

Compulsory conferences – an overview

What is a compulsory conference?

1. A compulsory conference is a meeting chaired by a member of the tribunal. The purpose of a compulsory conference is to:
 - a. identify and clarify the issues in dispute
 - b. promote a settlement of the dispute
 - c. identify the questions of fact and law to be decided by the tribunal
 - d. if the dispute cannot be settled, to make orders and give directions about the conduct of the proceedings, and
 - e. to make orders and give directions that the member considers appropriate to resolve the dispute.

Preparing for a compulsory conference

2. The tribunal may contact you ahead of time to ensure that various formalities and other issues are addressed.
3. Except in unusual circumstances, the parties themselves must attend the compulsory conference.
4. Think carefully about whether there are other people who should attend the compulsory conference.
5. Conduct a risk analysis of your case before attending the compulsory conference. What are the strengths and weaknesses of your case?
6. Even if you think that your dispute is not capable of settling, you should conduct a risk analysis and have some idea of the steps needed to progress the dispute to a hearing.
7. Prepare an opening statement. The purpose of an opening statement is to tell the parties what the real issues are.

At the conference

8. The member will greet the parties on arrival and will provide an overview of the process, the role of the member and what is likely to happen for the balance of the conference.
9. All discussions at a compulsory conference are treated as confidential and “without prejudice”. The content of these discussions cannot be disclosed to anyone outside the conference, including the tribunal, without the consent of all parties.
10. During the compulsory conference the member may meet privately with each party to discuss the problem confidentially.
11. If the compulsory conference results in an agreement between the parties, the member will produce a written record of that agreement to be signed by all parties to the agreement and the member.
12. If the compulsory conference does not result in an agreement, the member will case manage the dispute by making directions or orders aimed at reducing the issues to be determined at the hearing.

Benefits of a compulsory conference

13. Compulsory conferences provide a private forum in which the parties can gain a better understanding of each other’s positions, and work together to explore options for resolution.
14. Compulsory conferences provide a much greater scope for possible solutions than a tribunal hearing.
15. The parties have control over the outcome.
16. Since over 90 per cent of cases are settled before hearing, much of the time, energy and cost in bringing or defending proceedings can be avoided.
17. Compulsory conferences can preserve a working relationship or make the termination of a relationship more amicable.