

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 12**

PRE-TRIAL CONFERENCE MINOR CASE

This fact sheet is intended to help people in preparing themselves for a pre-trial conference.

What is a pre-trial conference?

A compulsory pre-trial conference is a meeting between the parties to a case before a Registrar.

When is a pre-trial conference held?

A Registrar must list a case for a pre-trial conference within 14 days after the defendant lodges a response to a claim that indicates an intention to defend the claim. The Registrar will then notify all parties in writing when and where the pre-trial conference will be held.

Why have a pre-trial conference?

An essential part of the Court's objectives, is to bring the parties to a settlement that will prevent the need to go to a trial.

At the pre-trial conference the parties should be in a position to explore settlement.

Who must attend?

All parties must attend the pre-trial conference in person.

If a party is a corporation it may be represented by one of its officers whom it has authorised to do so.

If a party's attendance is likely to cause undue expense or the party is of ill health, a party may apply to the Registrar prior to the pre-trial conference for the hearing to be conducted by audio link.

What happens if I do not attend the pre-trial conference?

If a party fails to attend a pre-trial conference, the Registrar at the pre-trial conference may give default judgment against the party.

Do I need to bring my witnesses?

Witnesses are not required to attend.

Role of the Registrar at pre-trial conference

The primary role of the Registrar is to attempt to bring the parties to a settlement that is acceptable to all the parties. The Registrar cannot give legal advice.

What the Registrar can do at the pre-trial conference

The Registrar may-

- Determine what facts, if any, are agreed by the parties;
- Order parties to lodge and serve statements of claim and defence;
- Order parties to exchange other documents or information;
- Extend the time for making counterclaims and third party claims;
- Recommend to the Court that it order the parties to attend before a mediator;
- Make any other directions necessary to facilitate settlement; and
- List the case for a further pre-trial conference.

Offers of settlement

Any party may make an offer (or a number of offers) to settle the dispute.

Any attempt to settle a case at a pre-trial conference is taken to be said or done without prejudice.

If a settlement is reached the Registrar will draw up a memorandum of consent orders, for both parties to sign. This order becomes a judgment of the court and can be enforced by the successful party.

**See Fact Sheet:
No 23 Enforcing a Judgment**

What happens if the case does not settle at the pre-trial conference?

The Registrar must list the case for trial, and notify the parties in writing.

**See Fact Sheet
No 16 Trial**

Confidentiality

The pre-trial conference is conducted “without prejudice” and is confidential. Matters discussed at the pre-trial conference, or any admissions made, cannot be used outside the conference.

Only orders made at the conference are noted on the Court record.

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.