

**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 attempt settlement of 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 statement of defence. 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 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:

- determine what facts, if any, are agreed by the parties
- order parties to lodge and serve **Form 20, 20A or 20B** – Statement of Claim and/or **Form 22, 22A or 22B** – Statement of 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 a settlement 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 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.

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.