



Preparing for a conciliation conference

External review guide for parties

Introduction

Attending a conciliation conference provides parties with an opportunity, in the presence of an experienced conciliator, to try and resolve their differences without going to a formal decision made by the Information Commissioner.

In order to ensure the best chance of a successful outcome it is useful to prepare for the conference.

A conference is a structured and guided discussion aimed at reaching a mutually acceptable or “liveable” outcome for each party. It does not focus on who is right or wrong, fault or blame, or win-lose. The aim is to identify the needs and interests of the parties.

Before the Conference

Review your file or complaint beforehand. Although a conference will not go into the specifics of individual documents, it helps to be well informed about both sides of the complaint.

Identify options that might resolve the matter from your point of view. This might mean considering what will happen if the matter does not resolve, and what would be the best outcome for you. Considering these points can often lead to non-legal solutions and options that will resolve the dispute, or at least narrow the issues in dispute.

Prepare a one page (no longer) statement that identifies:

- the key issues from your point of view
- the costs and benefits of proceeding with the complaint
- what would resolve the issues for you.

Making this short statement helps you focus on the most important aspects of the complaint. There will be opportunity for a wider discussion at the conference.

Think about what gave rise to the complaint in the first place. What could have been or could be done differently?

Representation at the conference

Can I bring someone with me?

If you represent an agency, ensure that the person or people attending have authority to settle the matter, that is, they are sufficiently senior and accountable to be able to make a decision that will bind the agency. In other words they will not have to adjourn or delay a potential resolution of the matter because they need to obtain approval from

a more senior person or from head office. Section 70(6) of the FOI Act also provides that legal practitioners are permitted to attend for the purpose of representing a party.

If you are the complainant you may bring with you a union or legal representative, or a friend as a support person if you wish.

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