

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 13**

PRE-TRIAL CONFERENCES GENERAL PROCEDURES

This fact sheet is intended to help people who do not have legal representation in preparing themselves for a pre-trial conference. It does not cover all aspects of preparation for pre-trial conferences. Further information is available from any court registry.

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 conducted?

When the defendant has lodged a response to a claim that gives notice of an intention to defend the claim.

Once all parties have lodged and served their case statements, the claimant must request a registrar to list the case for a pre-trial.

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.

Applying for a pre-trial conference

The claimant must complete and lodge **Form 28**, and pay the prescribed fee.

A request must be lodged within 14 days of the defendant lodging a statement of defence, or the claimant lodging a statement of defence to a counterclaim.

Unless a Registrar or the Court orders otherwise, a party must attend a pre-trial conference.

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

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.

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?

No, witnesses are not required at a pre-trial conference.

Role of the registrar at a 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.**

The registrar may list the case for a further pre-trial conference or list the case for a listing conference.

Offers of settlement

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

Any attempt to settlement 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 an Order.](#)

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

If a settlement is not reached at the pre-trial conference, the registrar must list the case for a listing conference. This conference will be before a magistrate.

[See Fact Sheet: No. 14 Listing Conference.](#)

Confidentiality

The conference is conducted 'without prejudice' and is confidential. Matters discussed at the 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.