



A Guide to Conciliation Meetings

What is conciliation?

Conciliation is an informal process offered by the Office of the Australian Energy Infrastructure Commissioner to assist parties to resolve their complaint by agreement.

A conciliation meeting brings the parties together in the presence of a conciliator who guides the discussion.

The meeting provides parties with an opportunity to present their views, talk through issues and explore possible resolution options.

Before the conciliation meeting

We will confirm in writing, after consultation with both parties, when and where the conciliation meeting will take place and who will be attending.

Before the meeting, we will contact both parties to discuss the issues and answer any questions about the conciliation process.

What happens in a conciliation meeting?

The conciliator's role is to guide the discussions in an independent and impartial manner. The conciliator will ensure that both parties have an opportunity to present their case and respond.

At the beginning of the meeting, the conciliator will explain the process and ask each of the parties to confirm their understanding of this. The conciliator will then ask each party to provide a summary of their position.

The conciliator may facilitate further discussions to identify the key issues in dispute and to help the parties understand each other's position.

The conciliator will then:

- Ask both parties to talk in more detail about the complaint and to provide any information they wish to rely upon; and
- Help the parties to explore the issues, ask questions and clarify misunderstandings.

The conciliator may decide to meet with the parties in a private session to identify and discuss resolution options. The conciliator will not disclose what is discussed in this session to the other party without consent.

The conciliator will then bring the parties back together again to try to resolve the complaint.

How long with the meeting take?

Conciliation meetings usually take approximately an hour. In some complex cases, however, they may go for longer.

It is important that the parties set aside sufficient time to prepare for the conciliation meeting so that time is used effectively in the meeting itself.

Do I need representation?

Parties do not need to be represented at a conciliation meeting.

A party may, however, ask our Office for permission to bring an adviser or support person to the meeting.

If representation is permitted, the conciliator will still encourage the parties to actively take part in the conciliation. Any costs you incur as a result of engaging an adviser are your responsibility.

We suggest that you consider your choice of support person or adviser carefully and satisfy yourself that they are committed to helping you resolve the complaint.

Expectations of the parties

We expect that both parties will approach the conciliation in good faith with a commitment to trying to resolve the complaint.

The parties are expected to act with integrity and respect. Discussions between the parties are to be respectful and courteous at all times.

The conciliator may end the meeting at any time if a party's conduct is unreasonable and detrimental to the objective of reaching a resolution to the complaint.

If an agreement is reached

If the parties agree on a resolution to the complaint, the conciliator will record the key points of agreement and actions to formalise the agreement. These items will be documented by the conciliator and provided to the parties.

You may seek advice from your own legal adviser before entering into any formal agreement.

If an agreement is not reached

If the parties are not able to agree on a resolution, our Office will determine the next steps.

This may include:

- Suggesting a further conciliation meeting if the conciliator is of the view that another meeting would be productive; or
- Making non-binding recommendations to the parties. Such recommendations are not enforceable and are made in good faith for the parties to consider and decide whether or not to accept.

Preparing for the conciliation

- Think about the key issues of the complaint and how you would like to see the matter resolved.
- Gather copies of all the documents and information you wish to rely upon during the meeting. These may include expert reports, recordings, invoices, receipts and photographs.
- Make sure you are in a position to agree to a settlement on the day of the meeting.

Further information

You can find out more information about conciliation meetings and our complaints handling process on our website www.aeic.gov.au

If you have any questions, please contact us via email at aeic@aeic.gov.au or at our toll free number – 1800 656 395.