



Magistrates Court of Western Australia Civil Jurisdiction

Fact Sheet 12 – Pre-Trial Conference Minor Case

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

What is a pre-trial conference?

A pre-trial conference is a meeting between the parties to **attempt settlement** of a case before a Registrar.

When is a pre-trial conference held?

A pre-trial conference may be held immediately after a status conference if directed by a Magistrate.

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 the 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:

- determine what facts, if any, are agreed by the parties
- order parties to lodge and serve lists of documents the parties might tender in evidence.
- order parties to exchange other documents or information.
- extend time for making counterclaims and third party claims.
- List the case for a further status conference.
- make any other directions necessary to facilitate a settlement or ensure the case is ready for trial and;
- list the case for a further pre-trial conference.

The forms are available on the Magistrates Court website:
www.magistratescourt.wa.gov.au.

Offers of settlement

Any party may make an offer (or several 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**.

What happens if the parties settle?

If a settlement is reached, the Registrar will draw up a **Form 49 - 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.