



What is a conciliation conference? – Australian family law

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A conciliation conference is a [type of mediation](#). In family law matters a conciliation conference is only available once court proceedings in the Federal Circuit and Family Court of Australia have been initiated in respect of a property or financial dispute.

A conciliation conference will be conducted by a [Senior Judicial Registrar, a Judicial Registrar or a Deputy Registrar](#) (**the Registrar**). The Registrar will act as mediator, being an independent person that helps the parties talk through their issues and reach an agreement. The Registrar will not give legal advice or make decisions. The Registrar's role is to guide negotiations and help facilitate positive communications in the hope that the [parties will reach a property settlement agreement](#).

Due to the Court's limited capacity, a conciliation conference is generally only available where parties have a modest net asset pool (such as cases allocated to the [Priority Property Pool List](#)) and/or where parties do not have the financial resources to pay for private mediation.

The process for a conciliation conference

Preparing for a conciliation conference

Given that conciliation conferences are only available once court proceedings have been issued, there is an expectation that the parties will have complied with the [pre-action procedures for financial/property settlement matters](#) and complied with their [duty to provide full and frank disclosure](#) of their assets, liabilities and financial resources.

When scheduling the matter for a conciliation conference, the Court will make Orders that set out what is required from the parties in preparation for a conciliation conference. This includes, but is not limited to:

- preparing and exchanging a [Confidential Outline of Case \(Dispute Resolution\)](#);
- preparing and exchanging a Minute of Consent Order setting out the final property orders each party seeks; and
- details of any previous or current Family Violence Orders.

Orders may also be made for parties to:

- exchange updated financial disclosure documents;
- [obtain valuations](#) where the value of an asset is not agreed; and
- where a superannuation split is sought, to obtain the relevant superannuation funds approval of the [proposed superannuation splitting orders](#).

The purpose of these Orders is to ensure that the parties agree on what assets, liabilities and financial resources are to be included in the net asset pool and their value. It's also to ensure that each party is aware of the other's respective position and is ready to have productive property settlement negotiations.

Participating in a conciliation conference

A conciliation conference is generally listed for four hours and is conducted electronically via Microsoft Teams. In most cases, particularly those involving family violence, the parties will be in separate virtual rooms, and the Registrar will go back and forth between the parties to facilitate discussions.

The conciliation conference itself can be broken down into three distinct stages being, introduction, property settlement discussions and conclusion. A detailed overview of these stages can be found in the [Federal Circuit and Family Court of Australia's Fact Sheet - Conciliation Conference](#).

Outcomes of a conciliation conference

If an agreement is reached between the parties during the conciliation conference, the Registrar has the power to make court orders to formalise the agreement reached and to bring the parties' family law court proceedings to an end.

If an agreement is not reached, the parties will continue through the Court process. Matters are generally listed for a [directions hearing](#) shortly after a conciliation conference. At this hearing a different Registrar will determine the next steps in the matter and make orders that set out how the case should progress.

Where an agreement is not reached, parties are required to [exchange written genuine offers to settle within 28 days of the conciliation conference](#). This offer may reflect an offer that was made at the conciliation conference or be an alternative offer. Offers exchanged at a conciliation conference are confidential.

The intention behind the written offers is to ensure that, where a party is refusing to accept an offer that is within the range of what a court would consider to be a just and equitable outcome, that party is at risk of an order being made that they pay the other party's costs if they do not accept such an offer.

From a practical perspective, the written offers also give the parties time to digest the offers exchanged and information provided at a conciliation conference without the pressure of having to make an immediate decision. This often assists parties in reaching a property settlement agreement without the need for court proceedings.

Commonly asked questions about conciliation conferences

Can my lawyer attend my conciliation conference?

Yes, you are encouraged to seek independent legal advice and be represented by your lawyer during a conciliation conference. During a conciliation conference your lawyer can provide you with legal advice and negotiate on your behalf.

Is a conciliation conference confidential?

Yes, any discussions you have, and offers exchanged during a conciliation conference are confidential and cannot be referred to in subsequent court proceedings. The Registrar who conducts the conciliation conference will not be involved in your matter in a decision-making capacity for the remainder of the court process.

The confidential nature of a conciliation conference means that parties can more willingly make compromises and exchange offers without fear that such compromises or offers will be used against them in the future.

It is important to note that there are exceptions to confidentiality, including but not limited to where parties agree to confidentiality being waived or where confidentiality needs to be waived to report child abuse or family violence to the relevant authority.

How much does a conciliation cost?

There is a [nominal fee payable for a conciliation conference](#). In some situations, including but not limited to where you are the primary cardholder of a health care card, a pensioner concession card or any other card that entitles you to Commonwealth health concessions, [you may be exempt from paying this fee](#).

Get help from a family law lawyer

Whether you are considering a conciliation conference, have a conference scheduled or have already participated in a conference, we can provide advice and assistance. Please contact us to schedule a free initial consultation.

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.