

Conciliation Conferences

If your complaint regarding disability discrimination is accepted, you will be asked to attend a Conciliation Conference.

This fact sheet will explain what a Conciliation Conference is and what you can expect when you take part in one.

What's a Conciliation Conference?

A Conciliation Conference is a discussion and negotiation between people or representatives of organisations who have an issue to resolve.

- It is assisted by an independent person (Conciliator) whose job it is to help an agreement to be achieved
- Conferences can take place in person or where required, over the phone
- In some instances, where direct communication is impossible, each side can talk individually with the Conciliator, or the conference can be conducted through the exchange of messages or letters via the Conciliator.

Why do I have to attend a Conciliation Conference?

Conciliation Conferences are designed to settle disputes so that you do not have to go to a more formal court or tribunal. They are the first stage of resolving Disability Discrimination complaints.

If a Conciliation Conference does not resolve the issue, you may be able to proceed to a more formal court process.

What do I need to do before going to a Conciliation Conference?

Before going to conciliation, go over all the facts and think about what you will ask the other party to do. Any solution can be proposed.

An agreement may be reached at the conference. The Conciliator will help you and the other side to agree on exact settlement terms.

You can have a look at both the Australian Human Rights Commission and Anti-Discrimination Commission Queensland's websites to see examples of issues that have been dealt with by them previously to get an idea of what kinds of outcomes might be possible for your complaint. Please see the "For More Information" section below for their website addresses. They are a guide only but may assist you to think of ways your complaint could be resolved.

You should also make sure you have a few hours free to attend the Conciliation Conference as they can take a couple of hours - you do not want to rush the process.

What can I expect at the Conference?

What does the Conciliator do?

- The Conciliator has full control and both sides must follow the Conciliator's directions
- The Conciliator must be independent and cannot take sides.

What happens?

- The Conciliator gives you the opportunity to explain why you made the complaint, how you thought you were discriminated against and how the discrimination made you feel
- The other party will be given their chance to tell their side of the matter

- No one can be interrupted while they are talking. You will be asked what you think will settle the matter
- If you can agree on how to settle the complaint the Conciliator will draw up an agreement.
 - » Once signed by you and the other side, the agreement will be binding.
 - » It will include the outcomes you have agreed to and a confidentiality clause.
 - » It will also state that you are not able to take the matter to any other organisations to complain or seek damages
- You have two weeks to consider the Conciliation Agreement before signing it
- If an agreement cannot be reached, your matter may be referred to the Queensland Civil and Administrative Tribunal (for cases with the ADCQ) or the Federal Court or Federal Magistrates Court (for cases with AHRC).

The information discussed in the conciliation cannot be used as evidence if the issue is not settled in the conciliation and progresses to a court or tribunal.

Can I bring someone to support me at the Conference?

You can bring a support person to the Conference however this person is not able to speak during the Conference and cannot be someone who is involved in the issue (e.g. a witness). You should let the person handling your complaint know that you will have someone with you.

Useful Videos

Both the Australian Human Rights Commission (AHRC) and Anti-Discrimination Commission Queensland (ADCQ) have produced useful videos about the Conciliation Conference Process. You can find them on their websites which are listed below, or request a hard copy.

For More Information

BRQ Fact Sheets

What is Disability Discrimination and when is it Against the Law?

How to Write a Disability Discrimination Complaint

How to Complain using the Queensland Anti-Discrimination Act

How to Complain using the Commonwealth Disability Discrimination Act

Websites

Anti-Discrimination Commission Queensland:
www.adcq.qld.gov.au

Australian Human Rights Commission:
www.hreoc.gov.au

Basic Rights Queensland: www.brq.org.au

Please Note:

This Fact Sheet contains general information only. It does not constitute legal advice. If you need legal advice please contact Basic Rights Qld on **3421 2510** or if outside of Brisbane on **1800 358 511**.

Basic Rights Qld is a community legal centre, which provides specialist advocacy and legal services in Social Security and Disability Discrimination in employment law, administration and policy.

We are independent of Centrelink and all assistance is free.

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www.brq.org.au