

Pre-trial Conference

The pre-trial conference is conducted by an experienced Registrar who looks at the case from all sides and can help you explore options to try to resolve your dispute, rather than proceed to trial.

You are expected to make a genuine effort to settle your dispute at the pre-trial conference. With that in mind, you should come to the conference:

- With an open mind;
- Prepared to listen;
- With a future focus;
- Prepared to make reasonable compromises; and
- In parenting cases, with a consideration of the best interests of your child(ren).

The Registrar cannot give you legal advice, but can talk with you about legal principles that are applied by the court in deciding cases.

What happens at a pre-trial conference?

The pre-trial conference has been listed for 1 day and has a number of stages.

Stage 1: Pre-mediation interviews

The Registrar will meet separately with the applicant (and his/her lawyer, if represented) at 9.00am for approximately 45 minutes for a pre-mediation interview.

The Registrar will then meet separately with the respondent (and his/her lawyer, if represented) at 9.45am for approximately 45 minutes for a pre-mediation interview.

If there are other parties involved in the matter, then the Registrar will separately meet with each such party (and his/her lawyer, if represented) for approximately 30 minutes for a pre-mediation interview and the duration of the other pre-mediation interviews will be adjusted.

During the interviews, which are confidential, the Registrar will explain to each party what is to happen in the conference, possible approaches to reaching a settlement and have a short discussion about the issues in dispute.

During the interviews, if the Registrar concludes that factors exist that make it inappropriate to continue with the pre-trial conference, then the Registrar may elect to cancel the conference.

Stage 2: Settlement discussions

The pre-trial conference will commence at the conclusion of the pre-mediation interviews.

The Registrar will assist you and the other party(s) in exploring ways to try to settle your dispute without you having to go to trial and wait for a judicial officer to decide the dispute

for you. At times, the Registrar may opt to speak separately to each party (and their lawyer, if represented).

If you are represented, you may speak privately to your lawyer at any time during the conference – just let the Registrar know. These discussions will be confidential.

If the conference proceeds for the entire day, then the conference can be adjourned for short breaks, for example, to enable the parties to take a lunch break.

Stage 3: Conclusion

The Registrar will sum up what has happened during the conference, highlighting matters that have been agreed. If you have reached agreement on all issues, a Minute of Consent Orders may be prepared for you to sign so that consent orders can be made. This would bring the court proceedings to an end.

If you have been unable to reach final agreement, the Registrar may make further procedural orders about what is to happen next. This may include:

- An order to place the matter in a callover for the allocation of a trial date;
- An order to make a compulsory offer to settle; and
- Other orders to ensure that the matter is ready to proceed at trial.

The conference will normally conclude by no later than 4.15pm.

How do I prepare for the Pre-trial Conference?

You must comply with any directions set out in the letter from the Court listing the conference.

Confidentiality

What is said in settlement negotiations in the conference is covered by privilege, meaning that what is said can only be used in Court later if the parties agree (or waive the privilege). The main exception is that Court staff are required by law to report to a child welfare authority if certain matters about child abuse are raised in the conference.