

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 14**

LISTING CONFERENCE

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

What is a listing conference?

The purpose of a listing conference is to list the case for trial. The listing conference will be before a Magistrate.

Why are the parties attend a Listing Conference?

The attempt to settle the case at a pre-trial conference has not been successful.

When will a Listing Conference be listed?

A listing conference will be listed after each party has lodged their **Form 32** - Listing Conference Memorandum and the Registrar will give a copy of each party's **Form 32** to the other party.

This form is available on the Magistrates Court website: www.magistratescourt.wa.gov.au

What happens if I don't lodge a Form 32 – Listing Conference Memorandum?

If a party does not comply with the order of the Registrar to lodge a **Form 32**, the Registrar may after giving 10 days notice to the party, on the application of the other party give default judgment against the party or in the case of the claimant not complying, list the application for judgment for hearing by a magistrate.

What information should be in a pre-listing conference memorandum?

Your **Form 32** must include the following:

- A concise statement of the issues of fact and law that the party contends will need to be determined at the trial.
- State how each allegation of fact will be proved
- State the names, addresses, occupations and qualifications of the witnesses you will call to give oral evidence at the trial
- Annex a **Form 32A** – Statement of Intended Evidence of a Witness statement of the evidence of each witness who is not an expert witness

This form is available on the Magistrates Court website: www.magistratescourt.wa.gov.au

Who attends the Listing Conference hearing?

Unless the Court orders otherwise, a party is not required to attend a listing conference in person if the party's lawyer attends the listing conference.

If a party's attendance is likely to cause undue expense or the party is of ill health, the Court may approve the conference to be conducted by audio link or video link.

A video link or audio link attracts a fee. Contact the registry where your matter is held to discuss this further.

What will happen at a listing conference?

Unless the Magistrate at a listing conference orders the parties to attend before a mediator, or to attend a pre-trial conference or listing conference, the Magistrate will list the case for a trial and a Registrar will notify all parties in writing.

What happens if I do not attend the listing conference?

If a party fails to attend the listing conference, the Court may:

- order the party to pay costs; or
- give judgment against the party without a trial.

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.