

## **Guide to Conciliation**

### **What is conciliation?**

Conciliation is an informal meeting to:

- Talk about the dispute and try to find ways to resolve the matter
- Listen to each other's version of events and views on the dispute
- Discuss the issues openly, as generally nothing said or done can be used in a court or tribunal because the process is confidential
- Reach an agreement negotiated by the parties

Conciliation can occur through one or more of the following options:

- Face to face meeting
- Teleconference
- Videoconference (Zoom or Teams platform)
- The conciliator can exchange information between the parties via phone calls/emails (shuttle discussions)

It is best to commit approximately 2-3 hours for the meeting to take place.

### **What is the conciliator's role?**

The conciliator will:

- Ensure the process is fair for all
- Decide the best format to attempt conciliation
- If a meeting is held, ensure the parties focus on the relevant issues
- Discuss and decide who will attend the meeting and their roles
- Encourage open discussion between parties
- Provide information about the law and how it applies to the dispute
- Help write a conciliation agreement

The conciliator may:

- Suggest options for resolution
- Highlight the strengths and weaknesses of the dispute under the law
- Clarify the information provided by each party

The conciliator will not:

- Act for one party or the other
- Decide whether there has been a breach of the law (this is the role of VCAT)
- Decide who is right or wrong
- Force parties to agree to a resolution
- Investigate the matter

## **Who comes to the meeting?**

The person who has brought the dispute (the Complainant) and the person or organisation the dispute refers to (the Respondent).

- Generally, both the Complainant and Respondent will attend in person or participate
- Parties may bring a support person to the meeting, however a support person does not play an active role in the discussions during the meeting
- Parties may bring a lawyer or advocate to the meeting and their roles will be discussed with the conciliator and parties.
- Representation is not compulsory and the conciliator will make the process fair to both parties

## **Preparing for the meeting**

- Discuss with the conciliator about possible ways to resolve the dispute
- Ask the conciliator if you would like to bring a support person, advocate or lawyer to the meeting
- Ensure you commit enough time to attend the meeting
- Think about the main points you want the other party to know
- Come with an open mind: be open to hearing what the other party has to say
- Obtain legal, financial or other advice, if required prior to the meeting
- Communicate with the conciliator if you have any special needs or require an interpreter (language or Auslan)

## **For further information:**

**Enquiry Line:** 1300 292 153 or (03) 9032 3583

**Translating and Interpreting Service (TIS)** 13 14 50 for callers who wish to speak with us in another language.

**National Relay Service (NRS)** for people who are deaf or have a hearing and/or speech impairment

**Email:** [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)

**Fax:** 1300 891 858

**Website:** [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

**Disclaimer:** The information provided on this fact sheet is intended as a guide only. It should not be a substitute for legal advice.