

# Navigating a Building Dispute: What to Expect at Conciliation/Mediation

If you are a homeowner involved in a [building dispute](#) with your contractor, you may have received a notice from the NSW Civil and Administrative Tribunal ([NCAT](#)) regarding a conciliation or mediation session. It can be a daunting and stressful experience, but with the right preparation and understanding of the process, you can increase your chances of reaching a satisfactory resolution. In this article, we will discuss what to expect at a conciliation or mediation, and whether the outcome can be legally binding.

## What is the conciliation/mediation process?

Conciliation and mediation are forms of [alternative dispute resolution](#) (ADR) that aim to help parties resolve disputes without going to court. These processes are less formal and less adversarial than a [court hearing](#), and offer a more flexible and cost-effective way of reaching a resolution.

**Conciliation** is a process where an independent third party, called a conciliator, helps the parties discuss the issues in dispute and explore possible solutions. The conciliator does not make a decision, but rather facilitates communication and negotiation between the parties. The goal is to reach a mutually acceptable agreement.

**Mediation** is a similar process, but it is usually more structured and involves a more active role from the mediator. The mediator may provide legal information and advice, and help the parties identify and evaluate their options for settlement. Like conciliation, mediation aims to reach a mutually acceptable agreement.

## What to expect at conciliation/mediation?

At the conciliation/mediation session, the parties will usually meet in a private room with the conciliator/mediator. The conciliator/mediator will explain the process and their role, and encourage the parties to speak openly and listen to each other's views.

Each party will be given the opportunity to present their case and explain their concerns. The conciliator/mediator will ask questions and encourage the parties to explore possible solutions. The parties may also have the opportunity to speak privately with the conciliator/mediator to discuss their concerns and explore settlement options.

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the right legal advice.

The conciliation/mediation process is usually less formal than a [court hearing](#), and the parties are encouraged to work collaboratively towards a mutually acceptable agreement. The conciliator/mediator may suggest possible solutions and help the parties evaluate their options.

## Is conciliation/mediation legally binding?

If an agreement is reached through conciliation or mediation, it can be legally binding if both parties agree to make it so. This means that the terms of the agreement can be enforced in court.

However, it's important to note that not all agreements reached through conciliation or mediation are legally binding. In some cases, the agreement may be non-binding or may require further steps to become legally binding, such as having it approved by a court or tribunal.

It's important to carefully review any agreement reached through conciliation or mediation and seek legal advice before making it legally binding. An experienced construction lawyer can review the terms of the agreement and advise you on your options.

## Should I engage a specialist construction lawyer for the conciliation/mediation process?

Engaging a [specialist construction lawyer](#) to assist you with the conciliation or mediation process can be highly beneficial. A construction lawyer can provide you with [legal advice and representation](#) throughout the process, helping you to understand your rights and obligations and protecting your interests.

A construction lawyer can also assist you in negotiating a settlement that is fair and reasonable, and help you make informed decisions about whether to accept any proposed settlement.

In addition, if an agreement is reached through conciliation or mediation, a construction lawyer can help you ensure that the terms of the agreement are legally binding and enforceable.

## Conclusion

If you're involved in a [building dispute](#) with your contractor and have received notice of a conciliation or mediation process at NCAT, it's important to prepare carefully and seek legal advice. By following the tips outlined in this article and engaging a specialist [construction lawyer](#) to assist you, you can increase your chances of reaching a fair and reasonable settlement that protects your interests.

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