



Magistrates Court of Western Australia Civil Jurisdiction

Fact Sheet 14A – Minor Case Status Conference

This fact sheet is intended to help people in preparing themselves for a status conference.

What is a Status Conference?

The purpose of a status conference is to give the parties an **opportunity** to **settle the case**.

A status conference will be listed **before a Magistrate**. An essential part of the Court's objectives is to bring the parties to a settlement that will **prevent** the need for going to **trial**.

At the status conference, the parties should be in a position to explore settlement.

The status conference further allows for the management of a case.

When will a status Conference be listed?

If a **defendant** lodges a response, with an intention to defend a claim, a registrar must list the case for a status conference on the next available date.

The registrar will notify all parties of the status conference in writing.

Who attends the Status Conference?

All parties must attend a status 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.

A party to proceedings may be entitled to be represented or assisted by a subrogated insurer if the subrogated insurer is authorised by the party in writing 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 prior to the status conference for the hearing to be conducted by **audio-link**.

What happens if I don't attend a Status Conference?

If you do not attend a status conference, the magistrate may give **default judgment** against you.

Role of a Magistrate at a Status Conference

The primary role of the magistrate at a status conference is to attempt to bring the parties to a settlement.

At the status conference, the magistrate may:

- Determine what facts, if any, are agreed by the parties
- Order the parties to lodge and serve lists of documents the parties may tender in evidence at the trial and exchange any other documents or information
- Extend the time for making counterclaims or third party claims
- Order the parties to attend a pre-trial conference or mediation
- List the case for a further status conference
- List the case for a pre-trial conference
- Make any other orders necessary to facilitate settlement or ensure the case is ready for trial
- Assess the defendant's request for Counterclaim or Third Party Claim and
- Determine if the parties consent to any counterclaim that is not a minor case being dealt with under the minor case rules

Offers of Settlement?

Any party may make an offer (or several offers) to settle the dispute.

Any attempt to settle a case at a status conference is taken to be said or done **without prejudice**.

What happens if the parties settle?

The magistrate may make orders at the status conference reflecting the terms of the settlement.

What happens if the parties do not settle?

The magistrate will list the matter for trial.

Confidentiality

A status conference is conducted in private **'without prejudice'** and is **confidential**. Matters discussed at the status conference, or any admissions made, cannot be used outside of the conference.

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.