

7th Annual Mediators' Conference 2004
CONCILIATION COLLOQUIUM

Title: Conciliation Colloquium: a practitioner led workshop

Abstract: This workshop will provide participants with an opportunity to reflect on the theory and practice of conciliation, drawing on the experience of five practitioners who, between them, have conducted more than 2000 hours of conciliation and mediation; published articles on mediation practice; delivered training in dispute resolution; and undertaken post graduate studies in ADR.

The workshop will start with a potted history of conciliation in Australia and a presentation on current conciliation practice and definitions.

Participants will then be involved in an interactive exploration of conciliation practice as we address questions including:

- What makes conciliation different from mediation? Plotting the features of conciliation, utilising Wade and Gribben's mediation abacas¹.
- What are the skills that conciliators must develop specifically for conciliation practice? Exploring skills such as maintaining impartiality whilst advocating the relevant statute, and facilitating good-will in a non-voluntary process.
- How do you conciliate in the absence of an alternative court based remedy? Discussing the challenges of statutorily based conciliation schemes with limited alternative resolution forums.
- What of parity of outcomes between cases? Considering the challenges where like cases are conciliated under the one statute. What standards are available to parties for measuring reasonableness where conciliation outcomes are confidential and case law is limited?
- How is conciliation conducted in the health, discrimination and administrative decision jurisdictions? An opportunity to discuss the challenges for conciliators in these settings and the strategies and interventions that assist parties come to resolution.

The workshop is also an opportunity for participants to raise their own questions or ideas for discussion with other practitioners.

¹ As cited by L Boule in *Mediation Principles Process Practice*, 1996, p.11, Butterworths

Presenters: Roxane Shaw currently works with the ACT Community and Health Services Complaints Commissioner's Office as the Principal Investigations Officer. Ms Shaw previously worked as a Senior Conciliator with the ACT Human Rights Office. She is a current member of the Board of the Conflict Resolution Service (ACT) and has a particular interest in rights based dispute resolution processes.

Elizabeth Henderson works at the ACT Community and Health Services Complaints Commissioner's Office as a Conciliator. She made the change from Mediation to Conciliation 6 months ago. Ms Henderson has worked as a Health Educator and Case Manager specialising in Traumatic Brain Injury for many years and has a particular interest in health-related disputes.

Karen Tatz currently works with the ACT Community and Health Services Complaints Commissioner's Office. She has been working in health complaints for three years, most recently as a Conciliator. She previously worked as a lecturer in the Faculty of Law at the Australian National University and has postgraduate qualifications in ADR.

Pam Jenkins is a Senior Conciliator at the ACT Human Rights Office. She has previously worked at the NSW Community Services Commission and the NSW Anti-Discrimination Board.

Deborah Tyler, at the time of submitting this abstract, is A/g Senior Assistant Ombudsman with the Commonwealth and ACT Ombudsman. She has particular responsibility for complaints made in relation to ACT government and DIMIA. She has previously worked as a Conciliator with the ACT Human Rights Office and as a volunteer mediator with an authorised agency under the Family Law Act.