

Conciliation conference guide

How does the Superannuation Complaints Tribunal resolve complaints?

When the Superannuation Complaints Tribunal (SCT) receives a complaint, it is initially investigated as part of our inquiry phase.

If the Tribunal does not have jurisdiction to deal with the complaint, or a decision is made to withdraw the matter, the complaint may end at this stage.

If we can deal with the complaint, it will be referred to the conciliation team to prepare for a conciliation conference. The Tribunal must try to resolve complaints through conciliation.

If an agreement is reached at the conciliation conference, the matter is then closed. If an agreement cannot be reached, the Tribunal will review the complaint and make a decision, which is referred to as a 'determination'.

What is conciliation?

A conciliation conference is an informal meeting between the parties to a complaint. The conciliation conference is conducted by telephone by an experienced conciliator.

The aim of conciliation is to resolve the dispute by agreement. The conciliator helps parties identify the issues in dispute, discuss their concerns and identify options for resolution.

Who is the conciliator?

Our conciliators are experienced dispute resolution practitioners, and hold senior positions at the SCT.

What happens at a conciliation conference?

The conciliator will call the parties, facilitate introductions and ask if there are any concerns or questions about the conciliation process.

The conciliator will then:

- explain the role of the conciliator and outline the guidelines for the conference;
- invite each party to make an opening statement; and
- assist the parties to identify and discuss the issues in dispute.

The opening statement is an opportunity for each party to briefly outline what they would like to discuss, and what they hope to achieve from the conciliation process.

After the group session, the conciliator will speak with each party privately to workshop ideas for resolution. Depending on the topics discussed and the desired outcomes, a number of private sessions may be held.

Conciliation conference guide

What are the possible outcomes of conciliation?

There are many ways in which a complaint may be resolved at conciliation. A resolution may take the form of:

- a negotiated agreement;
- a claim admission; or
- withdrawal of the complaint.

In a **negotiated agreement**, the parties to a complaint agree on a compromised outcome. For example:

- parties to a death benefit may agree to alter the distribution of the death benefit;
- an insurer may agree to pay part of the sum insured; or
- a trustee may agree to pay part of a claimed amount.

The terms of any such agreement are usually recorded by the conciliator in the form of a Conciliation Agreement.

Sometimes the trustee and/or insurer may prepare their own settlement document for the parties to sign.

In the case of a **claim admission**, the insurer or trustee may decide to admit your claim after listening to your statements and evidence.

Complaint withdrawal may be the right outcome. Conciliation is a two-way street; we expect all parties to be open-minded as they approach conciliation.

A full and detailed explanation from a trustee or insurer may resolve your complaint, or may highlight that you are unlikely to get the outcome you want if your complaint is reviewed by the Tribunal Review Panel.

What should I do to prepare?

- Set aside enough time for the conference. We recommend setting aside at least three hours.
- Prepare an opening statement. Your opening statement should briefly outline your position and what you are hoping to achieve in conciliation.
- Collate any relevant material to which you might make reference during the conciliation.
- Be willing to listen to the other parties and to reassess your position.

Can I be represented?

You do not need to be represented at the conference. However, if you would like to be represented, you can request permission from the Tribunal. You should make your request in writing, and state your reasoning clearly.

We will consider your request and advise you of the outcome before the conference. Please note that you would be required to bear any costs associated with such representation.

Conciliation conference guide

Can I have someone with me for support?

You are most welcome to have a friend or family member with you for support during the conciliation conference. However, they will not be permitted to speak during the group session.

Can I record the conciliation conference for future reference?

The Tribunal does not record the conciliation conference. When the conciliator opens the meeting, you will be asked to confirm that you are not recording the conference.

If any party shares any intention of recording the conference, it is unlikely the conciliator will proceed.

What if I need an interpreter?

If you require the services of an interpreter, please notify the Tribunal at least seven business days before the conference date. One will be provided at no cost to you.

What happens if I don't attend a conciliation conference?

Please note that the *Superannuation (Resolution of Complaints) Act 1993* prescribes penalties for failing to attend a conciliation conference.

If you are the complainant, the Tribunal may decide to treat your complaint as withdrawn.

If you are a joined party, other penalties are prescribed.

If an agreement can't be reached, does the Review Panel know what happened at conciliation?

Any statements made at a conciliation conference are privileged and won't be submitted to the Review Panel unless the parties to the complaint agree otherwise.

What if I have more questions?

Attending a conciliation conference is a new experience for most people. We understand that it can seem daunting. If you have any concerns or questions, please call us on 1300 884 114.

Contact Us

Enquiry line: 1300 884 114

The enquiry line is open 9am to 5pm AEST Monday to Friday, excluding public holidays.

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