

INFORMATION SHEET



COMPULSORY CONFERENCES

Before going to a hearing some cases proceed to a compulsory conference. A compulsory conference is a form of mediation between the parties.

What will happen at a Compulsory Conference?

Compulsory conferences provide the opportunity for parties to meet with each other and a Member of the Tribunal and discuss the issues in dispute. It allows the parties to explore the possibility of settlement through negotiations.

Benefits of a Compulsory Conference

Compulsory conferences provide parties the opportunity to explore solutions and a potential resolution to their dispute before the matter proceeds to a Hearing.

If a matter can be settled at a compulsory conference, it avoids the time, cost and uncertainty associated with bringing or defending proceedings in a hearing. If a matter cannot be settled and proceeds to a hearing, the outcome will be determined by NTCAT according to the facts and how the law applies to those facts.

Preparing for a compulsory conference

If your matter is listed for a compulsory conference, NTCAT will issue orders advising you of the date of the conference. You should bring to the compulsory conference evidence that supports your claim or your response to the claim being made against you. NTCAT requests that parties approach the negotiations with an open mind and in good faith.

Who conducts the Compulsory Conference

The compulsory conference is conducted by an NTCAT Member or Registrar. It is important to remember that a compulsory conference is not a hearing, which means the NTCAT member will not decide the case. The Member will facilitate discussion between the parties and explore options for potential settlement. If the matter doesn't settle at the compulsory conference, the Member who conducts a compulsory conference will have no further involvement in the matter after the conference.

Is what I say at the Compulsory Conference confidential?

Compulsory conferences are confidential and not open to the public. What is discussed cannot be used or referred to at a hearing unless provided in evidentiary form as part of the case management directions.

How do the negotiations work?

Compulsory conferences are held in the Tribunal boardroom with the parties all seated around one table with the Member. The Member will lead the discussion. Parties must be respectful and communicate appropriately during the negotiation process. Negotiations are usually only successful if all parties approach the negotiations with an open mind and in good faith.

The Member will take you through the negotiations and assist to identify the issues in dispute and explore options to resolve the dispute. Most of the discussions will be conducted in the presence of all parties in the one room, however, to clarify issues the Member may discuss settlement options confidentially by having the parties move into separate rooms.

If the parties agree to a settlement, the NTCAT proceeding concludes. If there is no agreement, the Member will make orders about the future direction of the proceedings.

How do I attend the Compulsory Conference?

It is NTCAT's preference for parties to attend in person. However, if a party cannot attend NTCAT in person they may apply to appear remotely (by Microsoft Teams or Telephone) by completing a Form 3 – Ordinary Application.

Representation at the Compulsory Conference?

Even if you are represented (for example, by a legal practitioner or real estate agent), NTCAT encourages you to participate directly in the compulsory conference, because you have personal knowledge of the issues in dispute.

A person may attend the compulsory conference on your behalf, if they are authorised to represent you. However, they must have a thorough understanding of the issues in dispute and be authorised by you to negotiate and attempt to settle the matter. They must also be able to contact you throughout the conference should they need to discuss any issues with you or obtain your instructions.

What if I cannot attend the Conference?

If you cannot attend the scheduled compulsory conference, it is important to contact NTCAT immediately to request an adjournment. If you fail to attend a compulsory conference the member may make orders in your absence.

What do I do if we settle the matter before the Conference?

If you reach an agreement with the other party prior to the Compulsory Conference, please advise NTCAT as soon as possible.