

51J. Conciliation

- (1) This section applies where a matter has been referred to the Tribunal for determination under section 28(2), 30(6), 30A(4), 31(11), 35(3) or 39G.
- (2) If the Tribunal considers that the issues involved may be resolved by conciliation —
 - (a) the Tribunal may endeavour to assist the parties to reach an agreement on those issues; and
 - (b) for that purpose the Tribunal may —
 - (i) arrange conferences of the parties or their representatives presided over by the Tribunal;
 - (ii) arrange for the parties or their representatives to confer among themselves at a conference at which the Tribunal is not present; and
 - (iii) otherwise encourage the parties to exchange or divulge attitudes or information that in the opinion of the Tribunal would assist in the resolution of the issues.
- (3) The Tribunal may give any direction or make any order or declaration that the Tribunal thinks expedient for the purposes of this section, and any such direction, order or declaration is enforceable as if it were given or made under section 32 of the *Industrial Relations Act 1979*.
- (4) If the Tribunal gives or makes a direction, order or declaration under subsection (3) the Tribunal must —
 - (a) if it is given or made orally, reduce the direction, order or declaration to writing as soon as is practicable; and
 - (b) make the text of the direction, order or declaration available to the parties as soon as is practicable after it is given or made.
- (5) If the Tribunal —
 - (a) takes action under subsection (2)(a); and
 - (b) is satisfied that the parties have reached agreement on all of the issues involved,

the Tribunal may, with the consent of the parties, make a determination for the purposes of section 51G in terms of that agreement.

- (6) If the Tribunal —
 - (a) takes action under subsection (2)(a); and
 - (b) subsection (5)(b) does not apply,the Tribunal is to determine the matter for the purposes of section 51G.
- (7) In making a determination mentioned in subsection (6) the Tribunal is to endeavour to ensure that the matter is resolved —
 - (a) taking into account any agreement reached by the parties on any particular issue; and
 - (b) subject to paragraph (a), on terms that could reasonably have been agreed between the parties in the first instance or by conciliation.

[Section 51J inserted by No. 51 of 2004 s. 67.]

