



Pre-trial Conferences

Information for Parties and Representatives

What is a pre-trial conference?

A pre-trial conference is a formal meeting between the parties facilitated by a Clerk of the Court (Clerk). It is an opportunity for the parties to discuss the claim, clarify issues in dispute and explore resolution options. The goal is for the parties to reach a settlement agreement without the need to go to trial before the Industrial Magistrate. It is not to decide who is right and who is wrong.

Pre-trial conferences are private and confidential, and no recording or transcript is produced. They are conducted on a *without prejudice* basis, which means what is discussed in the conference cannot be relied upon by either party if the matter goes to a trial. This is so the parties can discuss settlement options openly and freely.

When is a pre-trial conference held?

A pre-trial conference will usually be held before any formal hearing of the claim takes place. It is arranged by the Registry once a response to a claim has been lodged that does not fully admit the claim. Attendance is compulsory and you are required to attend in person. If you have concerns about attending in person, contact the Registry as soon as possible.

How should I prepare?

A pre-trial conference is designed to save everyone the time, stress, and expense of taking a matter to trial. It is important that you take steps to prepare:

Know the case. Be familiar with the facts and the arguments set out by both parties in the claim and the response.

Organise notes and documents. Prepare notes on what you want to say and organise any documents to bring to the conference that are relevant to your case. You do not call witnesses or formally present evidence at a conference.

Consider settlement options. Think about what outcomes you are prepared to settle for. This can include financial and non-financial options. Reaching a resolution may involve compromises from all parties and it is important to be realistic and flexible in your considerations.

Notify the Court of any requests.

- **Accessibility.** Let the Registry know of any [accessibility or language needs](#) well before the conference so that arrangements can be made in advance to address your needs, such as booking an interpreter.
- **Support person.** You must let the Court know if you would like to request the attendance of a support person. A support person is not permitted to advocate on your behalf or act as your representative, and they cannot contribute to the discussions during the conference.
- **Representative.** If you wish to be represented but do not have a representative on the Court record, you or your representative will need to inform the Court by lodging

a [Form 23 – Notice of Appointment of Lawyer or Agent](#). If the small claims procedure applies to the claim, you must get permission from the Court to be represented.

Make practical arrangements. Conferences usually run for approximately 2 hours but can go for longer so make sure to set aside enough time. Plan any travel arrangements, including parking, in advance to ensure you arrive at least 10 minutes before your conference is scheduled to start. The day before your conference, check the [Hearing List](#) on the Court's website to confirm the conference details (such as time and room). Dress neatly on the day.

What happens at a pre-trial conference?

A pre-trial conference will generally run as follows:

- **Parties enter the room.** The Judicial Support Officer will let the parties into the conference room approximately 10 minutes before the scheduled start time and will take appearances (the names and roles of everyone who is present). This is not a court room, and the Clerk and the parties sit together at a table. You may ask the Judicial Support Officer any procedural questions at this time.
- **Clerk enters the room.** The Clerk will enter the room. You should stand when the Clerk enters and leaves the room, but you do not need to stand at any other time. You should refer to the Clerk by their title. For example, Registrar or Deputy Registrar.
- **Clerk explains the process.** The Clerk explains the process and the ground rules. This includes being respectful to everyone in the conference and not interrupting when the Clerk or other party is speaking. The Clerk is impartial and will not be deciding who is right or wrong.
- **Parties state their case.** Each party is given the chance to talk about their side of the case. You do not need to repeat all the details in your claim or response, but you may wish to highlight facts or issues that are particularly important to you, and to explain what you want to achieve in the conference. It is important to listen to what the other party has to say.
- **Facilitated discussions.** The Clerk will facilitate respectful discussions. This may be done with everyone in the same room or the Clerk may divide the conference and speak separately to each party. Settlement offers can be made and considered by the parties. It is important to keep an open mind and a willingness to explore different options to resolve the claim.
- **Finalisation and next steps.** At the end of the conference, the Clerk will summarise the outcome of the conference and what needs to happen next.
 - **If an agreement is reached** the Clerk will make sure everyone understands the terms of the settlement. Settlement agreements are private between the parties and may be written or unwritten. If any formal orders are made as part of the agreement, these may be published in the [Western Australian Industrial Gazette](#). The parties will need to let the Court know once the settlement terms have been carried out.
 - **If an agreement is not reached** the Clerk will either schedule another pre-trial conference or a hearing before the Industrial Magistrate. The Clerk may also make orders to help prepare the claim for hearing (such as requiring parties to provide more details on their claim or response, or exchange documents).

Need more information?

Other Fact Sheets are available:

- [Hearings Fact Sheet](#)
- [Evidence Fact Sheet](#)
- [Audio and Video Link Attendance Fact Sheet](#)

And further information is available at the Court's website, www.imc.wa.gov.au, including a video guide on [Pre-trial conferences at the Industrial Magistrates Court of Western Australia](#).

The Registry can be contacted on (08) 9420 4467 or registry@wairc.wa.gov.au.

Court staff cannot give legal advice or opinion on the merits of any claim or potential claim. However, they can give information on:

- The processes of the Court.
- How to lodge forms.
- Other organisations that may be able to assist you.

The contents of this document should be used as a general guide only. This document is not intended to be an authority to be used in support of a case at hearing. This document is not a substitute for independent professional advice and users should obtain any appropriate professional advice relevant to their particular circumstances.