by 31% in the past three years compared to the previous six years to 2014;
- unlawful entry offences (whether involving alcohol or not) rose rapidly between 2009 and 2013, but have declined considerably since 2014;
- good order offences not involving alcohol, drugs or other substances have reduced by 72% in the past three years compared to the previous six years to 2014.

The continuing high rates of offences against the person provide no indication that mediation has had an impact to date in reducing interpersonal violence in Aurukun. On the other hand, declines in non-alcohol related property damage, unlawful entry and good order offences in the years since the mediation project started are encouraging signs that Aurukun is becoming a more peaceful community. How much of these improvements can be attributed to mediation, however, is open to debate. The survey suggests that people believe that mediation contributes to preventing these types of offending, but it will only be possible to establish this after long term tracking of trends in these offence categories at a time when strong mediation output has been sustained.

6.2.4 Reduced stress for community members

A significant intangible consequence of unresolved conflict in a community is the level of personal stress for community members. Therefore an important indicator that the mediation project is succeeding in creating a more peaceful and harmonious community is whether people feel less stressed by conflict in their lives. An agency stakeholder who works with offenders had observed how mediation had helped relieve stress for these individuals:

Aurukun is such a small community, and you really do hear the stress and concern in some people's voices when they know they have to avoid a particular part of town or a particular person. And then you hear them talk about this option of wanting to go to mediation so that they don't have to feel like that. It's great that they do have that option – that they can all sit in that room and kind of feel comfortable and not afraid in that moment. That they can then walk out into the street and feel comfortable again, which is great.
(Government stakeholder)

A young male community member spoke of how conflict personally affected him:

I mean, sometimes I feel scared living in my own home, I am living in the wrong area²⁵, and every time when I go home I have to constantly look around...

When you are walking past if you make eye contact a guy will shout at you 'why are you looking at me?' But I've got to look around, you can't walk around with your head down...

Because when I was growing up I was different and I was friendly and talked to people, and I loved helping others, because my grandmother taught me discipline when my parents separated and she took me out in the bush. And this mediation is good because it helps bring peace. (Community member)

To gauge the level of stress in the community, the survey asked residents how often they felt calm and peaceful in the last four weeks. The results in Figure 36 show that only 23% said 'all the time', 37% said 'most of the time', 25% said 'some of the time', and 5% said 'none of the time'. People aged 65 and older were much more likely to say they felt calm and peaceful all or most of the time, while people aged 15-24 were more likely to say they felt this way only some of the time. Women were slightly more likely to respond positively than men.²⁶ This question was also asked in the 2011 social change survey in Aurukun (see Figure 37). The 2017 responses are significantly weaker than in the 2011 survey, when 56% said they felt calm and peaceful 'all the time', 30% said 'most of the time' and 14% said 'some of the time'. The results suggest that people feel less calm and peaceful now than they did in 2011. However, it is possible that this question in 2011 elicited a more positive response because it followed a series of other questions about participants' happiness and energy levels, whereas the 2017 question followed a series of questions about conflict in the community.

In summary, although the evaluation heard anecdotal comments about how mediation can help reduce stress in people's lives, a substantial proportion of community members continue to live with significant levels of stress, with almost a third saying they feel calm and peaceful only some or none of the time.

²⁵ In other words, in a part of the community mostly occupied by members of a different family group, who have animosity towards the interviewee's family.

²⁶ 27% of women felt calm and peaceful 'all of the time', compared to 16% of men. 32% of men felt calm and peaceful only 'some of the time', compared to 21% of men.

Survey about Aurukun mediation project, February 2017

Q63. In the last 4 weeks, how often did you feel calm and peaceful?

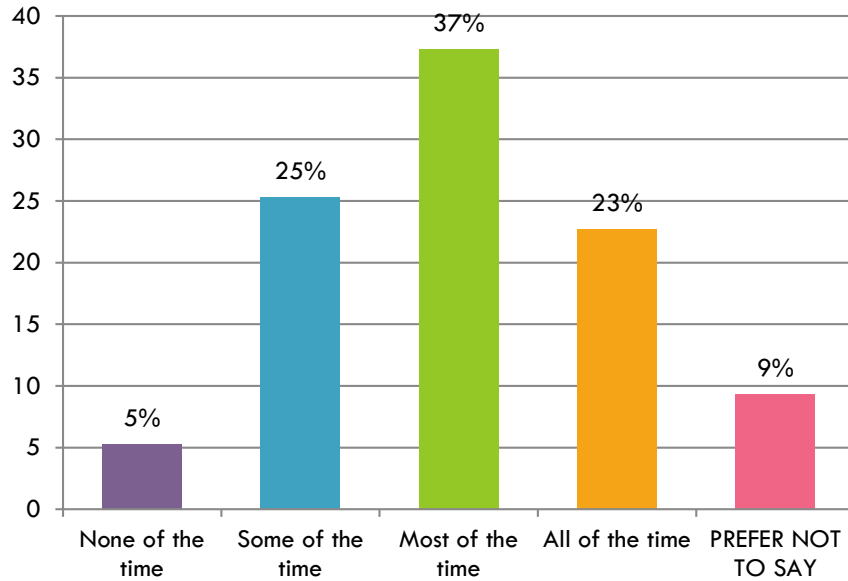
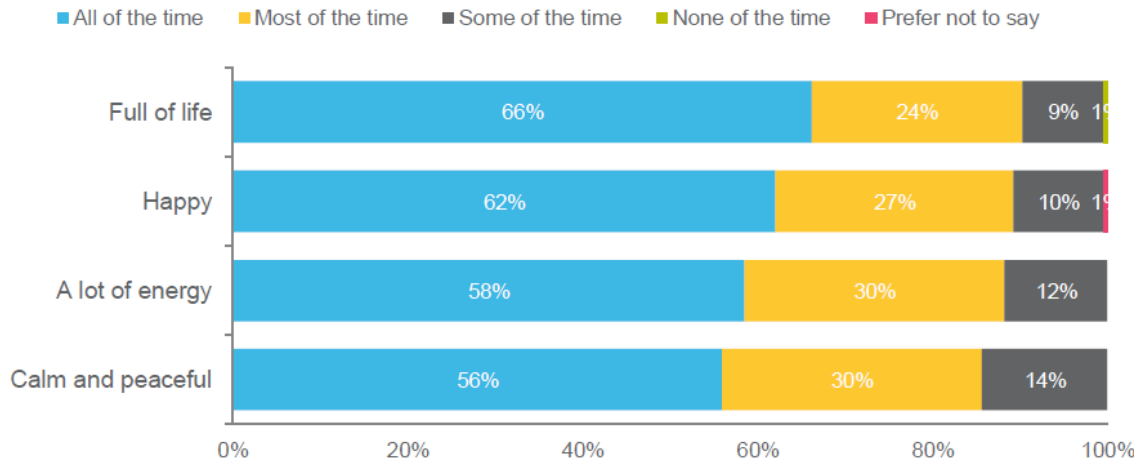


FIGURE 36. WHETHER PEOPLE FEEL CALM AND PEACEFUL, 2017

Cape York Social Change Research Study: Aurukun Survey, November 2011²⁷

QK1. In the last 4 weeks how often have you felt:



QK1 In the last 4 weeks how often have you...?
 Base: All survey participants, N=195

FIGURE 37. WHETHER PEOPLE FEEL CALM AND PEACEFUL, 2011

²⁷ Colmar Brunton, op cit.

6.2.5 Community safety

The survey asked respondents for their perceptions about changes in community safety. As Figure 38 indicates, views were split about whether there were less young people making trouble than three years ago. The feedback indicates that most people think there has been no change in the number of adults and young people making trouble in the community. This response was the same across all age groups. For those who think there has been a change, they are divided on whether there are more or less young people making trouble, but they do agree that there are less adults making trouble. Overall, however, about two-thirds of respondents agreed that the community was safer than it was three years ago, with the remaining third saying it had stayed the same (only 4% said it was less safe).

Q61. Do you agree or disagree that the following things have changed in the past 3 years?

	Strongly disagree	Disagree	Neither	Agree	Strongly agree
Less young people (18 or under) are making trouble than 3 years ago Count	0	13	29	19	4
Less adults are making trouble than 3 years ago Count	0	2	36	21	4
The community is safer than it was 3 years ago Count	1	2	19	38	8

FIGURE 38. PERCEPTIONS OF CHANGE IN COMMUNITY SAFETY

If the community feels safer to people, it is not possible to say definitively how much the mediation project has contributed to this feeling. When asked why they think the community is safer, people were offered a wide range of possible reasons (Figure 39). The most common responses were that since 2016 there were more police and security cameras had been installed. However, the third most common reason, cited by almost a quarter of respondents (23%), was that there was ‘more mediation and peacemaking’.

The stakeholder interviews and the community survey data show that most residents believe that mediation plays some role in reducing conflict in the community. Examples of this sentiment in the stakeholder interviews are as follows:

There is less fighting than three years ago and there is less damaging property. Yes the mediation at least has stopped it for a while and it’s good because I’m sick of it. (Community member)

The town is pretty quiet. It’s pretty peaceful. People are just doing their own things. I don’t know when was the last time a vehicle got smashed. [A visitor] said to me this morning, ‘the community is so much different from when I was last here, then you could feel the tension in the air.’ (Mediator)

If the town's more peaceful, a big part of it is mediation. And, you can say, the major blues haven't continued as much after mediation. And the big fights have been dropping since mediation. (Former police officer)

Q62. You have said Aurukun is safer than it was 3 years ago. Which of the following do you think has made a difference? (tick all that apply)

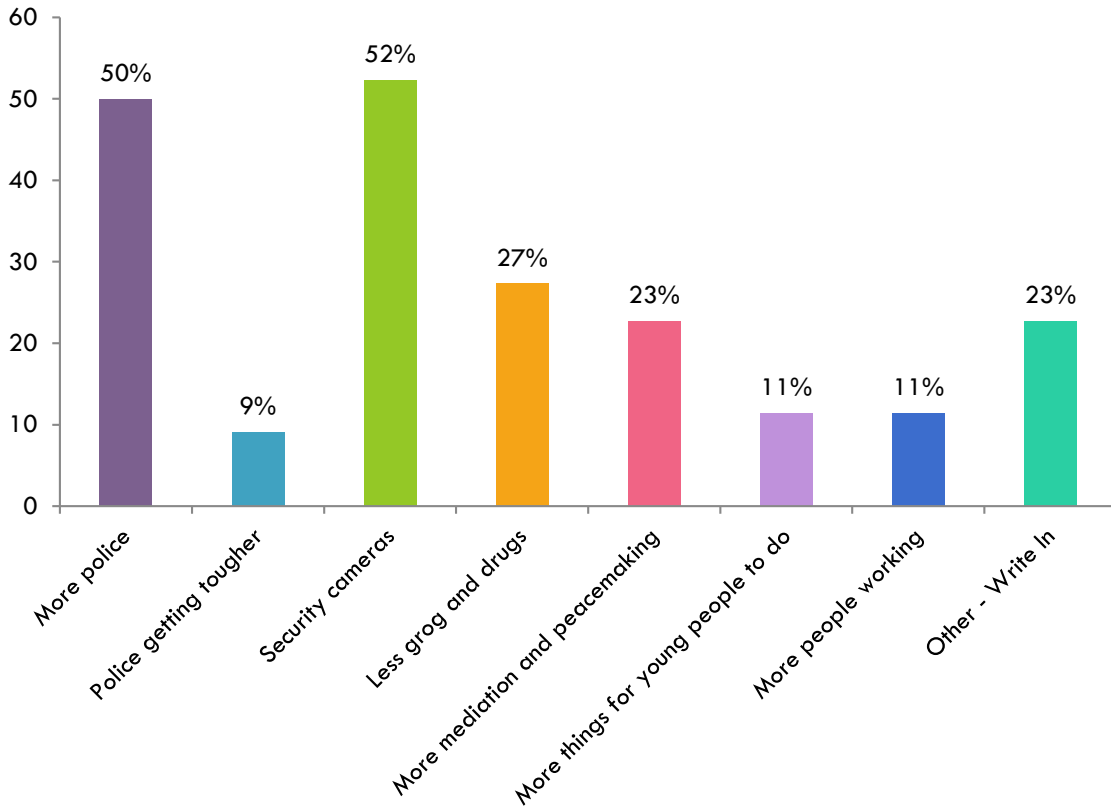


FIGURE 39. REASONS WHY COMMUNITY FEELS SAFER THAN 3 YEARS AGO

Perhaps the most striking set of responses to the numerous questions in the community survey was for the simple question: ‘what do you think would happen if there was no-one doing mediation in Aurukun?’ The responses to this question are set out in their entirety in Box 2. They clearly illustrate the strong connection that people draw between mediation and reducing fighting and violence in the community.

Box 2. COMMUNITY SURVEY RESPONSES

Q68. What do you think would happen if there was no-one doing mediation in Aurukun?

'More violence.'

'More fighting.'

'No one will help us.'

'Everybody would be running around smashing homes, stabbing each other, picking up sticks.'

'Fighting. Might be a murder.'

'I don't know. They might fight all the time.'

'I think it would keep getting worse.'

'It would be a lot worse.'

'Might be more fighting.'

'Might have to go to police or elders.'

'More fighting. People will say 'who is the best person to see to stop this fighting – it's not the police – we need the mediation person to help stop fight.'

'More fighting. Keep fighting.'

'More violence.'

'Need more PLO from each clan group so they can attend the mediation. Local justice, local State and local police working together. Bring in the justice group.'

'Nowhere to go to sort out that trouble.'

'People will carry on and probably kill one another because there is no help and no elderly person to help them.'

'People would be running mad if there was no help. There would be more breaking into the shops, stealing vehicles.'

'People would still be fighting when they see them in the bank and the shop. People say to someone 'why didn't you come to the mediation' and then they want to fight.'

'People wouldn't be listening to other people.'

'Police sometimes don't help.'

'Police won't help.'

'Problems won't be solved.'

'Problems would become worse. Good idea to have mediation to sort out problems. Helps people respect each other.'

'Riots, out of control fighting. It would be confusing.'

'Someone might get killed around here.'

'The level of daily crisis and trauma would be overwhelming.'

'There will be more fighting.'

'There would be fighting just on the street.'

'There would be hatred all over town. People wouldn't know how to sort the problem out. It would take a week for people to apologize.'

'This place would run crazy - you would probably need more police. Mediation is better than going to court. There is a lot of people going to jail just for public nuisance – should mediate that.'

'We can't solve our problems. Maybe Aurukun would turn upside down.'

'We would go back and start physical fights and big mess.'

'Would go complete AWOL.'

'Would have been a big problem here in Aurukun if no mediation. When police or security aren't doing job properly mediation does job, fills in. Police not making both sides talk to each other.'

'An increase in arguments and unrest due to communication problems between parties.'

'It would be a big problem in the community. Mediation is doing everything, but police are not doing their job properly. Not targeting the right people. Community police not doing enough.'

'More fighting.'

'More fighting in the streets.'

'People would just carry on.'

'Youngsters at night still sing out for fights. Fights would keep going on and on.'

6.3 Reduced community contact with police, courts & corrections

LONG-TERM OUTCOME

Reduced community contact with police, courts & corrections

Evaluation: Early Progress

Evaluation Findings

- There is a strong perception that mediation de-escalates conflict and therefore leads to reduced offending and contact with the justice system. Despite some encouraging signs, this impact cannot yet be verified in long term data trends.
- The Project is succeeding in reducing community contact with police, because residents are actively self-referring disputes to mediation in preference to contacting police, and police themselves are increasing their referrals to mediation. It is not possible to quantify the reduction in contact with police, but police are unequivocal that the Project reduces their workload.
- The Project is also reducing contact with courts through diversion to mediation, but the numbers are still limited.
- In a small number of instances, the Project has directly reduced community contact with corrections by assisting community members to avoid breaches of community orders that would lead to incarceration.
- However, there are many anecdotal examples of where the Project has reduced contact with the justice system, and referral figures demonstrate regular police diversion is occurring.
- In light of the evidence about how mediation operates to divert people from contact with the justice system, this should become evident in long term data trends as the Project's level of output continues to build and its relationship matures with court and corrections stakeholders.

A long term outcome sought by the Project is to reduce the community's contact with police, the courts and corrections – in other words, the formal justice system. As the program logic indicates, it is intended that this outcome will be achieved through:

- community members referring more disputes to the mediation project (as an alternative to contacting police to deal with the matter) – see medium term outcome 1;
- disputes being successfully mediated and therefore not escalating to violence or property damage requiring police law enforcement – see medium term outcome 3;
- a more harmonious and peaceful community, where people are managing disputes peacefully without resort to violence, and therefore a reduced need for police involvement – see long term outcomes 1 and 2.

Obviously, a key measure of the level of contact with the justice system is the number of offences that police are dealing with in the community. As discussed in Part 6.2.3, in practice it is arguable whether reported offence data is a valid measure of success for a mediation project. Furthermore, assault rates have not improved and it is arguable how much of the observed improvement in rates of property damage, unlawful entry and good order offences such as public nuisance can be reliably attributed to the Project.

It is clear, however, that the Project is reducing contact with police insofar as people are increasingly referring themselves or family members to mediation in preference to contacting police about issues. Part 5.1 indicates the strong rate of community referrals. In addition, Figure 26 shows that police themselves are 'diverting' some matters to mediation as a means of resolving them without further need for police involvement – 18% of all referrals have been from police and this has increased to 72% in 2017. Police told the evaluators how important the mediation project was to them as an option for referring matters for dispute resolution. A community police officer interviewed by the evaluators was in no doubt that the mediation project was reducing contact with police:

If this Project was shut down, then everyone would be here [in the police station and court] getting charged and flown out. And people in the community agree that this is more better for us. (Community police officer)

As far as contact with the courts is concerned, the mediation project can play a role in this through court-ordered victim-offender mediation. To date, however, the number of referrals by the court has been limited – 8% of referrals (23 in total) during the first three years of the Project (see Figure 26). The Interim Report explored the reasons for this and made recommendations to address them. The Project Manager is working to engage more with court stakeholders and there have been an increased number of referrals in early 2017. Overall, however, the opportunity to reduce community contact with courts through diversion to the mediation project has not been realised fully.

The mediation project has a limited, but important role, in reducing community contact with the correctional system. A common reason for incarceration of community members is where they breach the conditions of community corrections orders, such as parole orders. Involvement in fighting can lead to breach of conditions, because it can lead to people re-offending or not reporting to probation and parole officers as required. Resolving conflict that arises through mediation can help keep offenders on track with their orders and prevent their incarceration. The mediation project has developed a good relationship with community corrections authorities and has collaborated on ensuring offenders do not breach orders on at least a couple of occasion. The following example is illustrative:

There's a chap who is about to finish his court-ordered parole, and his performance whilst at times has been rocky, he has been one of these ones that has been quite closely involved in mediation. Whereas historically he may have gone down a different avenue – he may have entered a physical fight – now he is actually trying to resolve things so that he doesn't have to hide in the community; so he can still make his way down to see [the probation and parole officer]. So he is probably one of the most positive stories that I've seen. He is going to finish his order any day now, which is great. I know he has been involved in probably three mediations during the year. (Government stakeholder)

These remain isolated cases, but as the mediation project consolidates and builds additional capability, it will be able to do more to reduce offenders' contact with the correctional system.

In conclusion, the mediation project has demonstrated its capacity to both prevent contact with the justice system through de-escalating conflict, and to divert people from contact with the justice system through police and court referrals and ensuring offenders on community orders stay out of trouble. The precise contribution of the Project is difficult to quantify at this stage – the Project's involvement in court and corrections issues is still growing and its impact is not verifiable through trends in official statistics. However, there are many anecdotal examples of where the Project has reduced contact with the justice system, and referral figures demonstrate regular police diversion is occurring.

6.4 Reduced financial cost to State and the community

LONG-TERM OUTCOME

Reduced financial cost to State and the community

Evaluation: Early Progress

Evaluation Findings

- Any reduction in offending has considerable flow-on savings to the State in terms of policing, courts and corrections. For example, the direct savings to police and courts from the reduction in the past three years in property damage, unlawful entry and good order offences not related to alcohol and other substances is estimated at a minimum of \$300,000 per year, which does not even include correctional costs.
- While many stakeholders believe mediation of disputes prevents these and other types of offending, attributing these improvements to mediation is difficult. However, even if a portion could be attributed to mediation, the significant quantum of such savings is clear.
- Where police are referring disputes to mediation (48 to date), this is directly reducing their workload and creating cost savings of \$3382 for adults and \$4773 for youths for each instance where an individual would otherwise have been charged.
- Mediation generates further savings to the justice system through helping individuals avoid breaches of community-based orders that would otherwise lead to their imprisonment.
- Where mediation has helped de-escalate community tensions from spilling over this has avoided the cost of mobilising additional police, reported to be hundreds of thousands of dollars.
- Preventing disputes from escalating into violence and property damage reduces a range of costs to Government agencies, the Council and the community. A commonly raised cost saving is where mediation avoids the destruction of power meter boxes – previously a common consequence of family disputes.

A final long term goal of the Project is to reduce the financial cost to both the State and the community. For the State, costs can be reduced if there is less community contact with the justice system and if a more peaceful and harmonious community can reduce the burden on welfare services and the level of disruption to publicly-funded programs and services. For the community, a more peaceful and harmonious community with fewer disputes escalating into violence or property damage will lead to lower levels of disruption and financial cost to families, individuals and community organisations (including the local council).

6.4.1 Reduced cost to the State

A study by Griffith University estimating justice system costs in Queensland is a good reference point for calculating any reduced costs to the State from a project that prevents crime or diverts people from the justice system. The study²⁸ shows that:

- the average hourly transactional cost for Queensland police was \$245.10 in 2010/11, which equates to \$271.60 in 2015/16;
- where an offence by a youth proceeds to court it consumes 15.1 hours of police time, therefore costing \$4101 per matter;
- where an offence by an adult proceeds to court it consumes 11 hours of police time, therefore costing \$2988 per matter;
- the average cost for a matter to be dealt with by the childrens court is \$672 and in the Magistrates Court is \$394;
- the cost to corrections of supervising a community order is \$35/day for youth and \$12/day for adults;
- the cost to corrections of incarceration is \$567/day for youth and \$289/day for adults.

With these figures, the ability to quantify the reduced cost to the State depends firstly on whether a reduction in offences is evident since the mediation project started, and secondly on how much of this reduction can be attributed to the mediation project. Only three years into the Project, both of these remain problematic. As Part 6.2.3 highlighted, the main reduction in offending in recent years has been in property damage, unlawful entry and good order offences, where there is no involvement of alcohol, drugs or other substances. Many stakeholders in the community believe that mediation has contributed to this – for example, by preventing disputes from escalating into retaliatory property damage such as destruction of electricity meter boxes or anger-fuelled rampages. However, the exact contribution of mediation cannot be quantified.

For argument's sake, using the Griffith University figures, the full cost saving to the State's justice system of the reductions in offences not involving alcohol or other substances for property damage, unlawful entry and good order is estimated in Box 3 as \$301,380 per year, plus sentence supervision costs (which it is not possible to estimate). If the mediation project could be credited with even *half* of this reduction in offences, then it will have contributed a reduced cost to the State of **\$150,000 per year** in policing and court costs, plus significant correctional costs for implementing sentences.

Another key area of reduced cost to the State is the reduced demand for police time as a result of police referring matters to the mediation project. A local police officer described it as follows:

There are things that we go to, where if people are happy to mediate, that's the end of it. We come back and put the referral into the system, and we are done, so definitely it has reduced our workload and we would prefer it to continue and even do more. (Police officer)

Police have referred 48 matters to the Project in the first three years of its operation. If any of these matters had otherwise proceeded to a charge and a court appearance, the Griffith University research shows that they would have cost \$4773 for youths and \$3382 for adults. Therefore, assuming a split of 22% youth/78% adults²⁹, if all 48 matters referred by police had instead resulted in charging a person with an offence, the cost in police and court time would have been \$50,402 for the youths and \$126,622 for the adults – a total of \$177,024. However, it can be assumed that these matters were at the less serious end of the

²⁸ Allard et al, op cit, p.91.

²⁹ Based on the average youth/adult split for all offences at Aurukun for 2013/14, 2014/15 and 2015/16.

spectrum if the police and the complainant were prepared to divert the matter to mediation, so not all of them would have resulted in charges. Nevertheless, even if the mediation option avoided a charge being laid in *half* of these cases, that is a saving of about \$88,000, or over **\$29,000 per year**. And there would have been additional costs for correctional authorities following sentencing of those individuals.

Part 6.2.2 indicated that over the longer-term, mediation of minor disputes has the potential to reduce (although not eradicate) the frequency and severity of major community upheavals with wide-scale public fighting. Where mediation has prevented an episode, this will generate significant cost savings to police, because these incidents require a costly response in terms of mobilising additional police to the community until matters settle down. For example, a Government stakeholder told the evaluators that as a result of the unrest following the incident in November 2015, it cost the police \$550,000 to bring in additional officers over the Christmas period.

The cost savings in relation to court-ordered mediations would not be as great because these matters still need to return to court following the mediation in order to finalise the charges. However, if the mediation resolves the matter such that the charge is dropped or the court imposes a lesser sentence, this will generate significant savings in terms of correctional authorities (as indicated above).

Mediation can also lead to significant savings for correctional authorities where it assists offenders not to breach community-based correctional orders. If an offender breaches an order and is imprisoned, the cost to the State is \$289 per day for adults and \$567 per day for youth.³⁰ Where an adult offender breaches court-ordered parole, they spend an average of 84 days in prison,³¹ which would therefore cost the State \$24,276. It is very difficult to quantify how many times a year the Project prevents the incarceration of an individual through breach of a correctional order, but the example cited in Part 6.3 demonstrates that this is already occurring. Even if the Project were successful in preventing *three* breaches of court-ordered parole per year, this would achieve a saving in correctional costs of about **\$75,000 annually**.

The figures discussed here indicate that for a project that currently costs the Government \$254,000 per year in funding, it is conceivable that it generates at least this amount in savings to the justice system alone – for example, on the figures above, \$150,000 in reduced costs of offending, \$29,000 in reduced police time through diversion, and \$75,000 in reduced incarceration for parole breaches. The high cost of justice in remote communities makes any community-based project that can reduce contact with the justice system a very cost-effective measure. While it is difficult to quantify the effect of the mediation project in reducing contact with the justice system, the figures above illustrate that even if mediation is having this preventative effect in a small number of disputes that are referred to the Project, the cost savings will be considerable.

There are also substantial non-justice system cost savings that potentially flow from successful mediation of conflict. For example, where mediation has prevented escalation to violence and property damage, this will result in cost savings for other areas of Government services, such as medical services or repairs to damaged Government facilities. During a community disturbance in recent years, \$280,000 of goods were looted from the Government-owned store. Where an unmediated dispute flares up into widespread community conflict, there is also disruption to Government service delivery output as services are required to close for the safety of staff.

³⁰ Allard et al, *op cit*, p.91.

³¹ Queensland Government, *Queensland Parole System Issues Paper*, August 2016, p.28

Box 3. COST SAVINGS FROM REDUCTION IN OFFENCES

The data in Attachment 5 show the following reductions in offending since the mediation project commenced:

- Other property damage (not involving alcohol, drugs or volatile substances): reduction from 36.5 offences/year from 2008/09 to 2013/14 to 25.3 offences/year from 2014/15 to 2016/17 → 11.2 fewer offences per year. For the last three complete years, on average 28% of these offences have been youths and 72% adults, so there are 3 fewer youth offences per year and 8 fewer adult offences.
- Unlawful entry (not involving alcohol, drugs or volatile substances): reduction from 8.2 offences/year from 2008/09 to 2013/14 to 2.7 offences/year from 2014/15 to 2016/17 → 5.5 fewer offences per year. For the last three complete years, on average 52% of these offences have been youths and 48% adults, so there are 4 fewer youth offences per year and 4 fewer adult offences.
- Good order offences (not involving alcohol, drugs or volatile substances): reduction from 92.5 offences/year from 2008/09 to 2013/14 to 26.3 offences/year from 2014/15 to 2016/17 → 66.2 fewer offences per year. For the last three complete years, on average 5% of these offences have been youths and 95% adults, so there are 3 fewer youth offences per year and 63 fewer adult offences.

Therefore, in the past three years (2014/15 to 2016/17), there have been an average of:

- 10 fewer offences per year by youths across these three categories; and
- 75 fewer offences per year by adults across these three categories

For the 10 fewer youth offences per year, the costs savings will be:

- 10 x \$4101 in police costs = \$41,010
- 10 x \$672 in court costs = \$6,720
- Unknown amount in corrections costs, depending on sentence
- Therefore, a total saving of \$47,730 plus sentence supervision costs

For the 75 fewer adult offences per year, the cost savings will be:

- 75 x \$2988 in police costs = \$224,100
- 75 x \$394 in court costs = \$29,550
- Unknown amount in corrections costs, depending on sentence
- Therefore, a total saving of \$253,650 plus sentence supervision costs

The combined total cost savings for the 85 fewer offences per year is estimated at \$301,380.

Community members and police told the evaluators that when there is family feuding in Aurukun, frustrated individuals often take out their anger on public property, such as Council buildings and vehicles.³² Where they damage houses, this is also a major cost to the Council as the manager of public housing. It is understood that electricity meter boxes are a common casualty in family disputes.

One power box is worth \$5000 and [after that dispute flared up] that's the first thing they went and smashed at their houses. There's still people not back in their houses [because the power box is not fixed]. (Agency stakeholder)

³² A councillor told the evaluation: 'Sometimes they do that because of the guilt if they can't sort things out. They come and smash Council vehicles.'

However, a police officer observed that this had reduced in recent years, which is borne out by the reported offence data in Attachment 5 on property damage:

I certainly know the last period I was stationed here [2011 to 2014], where you see those high numbers of property offences, that was an everyday occurrence: someone would get angry and they would smash into the house or the meter box or whatever. Whereas now you don't see that – I think there's only been one or two of those instances since I've been back [in 2017]. (Police officer)

Another police officer expressed the view that mediation had contributed to this:

[Mediation] saves all the power boxes, saves windows, and saves cars being stolen. And it saves lives. (Police officer)

Disputes clearly result in significant costs to Government and the local Council as a result of property damage. Although it is not possible to quantify the extent to which successful mediation of disputes has reduced these costs, the community opinions expressed in the survey (as discussed in Part 5.3) and the comments cited above illustrate that many community stakeholders believe the mediation project has contributed to reducing these costs.

6.4.2 Reduced cost to the community

Community members pointed out to the evaluators that conflict has financial costs not just for the State but for families and individuals too. Any reduction in violence and property damage brought about by mediation will reduce costs such as:

- medical costs for treating injuries;
- loss of income where disputes affect parties' ability to work;
- costs of repairing damage to private property caused by disputes;³³
- costs to families as a result of the store or bank being closed during times of community upheaval.

Again, it is not possible to quantify the impact of the mediation project, but the community survey has shown that the prevailing community opinion is that mediation is successful in preventing disputes from escalating into violence and property damage.

³³ An agency stakeholder recalled: 'One family just ploughed into a house with a car... If a matter is not mediated it gets expensive.'

6.5 Increased respect for elders and strengthened family authority

LONG-TERM OUTCOME

Increased respect for
elders and
strengthened family
authority

**Evaluation: Limited
Progress**

Evaluation Findings

- There is a community perception that elders being involved in mediation will lead to increased respect in the community.
- However, the Project has made little progress towards building respect for elders and strengthening family authority, because it has been able to enlist only a small number of community co-mediators to date.
- The survey indicates no consensus about whether respect for elders has increased in the past three years.
- Rebuilding confidence in community leadership is a significant challenge in Aurukun. The survey shows the community has widely divergent views about the strength of leadership and the level of respect for leaders. There was a much more positive response to these same questions in a 2011 survey.
- The sustainability of the Project seems to rest on whether mediation can empower elders as peacemakers as well as building the skills and respect for younger people to become a new generation of elders and peacemakers.

An oft-cited factor in the breakdown of social order in remote Indigenous communities is the erosion of respect for elders and the resulting weakness of authority structures within families. The model for the ARJP explicitly aims to rebuild that respect for elders and their authority within their families. As indicated in the program logic, the effort to enlist community members as co-mediators is intended to build their skills and capacity, leading to more people practising peacemaking both within and outside the formal mediation process. Over time, it is hoped that these community mediators will gain respect in the community and provide the scaffolding for stronger family authority structures. This in turn will enhance the community's capacity to manage disputes peacefully and lead to a more harmonious, peaceful community. The former Project Manager explained the role of the mediation process in this regard:

If you want to build up family responsibility and respect for elders (which has been eroded), this occurs when people demonstrate character and demonstrate skill and demonstrate concern in a crisis. And when there's a mediation on, it's kind of like a crisis because people are threatening each other. So if you come along and say 'well, let's talk to each other and show respect this way as they have just shown respect to you,' if you do this stuff, you build up respect because you're calm in a crisis. So if you look at who are the emerging leaders in the community, it's the young people turning up to mediation showing responsibility, showing care and concern. (Former Project Manager)

As this comment implies, the process is as much about building the skills and respect for younger people to become a new generation of elders as it is for restoring respect for existing elders. This point was made during many of the stakeholder interviews.

It is worth reflecting on the fact that the Project's desire to re-build 'respect for elders' might be interpreted by some as invoking the assumption that this will somehow restore traditional forms of authority that might effectively tackle aberrant behaviour in the community, especially by younger people. Anthropologist Peter Sutton, however, has questioned this assumption. He writes that:

Older forms [of power] were based significantly on senior people's domination of religious nurturance, their powers of mystification, their control of people's marriage prospects, and their possession of the sanctions of sorcery, physical injury and ultimately and in a few domains, execution. Channelled retribution and 'getting satisfaction', not the foreign judicial independence implied in English terms like 'punishment', were mostly central to dispute resolution... There is little evidence that such a system, once thoroughly broken, can be reinstated. In any case, one could expect most citizens now, including most Aboriginal people, to take the view that its totalitarian and violent characteristics, perhaps once necessities of life in a stateless society, should no longer be promoted or supported.³⁴

Thus, the goal of building respect for 'elders' should be seen not as an exercise in reinstating 'traditional' forms of authority once wielded by older people, but rather, an effort to nurture a cohort of peacemakers, including both current elders and a new generation of elders, respected for their skills in facilitating peaceful communication and showing care and concern for family and kin. As the Interim Report described, knowledge of culture and the community's traditions will undoubtedly be a prerequisite for this role, as invoking family connectedness is the lynchpin of the Aurukun model of peacemaking. However, this is different from reinstating 'traditional' punitive forms of authority.

As discussed in Parts 3.5 and 4.4, the challenge for the Project in achieving this outcome is that it has been able to enlist only a small number of community members as co-mediators to date. Consequently, the Project's impact in building respect for a significant cohort of elders and peacemakers will inevitably be limited.

Despite this, the survey sought community feedback about the level of respect for elders and whether this had changed in recent years. The survey data in Figure 40 reveal no strong consensus about whether respect for elders has increased in Aurukun in the last three years. The most common response was that this had stayed the same; the other responses were split, with slightly more agreeing that respect for elders had increased. The 22% of respondents who said that respect for elders had grown were asked whether they thought that elders being involved in mediation and peacemaking had made any difference to this outcome (see Figure 41). Half (50%) of these respondents said that it had made 'a big difference', while 30% thought it had made 'a little bit of difference'. In other words, although the survey reveals that only about one in five people think that respect for elders has grown, most (80%) of these individuals believe that the mediation project has contributed to this. Thus, the data suggest that although the Project's impact has been limited to date, people believe it can make a positive difference in building respect for elders.

³⁴ Sutton, op cit, p.110.

Q65. Do you agree or disagree that people in Aurukun show more respect for elders and leaders now than 3 years ago?

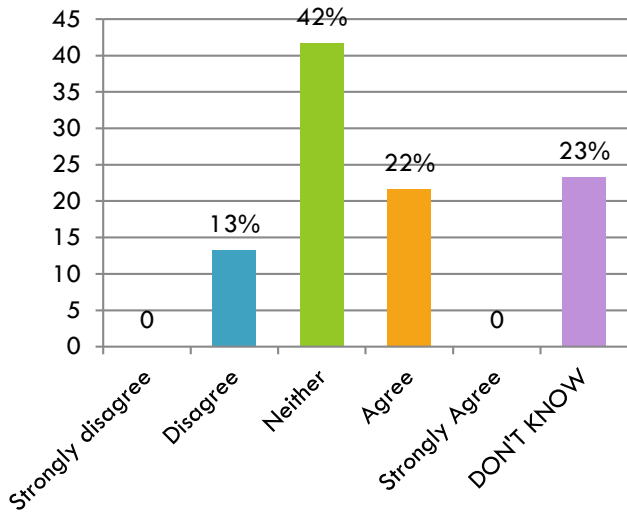


FIGURE 40. RESPECT FOR ELDERS

Q66. Do you think elders being involved in mediation and peacemaking has made any difference in increasing the community's respect for elders in the past 3 years?

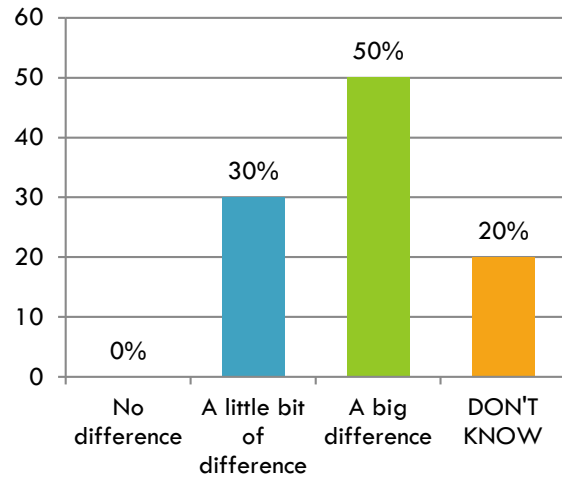


FIGURE 41. IMPACT ON RESPECT FOR ELDERS FROM BEING INVOLVED IN MEDIATION

To enable a comparison against baseline data from the 2011 social change survey, the 2017 survey asked the same questions about leadership in Aurukun. The outcomes for this question are in Figures 42 and 43.

Q64. How much does the following sound like Aurukun? (0= this sounds nothing like Aurukun; 10=this sounds exactly like Aurukun)

There is strong leadership in Aurukun:

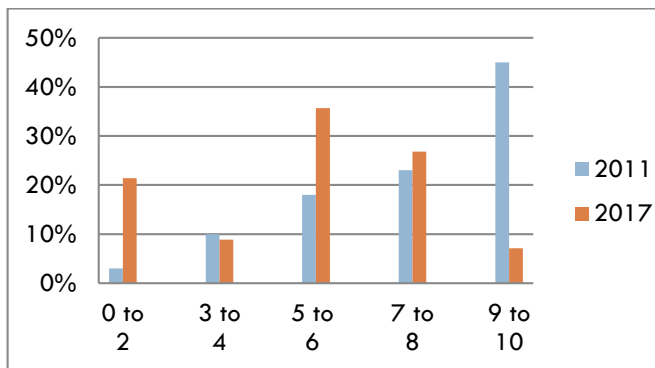


FIGURE 42. PERCEIVED STRENGTH OF LEADERSHIP, 2011 AND 2017 SURVEYS

Most people in Aurukun have respect for the community leaders

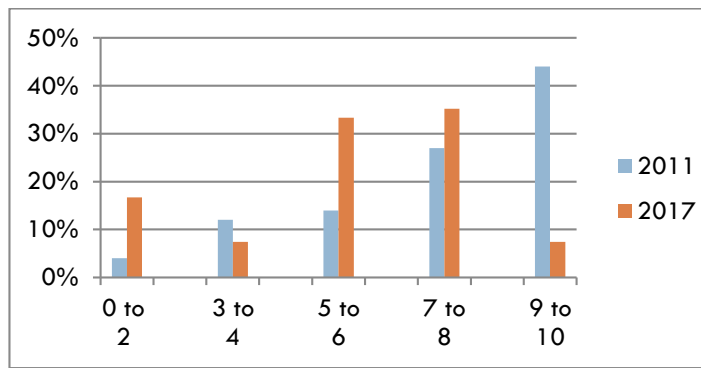


FIGURE 43. PERCEIVED LEVEL OF RESPECT OF LEADERS, 2011 AND 2017 SURVEYS

It is clear that there was a much more positive response in 2011 than in 2017 about the perceived strength of leadership in Aurukun and the overall level of respect for community leaders. The community's assessment of the strength of leadership and the general level of respect for leaders seems to have declined considerably between 2011 and 2017. In terms of strength of leadership, 45% rated it 9 or 10 on a 10-point scale in

2011, whereas only 7% did in 2017. At the other end of the scale, in 2011 only 3% rated strength of leadership as 2 or less, whereas 21% gave this weak rating in 2017.

The figures for respect for leaders in Figure 43 tell a similar story. There was no strong pattern of consistent responses for different clan groups, except that Winchanam people were generally more positive about the overall level of respect for Aurukun leaders. Those who gave higher ratings for strength of leadership and respect for leaders tended to be in the 15-24 or over 65 age groups. The ratings were more mixed in the 25 to 64 age cohort. On average, men rated strength of leadership and respect for leaders slightly higher than women. The feedback about leadership does not reveal anything significant about the impact of the mediation project, but the weak results in the 2017 survey highlight the challenge for the Project in restoring respect for elders and leaders in Aurukun, given that most people think this has been eroded in recent years.

In conclusion, the evaluation has found that the Project has had limited impact to date in building respect for elders and strengthening family authority. Although stakeholders clearly believe that participating as co-mediators has the potential to build respect for these community members (whether existing elders or emerging younger people), there have been only a small number of people involved regularly as co-mediators to date. For these individuals, there is a perception that they have grown in stature, but much more effort will be needed to enlist and train more co-mediators if this long term outcome is to be achieved. The recommendations of the Interim Report about growing the pool of community mediators remain the highest priority for the Project moving forward.

7 CONCLUSION

In a relatively short period of time, the Aurukun Restorative Justice Project has become deeply embedded in community life at Aurukun. The extent to which Aurukun residents have accessed and participated in mediation and peacemaking shows that the model meets a strong community demand for a peaceful alternative that resolves disputes and relieves stress levels, enabling individuals and families to resume harmonious relationships. The survey reveals that Aurukun community members overwhelmingly believe that mediation works, and is making their community a better place. As the local Mediation Coordinator told the evaluators:

What I would like to see is this project continue, because I believe it's done good for my community. For any two young men to resolve the issue by talking and not fighting you know is a good thing. If this project can keep families from clashing horribly with one another... well, this project is a good thing. (Mediation Coordinator)

The evaluation has gathered an array of evidence – from interviews, the community survey and official data – to assess whether the Project is delivering its funded outputs and achieving its immediate, medium term and long term outcomes. It has found that, despite resourcing constraints, the Project has built steady momentum over its first three years and is now achieving a solid level of output in terms of mediation and other peacemaking activities. There is evidence of mediation's effectiveness in achieving its desired immediate impacts on those who participate, and it is starting to positively influence behaviour and attitudes towards conflict and communication in the way intended over the medium term. There is a strong belief in the community and amongst all stakeholders that mediation is contributing to the key long term goals of enhancing the community's capacity for peaceful dispute resolution and bringing about a more harmonious and peaceful community. While definitive evidence connecting the mediation project to these long term changes cannot be identified after only three years, the evaluation results provide confidence that the Project is well on track.

The results of the evaluation should give encouragement to the State Government to consider the implementation of mediation and peacemaking projects in other remote Indigenous communities. The figures about potential cost savings to the State's justice system show that even modest reductions from the extraordinarily high rate of contact with the justice system in remote Indigenous communities would yield financial dividends that could readily offset the costs of mediation programs.

The major challenge for both the successful implementation of the Project and the further progress towards its desired outcomes is the need to enlist and nurture a larger pool of community co-mediators to assist the full-time staff. This will be crucial to meet the community's growing demand for peacemaking and to embed the model as a sustainable, community-driven endeavour.

ATTACHMENT 1 – COMMUNITY FLYER ABOUT SURVEY

We're doing a survey about mediation in Aurukun

HAVE YOUR SAY.

Have you been to a local mediation?

Have Keri, Trevor, Phil, or the mediators helped you with a dispute?

We want to hear about your experiences and ideas:

- Is mediation helping people sort out disputes in Aurukun?
- Is mediation being done the right way?



The Queensland Government has funded a mediation and peacemaking project in Aurukun since 2014. It is run by Keri Tamwoy and Trevor Adcock (and before, Phil Venables) with help from community mediators.

Consultants Michael Limerick and Heron Loban have been asked to evaluate the Project. They will be in Aurukun from Monday 20 February to Friday 24 February 2017 doing a community survey to hear about what people think about the mediation and peacemaking project. All comments will be treated confidentially.

If you want to have your say, look out for Michael and Heron outside the store and at other public places from 20-24 February.

For more information, contact Michael Limerick direct on 0439 092 911.



Heron Loban



Michael Limerick

ATTACHMENT 2 – SURVEY PARTICIPANT INFORMATION SHEET

SURVEY ABOUT MEDIATION IN AURUKUN

INFORMATION SHEET



MEDIATION

The Queensland Government funds mediation in Aurukun – this has been going since 2014 and is run by Keri Tamwoy and Trevor Adcock (and previously Phil Venables) down at the Justice Centre.

We have been asked by the Government to find out how mediation is going in Aurukun. Heron Loban is from Griffith University and Michael Limerick is a consultant.

We are doing a survey to ask people what they know about the mediation service and whether they have seen changes in the community in the past few years. This information will help us write a report to the Government about whether mediation is working well and helping your community.

If you take part in this survey, your name will not be used in any reports and any things you say will not be traced back to you unless you say this is OK.

The information from the survey will be kept PRIVATE (confidential) and locked away.

The survey will take about 10-20 minutes, depending on how much you want to say.

To thank people for giving up their time, we are offering a \$20 Power Card, if that is useful to you. We will take your name down and leave the Power Card in an envelope for you at the mediation office in the Justice Centre. You can pick it up from Trevor or Keri later.



IT IS YOUR DECISION IF YOU WANT TO TAKE PART IN THIS SURVEY.

YOU CAN SAY "NO" IF YOU WANT.

YOU CAN STOP AT ANY TIME.

YOU DON'T HAVE TO ANSWER ANY QUESTION IF YOU ARE NOT COMFORTABLE ANSWERING.

*Do you have any questions about what we are doing? Do you have any worries about the survey?
Can you help us by taking part in the survey?*

If you have questions or want to provide further comments for the review, please contact either:

Dr Michael Limerick, Consultant
Phone: 0439 092 911
E-Mail: mclimerick@gmail.com

Jason Webb, Department of Justice & A-G
Phone: 0437 343 678
Email: jason.webb@justice.qld.gov.au

ATTACHMENT 3 – CATEGORIES OF DISPUTE RESOLUTION PROCESSES

- **Intake and assessment only** – in these cases, the mediators' only response has been to conduct the intake process and an assessment relating to the dispute, but for various reasons, no further action has been taken (e.g. the dispute could be resolved during the intake, or it could be out of scope for the Project)
- **Conflict coaching** – this involves the mediators talking to the party to express their feelings, think through the conflict management options and potentially prepare for a mediation where that is possible
- **Shuttle diplomacy** – this involves the mediators helping two parties to communicate with each other indirectly by carrying messages between them to clarify misunderstandings, highlight points of agreement and potentially establish an agenda for a mediation meeting where that is possible
- **Facilitative mediation** – this is the classic form of mediation where the mediators facilitate a structured process of face to face communication between the parties to understand each other's perspectives and move towards a shared understanding of the dispute and the options for resolution
- **Kinship consultation mediation** – this is the form of mediation that involves a process, prior to mediation, of extended family consultation and input in preparation to meet and resolve the conflict
- **Victim-offender mediation** – this is a mediation that involves a criminal offence that has been referred by the criminal justice system (either by police or the court)
- **Group facilitation** – this is a further activity conducted by the mediators where they facilitate a group (such as workers at an organisation experiencing conflict) to discuss conflict and work through conflict management strategies
- **Negotiated settlements** – this category represents situations where the mediators assist an agency (e.g. police or housing authorities) to negotiate settlement of an issue arising from service delivery

ATTACHMENT 4 – CATEGORIES OF OUTCOMES OF DISPUTE RESOLUTION PROCESSES

The ARJP has developed the following categories for the outcomes of dispute resolution, based on the Mornington Island categories:

- **Settled** – the disputes is settled and there is agreement to end the fighting, but the relationship between the parties may not have been reconciled and differences may remain
- **Reconciliation** – parties have gained insight and are truly sorry, enabling a close relationship to be healed and a return to a previous state of harmony
- **Walk out** – one or both parties terminate the mediation without an agreement or settlement or reconciliation, with the conflict usually continuing
- **Unsuccessful** – the mediation does not succeed in settling the dispute or bringing about a reconciliation
- **No show** – one or both parties do not attend a mediation as agreed
- **Unwilling to participate** – one or both parties refuse to participate in the process altogether
- **Unable to mediate** – it is not possible to mediate the dispute (for example, because a party has left the community or been remanded in custody)
- **Settled at intake** – the matter is resolved before mediation takes place, through the discussions with the parties while organising the mediation

ATTACHMENT 5 – POLICE REPORTED OFFENCE DATA

Total offence rates

Figure 44 sets out the offence rates per 1000 residents for the Aurukun police district in six month intervals from January-June 2010 to July-December 2016. The long term trend for total offences has been a gradual rise from 2010 to 2016. The rate of offences in the period after the ARJP commenced in mid-2014 has been variable but is generally higher than in the years leading up to 2014. Looking at the breakdown into the three categories of reported offences, the most significant rise in the past three years has been in relation to other offences (i.e. public nuisance, liquor offences etc), with offences against the person rising slightly and offences against property falling. These categories are explored in more detail below.

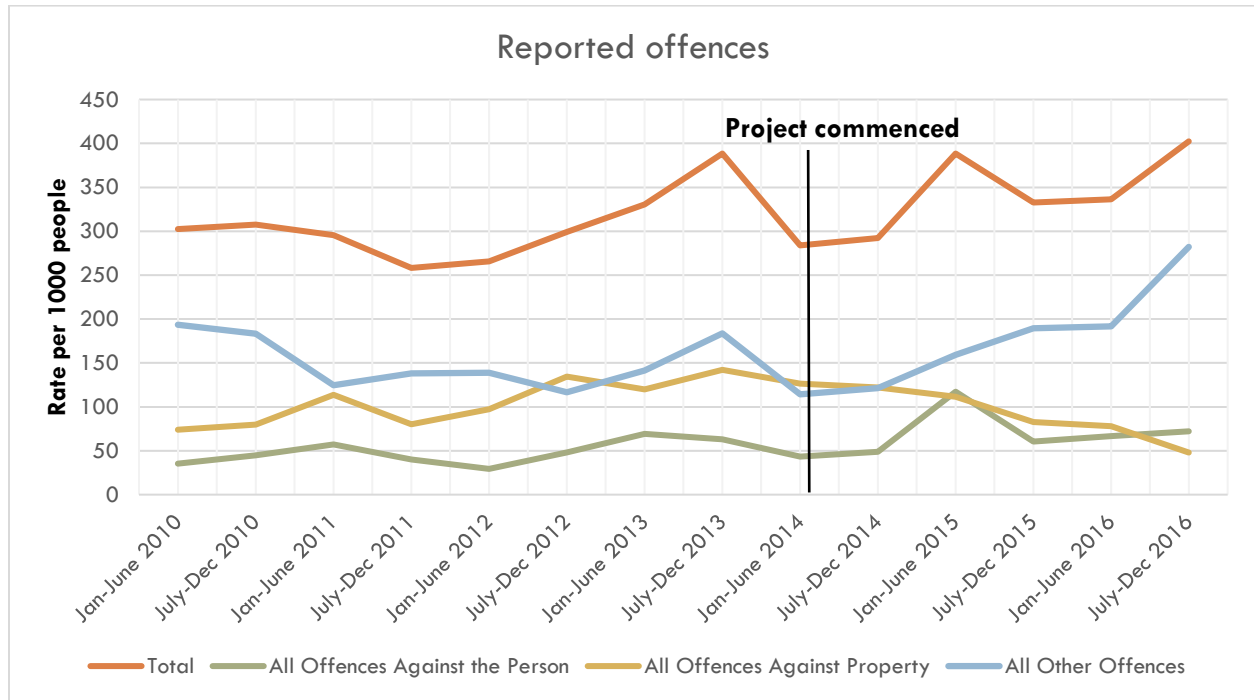


FIGURE 44. AURUKUN REPORTED OFFENCES (RATES), TOTAL AND BY CATEGORY, 2010 TO 2016

A high proportion of offences in Aurukun are committed by individuals who are under the influence of alcohol, or sometimes drugs or volatile substances. It would be expected that mediation might assist in preventing people from committing offences when sober, by de-escalating conflict and facilitating peaceful communication between individuals. However, it would seem unlikely that this would be effective in cases where people are under the influence of alcohol or other substances. Indeed, some survey respondents told the evaluators that mediation was effective in stopping fighting and property damage, but things often flared up again when people consumed alcohol.

Figure 45 shows annual rates of offences that did not involve alcohol, drugs or volatile substances. It shows that offences against the person have been more or less constant at a level of about 50 per 1000 residents since 2008/09. Offences against property have fallen slightly in the past two years from historical averages. Other offences have been highly variable.

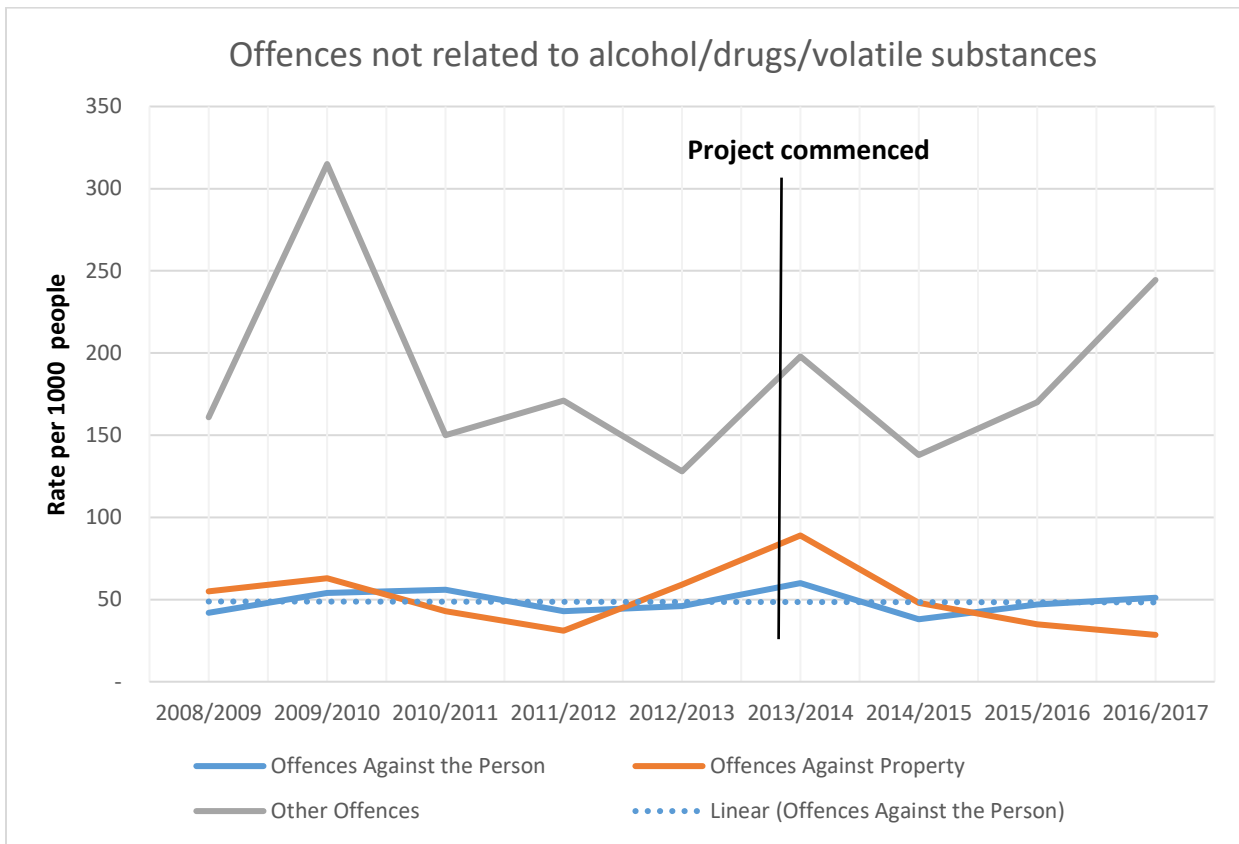


FIGURE 45. AURUKUN REPORTED OFFENCES (RATES), BY CATEGORY, WHERE NOT RELATED TO ALCOHOL/DRUGS/VOLATILE SUBSTANCES, 2008/09 TO 2016/17³⁵

Reported offence rates are based on the total number of offences regardless of how many offenders committed these offences. Hence, a small number of offenders who regularly commit multiple offences can lead to spikes or upswings in reported offence data in a small location like Aurukun. Conversely, when a chronic offender is incarcerated or leaves the community, total reported offence rates can fall rapidly. This gives a misleading impression of overall rates of crime in a community.

An alternative measure is the number of unique offenders who are charged with an offence during a particular period. Figure 46 presents this data for Aurukun from 2008/09 to 2015/16. It shows that the average number of unique offenders in Aurukun from has risen from about 300 to 350 per year during this eight-year period. Since the ARJP started in 2014, the number of offenders was 309 in 2014/15 and 390 in 2015/16. An annual total is not available for 2016/17. Given that the ARJP only established a steady output of mediation and peacemaking activities since the beginning of 2016, it is not possible to read anything into these results.

³⁵ 2016/17 figures are to end February 2017 and have been converted to an annual rate for comparative purposes.

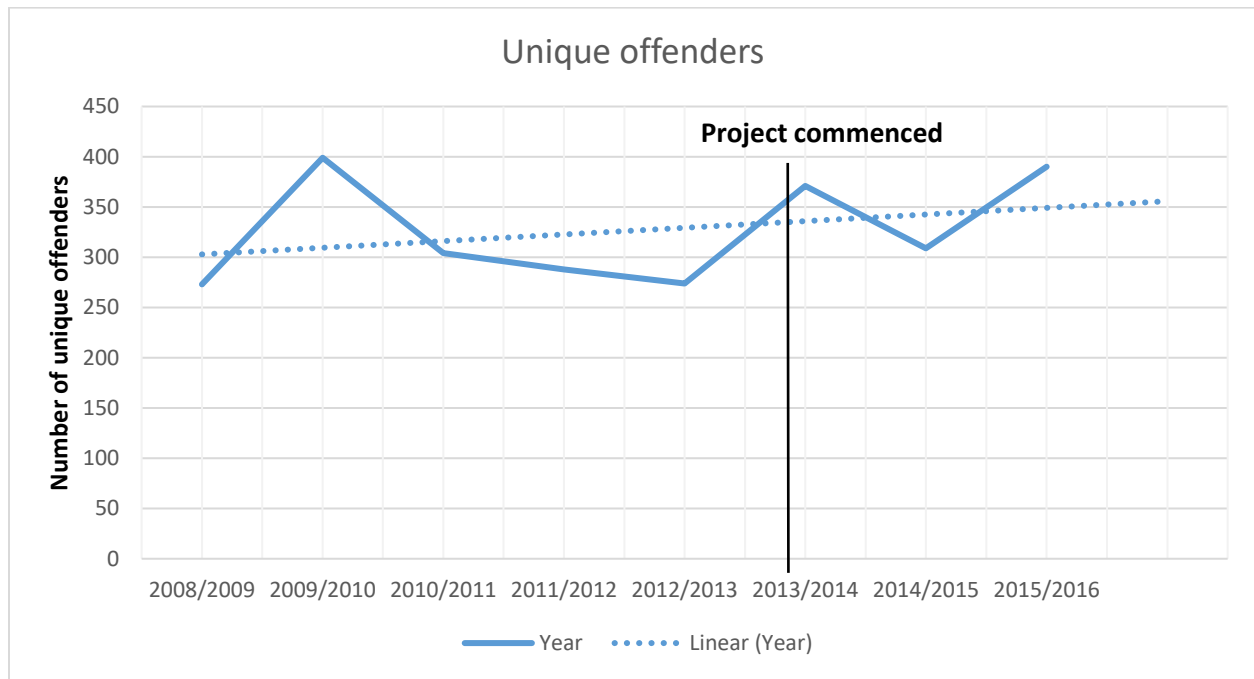


FIGURE 46. AURUKUN UNIQUE OFFENDERS ANNUAL TOTALS, 2008/09 TO 2015/16

Offences against the person breakdown

The main categories of offences that make up ‘offences against the person’³⁶ are:

- Assault (84% of offences against the person), comprising:
 - Serious assault (26%)
 - Serious assault (other) (25%)
 - Common assault (25%)
 - Grievous assault (9%)
- Life endangering acts (7% of offences against the person)
- Sexual offences (4% of offences against the person)
- Armed robbery (4% of offences against the person)

Figure 47 shows the breakdown of the rate of offences for the different categories in six-monthly averages since July-December 2009. As indicated earlier, the total rate of assaults has risen during the past eight years. A clear spike in common and grievous assault rates is evident during January to June 2015. Police advised the evaluators that this was due in large part to an outbreak of community violence around March 2015, when a significant number of arrests were made.

Figure 48 compares the total rate of assault offences with the rate of assault offences that do not involve alcohol, drugs or volatile substances. It illustrates that the spike in 2014/15 does not extend to non-alcohol related offences, which were actually slightly lower in this period. Police data indicate that 79 common assaults and 54 grievous assaults were reported in 2014/15, but only 13 of the common assaults and 2 of the grievous assaults did not involve alcohol or other substances.

³⁶ Calculated with reference to total numbers of offences between July 2009 and December 2016.

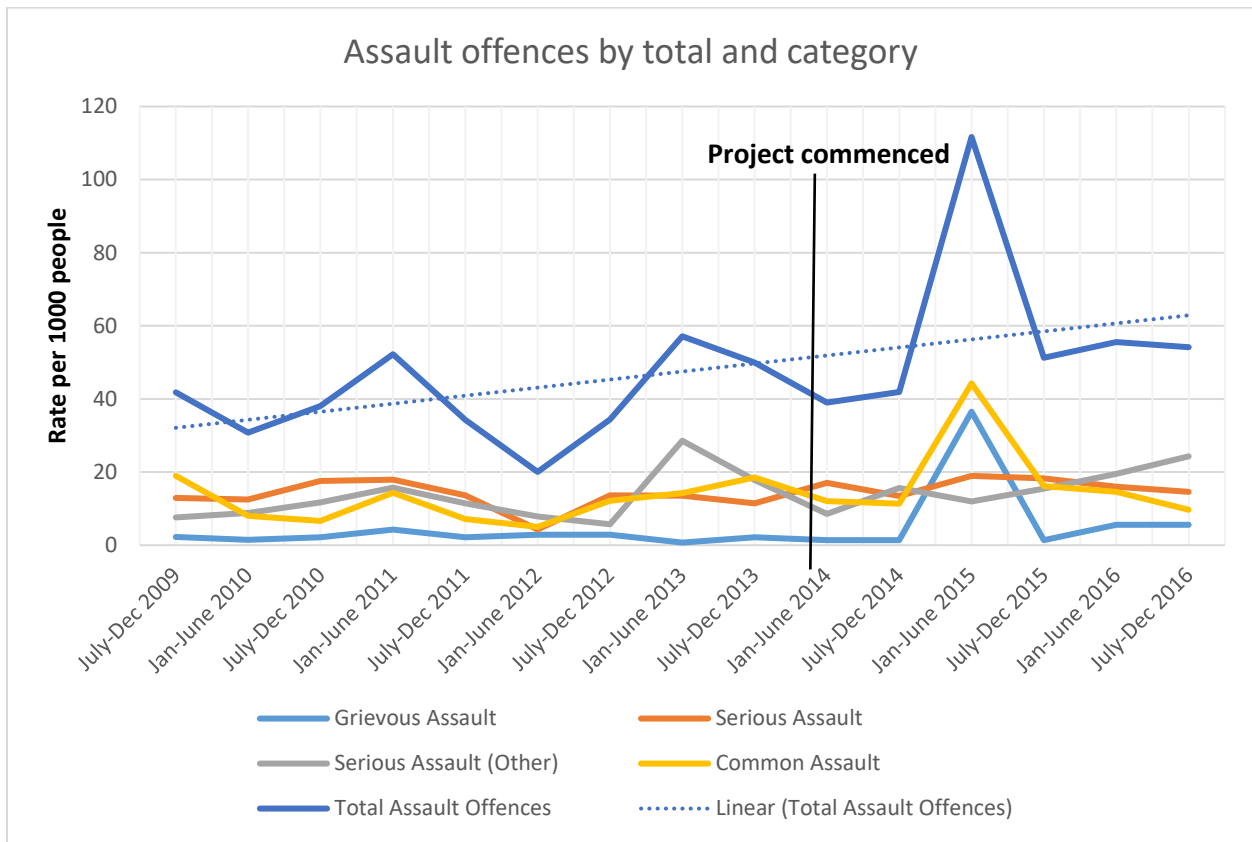


FIGURE 47. AURUKUN ASSAULT OFFENCES (RATES), TOTAL AND BY CATEGORY, 2009 TO 2016

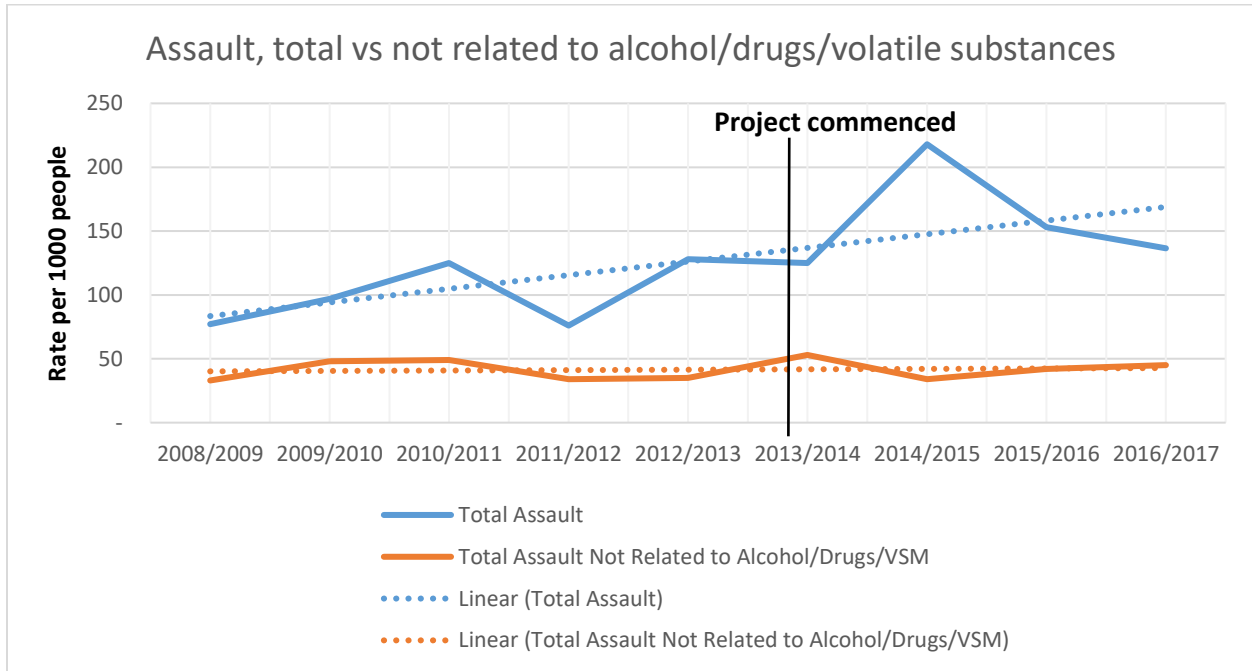


FIGURE 48. AURUKUN ASSAULT OFFENCES (RATES) TOTAL VS OFFENCES NOT RELATED TO ALCOHOL/DRUGS/VOLATILE SUBSTANCES³⁷

³⁷ 2016/17 figures are to end February 2017 and have been converted to an annual rate for comparative purposes.

If the qualitative feedback is correct that mediation can do little to prevent alcohol-fuelled violence, then the rise in total offences against the person during the past three years should not have any bearing in assessing the impact of the mediation project. The data show that the rate of offences against the person that do not involve alcohol, drugs or other substances has remained very steady over the past nine years. On average, there are about 30-40 assaults every year that do not involve alcohol or other substances – in other words, fewer than one every week.

Offences against property breakdown

The main categories of offences that make up 'offences against property' in Aurukun are:

- Other property damage (42% of offences against property):
- Unlawful entry (31% of offences against property)
- Unlawful use of motor vehicle (14% of offences against property)
- Other theft (mostly stealing from vehicles or other stealing) (11% of offences against property)

As discussed earlier in relation to Figure 44, the total rate of property offences has reduced in Aurukun in the past three years, reversing an upward trend since 2009. Figure 49 shows the breakdown of these property offences. It shows that all categories of property offences have fallen since 2014, with the most marked decline in unlawful entry offences. The qualitative feedback indicated that minor disputes often result in parties damaging property, both public and private, including vehicles, houses and electricity meter boxes. It is conceivable then that regular mediation of disputes could over time reduce the rates of 'other property damage' and 'unlawful entry'. The impact on unlawful use of motor vehicles could be expected to be less, and it is difficult to imagine that mediations could make any significant difference to the rate of theft.

As in the case of offences against the person, many offences are committed under the influence of alcohol or other substances, and mediation could not be expected to have an impact on this. Figure 50 shows the annual rate of property damage offences that are not related to alcohol or other substances. This rate has fallen in recent years. The average annual rate in the past three financial years since the ARJP started has been 31% lower than the average for the previous six years leading up to that time – from 36.5 per year to 25.3 per year. This is an average of 11 fewer property damage offences per year.

Figure 51 shows the annual rate of unlawful entry offences that are not related to alcohol or other substances. This rate has also fallen since 2014, when the mediation project started – the average annual rate in the past three years was 67% lower than the average in the six years prior to 2014.

Figure 52 indicates the annual number of unique offenders for property damage offences. This also indicates a reduction in the number of property offenders in 2014/15 and 2015/16, although there have been previous years back in 2008, 2009 and 2011 when the number of offenders was lower than the recent years.

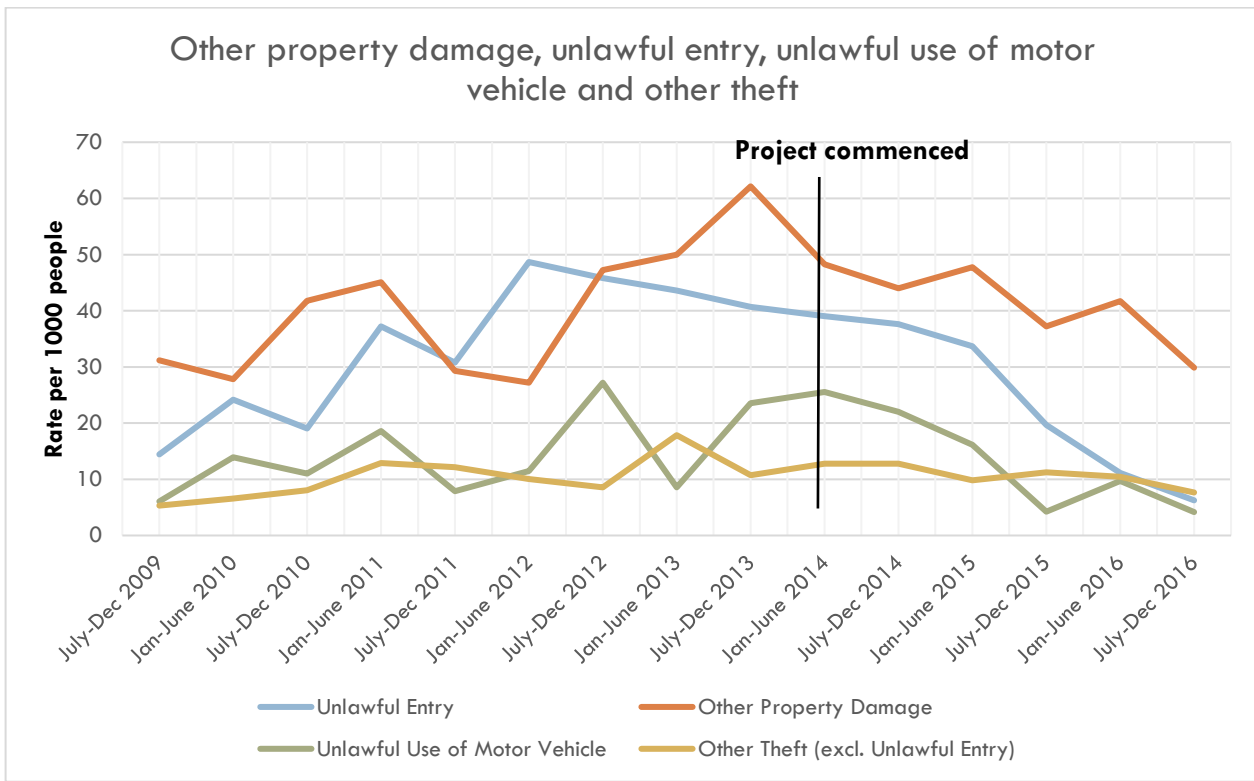
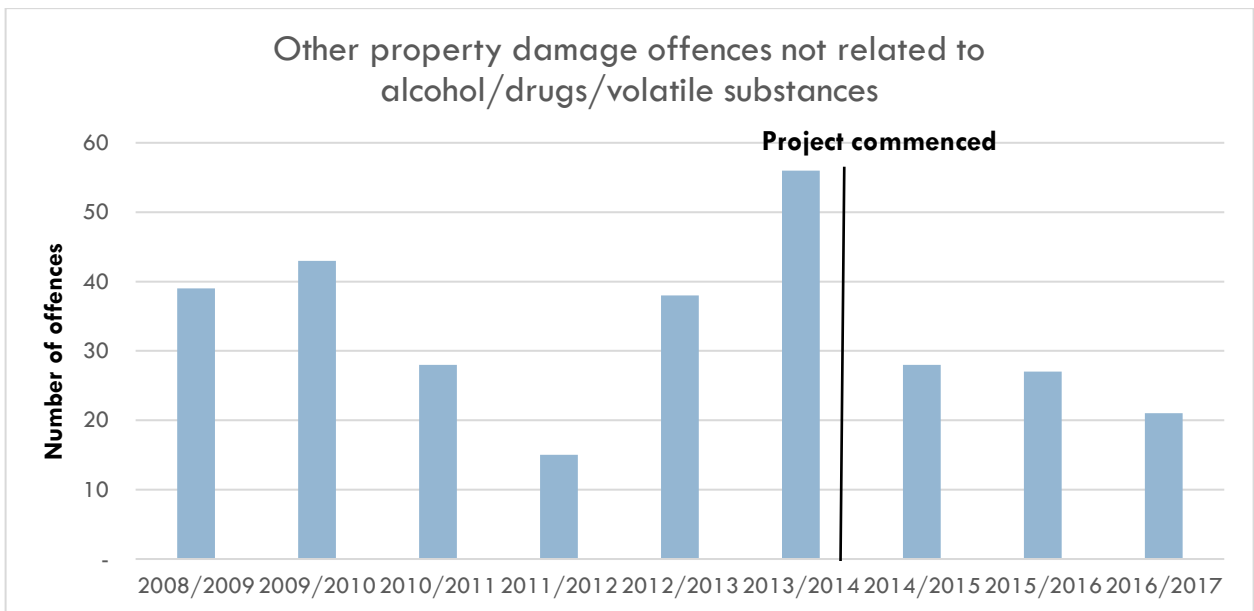


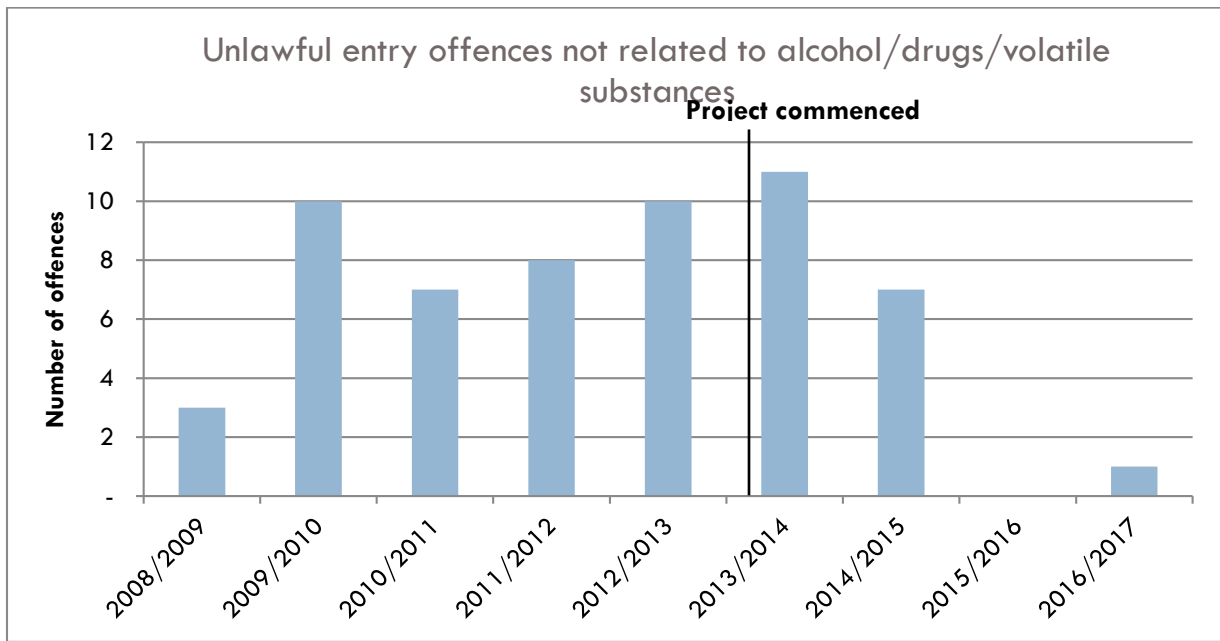
FIGURE 49. AURUKUN OFFENCES AGAINST PROPERTY (RATES), BY MAIN CATEGORIES, 2009 TO 2016



Average annual rate for 2008/09 to 2013/2014	36.5
Average annual rate for 2014/15 to 2016/17	25.3
Reduction in annual rate since mediation introduced	31%

FIGURE 50. AURUKUN OTHER PROPERTY DAMAGE OFFENCES (NUMBER), NOT RELATED TO ALCOHOL/DRUGS/VOLATILE SUBSTANCES, 2008-2017³⁸

³⁸ 2016/17 figures are to end February 2017 and have been converted to an annual rate for comparative purposes.



Average annual rate for 2008/09 to 2013/2014	8.2
Average annual rate for 2014/15 to 2016/17	2.7
Reduction in annual rate since mediation introduced	67%

FIGURE 51. AURUKUN UNLAWFUL ENTRY OFFENCES (NUMBER), NOT RLEATED TO ALCOHOL/DRUGS/ETC, 2008 TO 2017³⁹

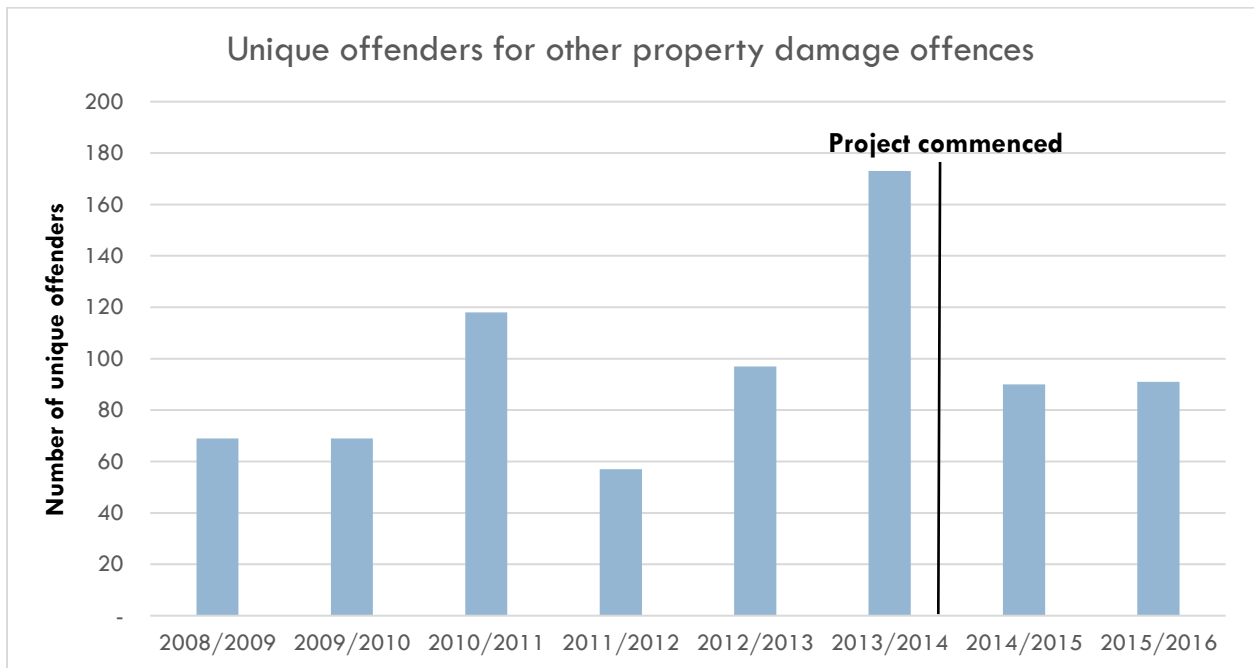


FIGURE 52. AURUKUN OTHER PROPERTY DAMAGE OFFENCES, COUNT OF UNIQUE OFFENDERS, 2008/09 TO 2015/16

³⁹ 2016/17 figures are to end February 2017 and have been converted to an annual rate for comparative purposes.

Other offences breakdown

The main categories of offences that make up ‘other offences’ in Aurukun since 2009 are:

- Public nuisance (32% of ‘other offences’)
- Liquor (excl drunkenness) (27%)
- Resist/incite/hinder/obstruct Police (10%)
- Breach DV protection order (9%)
- Traffic and related offences (8%)
- Weapons Act (3%)
- Trespassing and vagrancy (2%)

Of these, feuding between families is most likely to contribute to an offence such as public nuisance, and perhaps resist/incite/hinder/obstruct police where a dispute has spilled over into a wider-scale public disturbance. Liquor offences are mostly related to the enforcement of alcohol restrictions under the Alcohol Management Plan. For the evaluation of the mediation project’s impact, it is most relevant to look at changes in public nuisance offences.

Figure 53 shows the trends in rates for the four main categories of other offences since 2009. The high rate of liquor offences in 2009 is most likely related to increased enforcement of ‘sly grog’ offences in the year following the closure of the Aurukun canteen in 2008. A rise in 2016 may be the result of increased police numbers providing greater capability to intercept illegal alcohol.

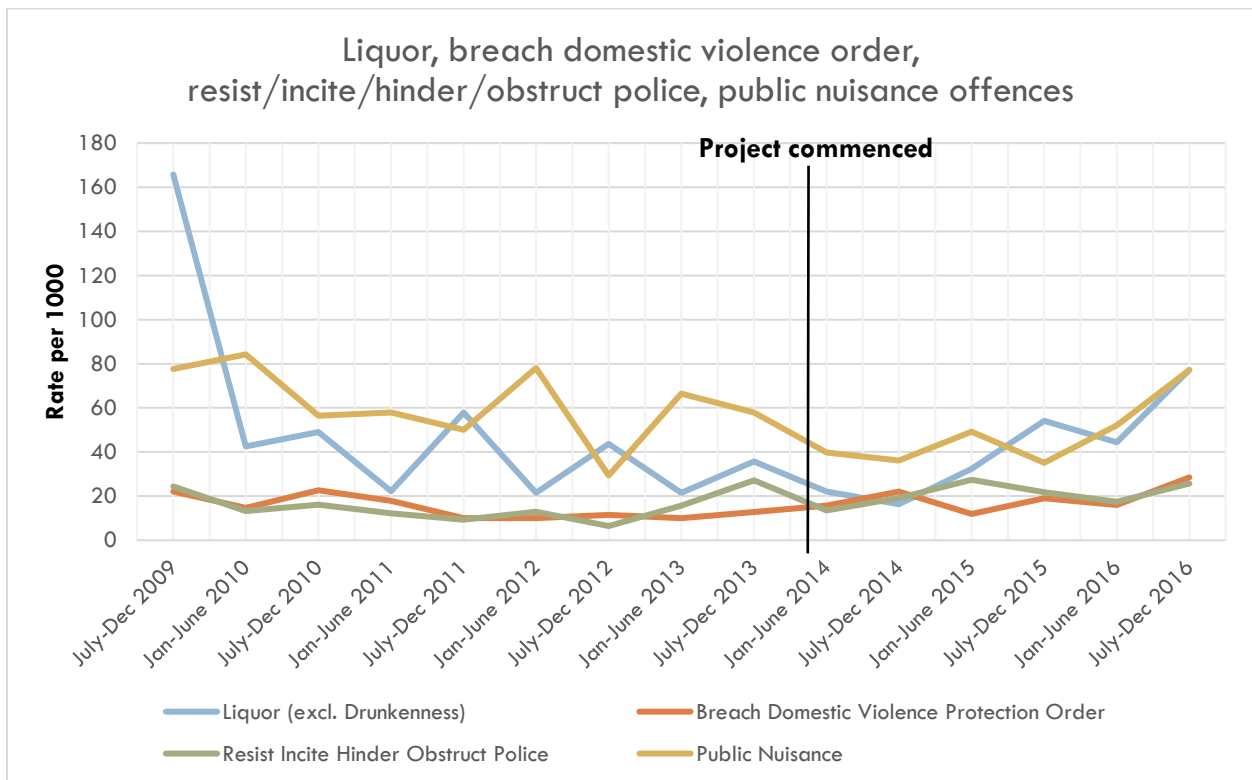
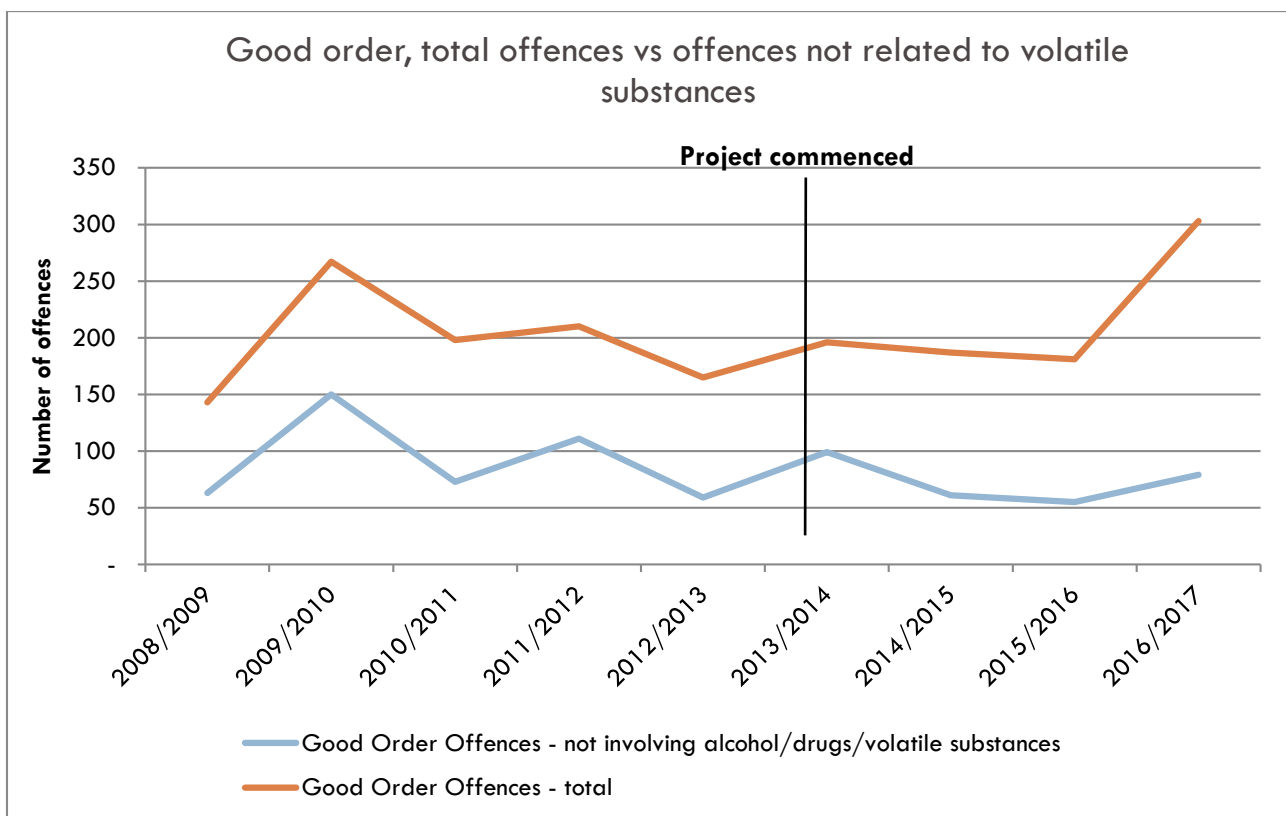


FIGURE 53. AURUKUN OTHER OFFENCES, BY MAIN CATEGORY, 2009 TO 2016

Public nuisance offence rates have been highly variable since 2009. This most likely reflects the episodic nature of these offences, which are often associated with wide-scale community disturbances where large

numbers of people may be involved in conflict on the streets of Aurukun. Monthly police data show 10 months in the past eight years where more than 30 public nuisance offences have been recorded in one month. On the other hand, there have been 18 months where there were less than 5 public nuisance offences. Figure 53 shows the trend in public nuisance offences. The general trend has been downwards since 2009, but the rates in 2016 returned to levels last seen in 2012 and 2013.

Figure 54 shows the trends in ‘good order’ offences, which in Aurukun are comprised entirely of public nuisance and resist/incite/hinder/obstruct police offences. The graph presents total offences and offences that involved alcohol, drugs or other substances. The annual trend data shows that the number of non-alcohol related good order offences have generally reduced in the past three years, even though the total number of good order offences increased in 2016/17, suggesting that a large part of the recent increase could be related to alcohol, drugs or other substances. In the last three years, the average annual number of good order offences has been 26.3, which is a 72% reduction on the average of 92.5 for the six years leading up to 2014.



Good order offences not involving alcohol/drugs/volatile substances	
Average annual number for 2008/09 to 2013/2014	92.5
Average annual number for 2014/15 to 2016/17	26.3
Reduction in annual number of offences since mediation introduced	72%

FIGURE 54. AURUKUN GOOD ORDER OFFENCES (COUNT), TOTAL VS OFFENCES NOT INVOLVING ALCOHOL/DRUGS/VOLATILE SUBSTANCES, 2008/09 TO 2016/17⁴⁰

⁴⁰ 2016/17 figures are to end February 2017 and have been converted to an annual rate for comparative purposes.