

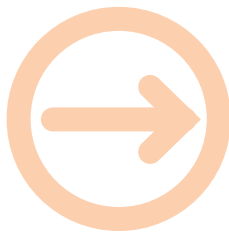


What is a conciliation conference?

At the end of the investigation into a complaint, the Commissioner may refer a complaint to a conciliation conference. A conciliation conference is a meeting between the parties (complainant and respondent) to attempt to resolve a complaint.

Benefits to conciliation:

- provides a cost effective way for the parties to resolve a complaint quickly and informally;
- provides an opportunity for the parties to speak frankly and openly;
- allows the parties to explore ways of resolving the issues in dispute;
- provides the opportunity for the parties to have input and some 'control' of the process; and
- provides an opportunity for a complaint to be settled by mutual agreement in a confidential, private and non-legal setting.



A Conciliator's role is to:

- facilitate the conciliation;
- explain the purpose and process of conciliation to the parties;
- assist the parties in their attempt to resolve the complaint;
- be impartial – and ensure that the parties are accorded fairness throughout the process; and
- make sure each party has equal time to explain their position.

The Conciliator does not give legal advice.

Generally the conciliation is conducted at the Office of the Anti-Discrimination Commissioner (OADC) in Hobart. However, if the parties live in another location, the conciliation may be held in Launceston or Devonport, for example. In certain circumstances a telephone conference may be arranged.

Maintaining confidentiality

It is important that parties feel comfortable to discuss issues, or put forward settlement proposals, in a confidential environment.

- A conciliation conference is held in private.
- Anything said, written or done in the conciliation conference is not to be taken into account in any subsequent proceedings held in relation to a complaint.

Conciliation assists parties to achieve mutually agreed outcomes.



Contact Us

To lodge a complaint or seek further information, contact the office or visit the website. Please note the office is unable to provide legal advice to parties of a complaint.

Office of the Anti-Discrimination Commissioner
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GPO Box 197, Hobart, Tasmania 7001

Telephone **1300 305 062 (local call)**
(03) 6233 4841

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TTY **(03) 6233 3122**

Email **antidiscrimination@justice.tas.gov.au**

www.antidiscrimination.tas.gov.au

Disclaimer: This information is intended to provide a general understanding of the Anti-Discrimination Act 1998.

Who may attend conciliation?

- Complainant/s (the person/s who lodged the complaint).
- Respondent/s (the person/s or organisation against whom the complaint was made).
- Representative (legal or advocate).
- Support person.

Please note that witnesses are not permitted to attend the conciliation.

Is attendance compulsory?

The Commissioner has the power to order parties to attend a conciliation conference. A party to a complaint, without reasonable excuse, must not fail to comply with a direction to take part in a conciliation conference at a specified time and place. Penalty: Fine not exceeding 10 penalty units (\$ 1,000).

Settlement proposal

Complainants are asked to provide a settlement proposal to the Commissioner at least 14 days prior to the conference. Upon receipt of the settlement proposal, a copy is forwarded to the respondent/s for consideration. Both parties should think carefully and creatively about what they think is a fair and reasonable outcome.

The conciliation conference

Courtesy - participants must treat one another with respect and dignity.

Fairness - each party has equal time and opportunity to discuss and/or respond to the issues raised in the complaint.

Constructiveness - parties are expected to be constructive and not obstructive.

Confidentiality - what is said is not for discussion outside the conciliation conference.

Parties do not present their 'case' as if it is a Court or Tribunal hearing. The conciliation conference is not a venue for arguing the case or making legal submissions.

Settlement agreement

If the parties reach an agreement in a conciliation conference the terms of the agreement are formally recorded. Once all parties have signed the agreement a signed copy will be forwarded to each party.

An agreement is enforceable as if it were an order made by the Tribunal. If someone doesn't abide by the agreement, the agreement can be registered in the Supreme Court and enforced as if it is an order of the Supreme Court.

Parties will not be ordered to agree to anything - it is up to the parties to reach an agreed outcome.

If an agreement is not reached the complaint will be referred to the Anti-Discrimination Tribunal as an unsuccessful conciliation.

Please advise the office prior to Conciliation if you require special assistance or the service of an Interpreter/Auslan.