

PRELIMINARY CONFERENCE

WHAT IS A PRELIMINARY CONFERENCE?

The preliminary conference is part of the normal case management process, and is a 1-2 hour meeting between the Registry and the parties to a matter before the NST. A preliminary conference is conducted within 3 days of:

1. a valid application being made in the NST; and
2. a Respondent's Response being filed with the Registry (note, Respondents have 7 days to file a Response after they have been notified of an application).

All matters before the NST will be subject to a preliminary conference, regardless of the Division, type of dispute, or dispute resolution process.

The purpose of the preliminary conference is to confirm that parties are prepared to pursue dispute resolution through the NST, as well as to give the parties and the Tribunal a clearer idea of what will need to be decided or agreed.

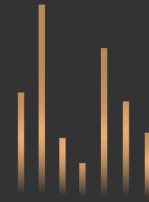
During the preliminary conference parties may ask questions about the dispute resolution process and their options for next steps. The person conducting the conference on behalf of the Registry – usually the CEO or a senior delegate of the CEO – will provide parties with information about what is expected of them as their case progresses to resolution in the NST. Registry staff cannot, however, provide legal advice to parties.

WHO IS INVOLVED IN THE PRELIMINARY CONFERENCE?

Depending on the type, complexity and urgency of the matter the CEO, the CEO's delegate or another Registry staff member will be responsible for conducting the preliminary conference.

The applicant/s and respondent/s and/or their authorised representatives are expected to personally attend the preliminary conference. Other interested parties about whom the Registry have already been notified are also expected to attend the conference. Parties may be represented at this conference.

In order to keep the costs of delivering dispute resolution services to a minimum, in most cases the preliminary conference will be conducted via teleconference or videoconference. In more complex matters, the preliminary conference may be conducted in person.



WHAT ISSUES WILL BE DISCUSSED AT THE PRELIMINARY CONFERENCE?

The Registry will provide parties with a notice to attend a preliminary conference. This notice will include the list of issues to be discussed at the preliminary conference. Parties are also encouraged to foreshadow with the Registry other relevant issues they wish to have discussed at the preliminary conference.

The following is a guide to the issues that may be covered in a preliminary conference. Depending on the case, not all of these issues may be relevant. There may also be additional matters not on this list are discussed in a preliminary conference:

- the type and nature of the dispute;
- any complex or sensitive issues involved in the dispute;
- the nature of the dispute resolution mechanism that the parties have chosen;
- the number of witnesses (expert or otherwise) that will need to give evidence;
- key evidence that a party will be producing and/or is requesting another party to provide (applications for Notice to Produce or Notice to Appear);
- any other interested or involved parties that have not been previously identified;
- the facts or issues about which the parties agree;
- the main issues in dispute;
- the likely timeframe for conducting an arbitration/appraisal/mediation/conciliation, including dates;
- the potential number of Members to be appointed;
- total costs; and
- how costs will be divided among the parties.

WHAT HAPPENS AT THE END OF A PRELIMINARY CONFERENCE?

In most cases, within 48 hours of the conclusion of the preliminary conference, the Registry will give a copy of a draft Preliminary Conference Agreement to each party to sign, which will confirm a number of the key matters outlined above, including the overall costs of the service, and what each party owes. Parties are required to return a signed copy of the Agreement to the Registry and pay their costs. The Registry will then notify parties of the Tribunal Member/s that have been identified to conduct the arbitration, mediation, conciliation or case appraisal. For more detail on this process, see, “*Selection of Tribunal Members*”.