



## Conference Process Model

### Definition

Conferencing/conference is defined by the Tribunal as:

A meeting conducted by a Tribunal member or officer of the Tribunal (conference convenor) with the parties and/or their representatives.

Conferences provide an opportunity for the Tribunal and the parties to:

- discuss and define the issues in dispute;
- identify further evidence that needs to be gathered;
- explore whether the matter can be settled; and
- discuss the future conduct of the matter, including referral to further ADR processes or progress to a hearing, where settlement is not possible.

Conferencing may have a variety of goals and may combine facilitative and advisory dispute resolution processes.

### *The Conference Process*

The process has multiple 'stages' and often involves more than one conference. The process is informal, flexible and its course depends on the assessment of the conference convenor as to what is appropriate for the particular case.

The conference convenor uses discretion to determine whether, and in what order, the stages are addressed. The conference convenor will:

- assist the parties to clarify their own interests and understand the interests of the other parties;
- identify and deal with case management issues; and
- make any appropriate referral to another ADR process.

The conference convenor will explain the procedure for the finalisation of the matter in the AAT should it not be resolved during the conference process and may give suggestions or advice as to narrowing issues in dispute, ADR options, preparation for hearing and options for resolution.

### **1. PREPARATION AND EXPLANATION OF PROCESS**

The conference convenor outlines the purpose and process of the conference including their role. The conference convenor also explains the process at the Tribunal if the dispute is not resolved.

### **2. ISSUE IDENTIFICATION**

Each party, with the assistance of the conference convenor, outlines the dispute from his or her perspective. With the assistance of the conference convenor, the parties narrow the issues in dispute and clarify the legal framework within which the dispute is to be determined. There may also be a discussion about any further evidence that needs to be gathered.

### **3. CASE MANAGEMENT**

At the end of the first conference, the matter may be listed for another conference or some other ADR process or proceed to hearing. Depending on the progress of the matter, the conference convenor may make directions after the first, second or subsequent conference. Directions are generally made in consultation with the parties.

### **4. RESOLUTION**

Using ADR techniques, the conference convenor will assist the parties to explore resolution options. This may occur during the first and/or subsequent conference(s).

### **5. REFERRAL TO OTHER ADR PROCESSES**

The conference convenor will consider the ADR referral guidelines and where appropriate make a referral to another ADR process.

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If the matter has not resolved, the conference convenor will discuss with the parties the next steps to be taken, including the need to obtain any further material. If appropriate, directions may be issued by the Tribunal.

In all ADR processes the parties must act in good faith (section 34A)