



The Conciliation Conference

Information for participants
FAMILY COURT OF WESTERN AUSTRALIA

This brochure will tell you

- Why you need to attend the Conciliation Conference.
- What you must do before the Conference.
- What to expect at the Conference.
- What happens if the Conference cannot proceed.
- Further information.

What is the purpose of a Conciliation Conference?

A Conciliation Conference is to encourage parties to find a solution to their financial dispute.

It is only available after an application has been filed. It is usually the next step after a Procedural Hearing or a Case Assessment Conference and occurs where there are financial issues in dispute.

You are expected to make a genuine effort to settle your dispute at the Conciliation Conference. With that in mind, you should go to the Conference in a spirit of compromise and adopt a practical approach.

“Settling” your dispute at the Conciliation Conference means you will not need to have a trial.

You must attend the Conciliation Conference.

If you are concerned about your personal safety you and the other party can be seen separately.

The duty of disclosure

It is very important that you understand your responsibility to comply with the duty of disclosure. The brochure “Duty of Disclosure” will explain this in greater detail. It is available from the registry of the Family Court of Western Australia or from the website www.familycourt.wa.gov.au.

Failing to comply with the duty will have serious consequences for the outcome of your case

How do I prepare for the Conciliation Conference?

So that you and the other party can make the best possible use of the Conference, you must exchange information and documents before the Conference, and also provide information to the Court in advance.

The Court will give you instructions about what documents and information you will need to obtain at the initial Procedural Hearing.

Exchange documents with the other party

If you have not already done so you have until **seven days** before the Conference, to exchange with the other party:

1. the Conciliation Conference Document;
2. any documents containing evidence about financial status; and
3. any other documents the Court requires, or that you agree to provide.

The Conciliation Conference Document

If you do not supply the document, the Conference may not go ahead and you may be ordered to pay the other party's court costs as a result.

The matters to be set out in the document include your:

- financial circumstances at the date you married or started living together;
- contributions and details of paid work during your time together;
- future needs and financial resources; and
- proposal to settle the case.

Other documents

All documents containing evidence about:

- the financial matters mentioned in the party's Financial Statement and the Conciliation Conference Document completed by the party for the Conference;
- financial contributions made when the parties began living together;
- any inheritances, gifts or compensation payments received after the parties began living together;
- any purchase of property since the parties separated;
- any sale of property;
- any increase or reduction of liabilities since the parties separated;
- the value of any superannuation interest of a party, including the basis on which the value has been worked out and any documents used to work out the value; and
- any other documents ordered at the procedural hearing or otherwise, or agreed between the parties to be exchanged.

What to expect at the Conciliation Conference

A Conciliation Conference is convened by a Registrar. At the Conciliation Conference the Registrar looks at the case from both sides and can help you explore options to try to settle your case without any further legal action.

You do not have to be in the same room as the other party, separate rooms can be used.

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

The Conference lasts for about one hour, and has three stages.

Stage 1: Introduction

Usually you, the other party and your lawyers (if any) will be present. The Registrar will explain what is to happen and a short discussion will take place about the matters in dispute. The Registrar will then tell you how the settlement discussions will proceed. The process adopted will depend on factors such as the need for separate interviews and the complexity of the financial circumstances of your case.

You may speak privately to your lawyer at any time during the Conference – just let the Registrar know.

Stage 2: Settlement discussions

Your lawyers may not necessarily be present with you in the same room throughout the whole of this stage. The Registrar will assist you and the other party in discussing ways to settle your disputes.

Stage 3: Conclusion

With your lawyers present the Registrar will sum up what has happened, highlighting matters that have been agreed. If you have reached agreement on all issues, your lawyers may prepare terms of settlement for you to sign so that the Court can make consent orders. If you have been unable to reach final agreement, the Registrar will make procedural orders about what is to happen next.

These may include:

- an order about disclosure of documents;
- an order to obtain an expert's report;
- an order to make a compulsory offer to settle;
- an order to adjourn to another conference. This will only occur if the Registrar determines the matter is close to resolution and/or for some other reason it is premature to allow it to proceed further; or
- orders leading towards listing the case for a Trial.

If your case involves children's matters, the Registrar will refer your case back to a Judicial Officer who will handle your case.

Confidentiality

What is said in settlement negotiations in a Conciliation 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). There are some exceptions. Foremost being that Court staff are required by law to report to a child welfare authority if certain matters about child abuse are raised in the Conciliation Conference.

What happens if the Conciliation Conference is unable to proceed?

If, for any reason, the Conciliation Conference is unable to proceed, the Registrar conducting the Conciliation Conference may:

- adjourn the Conference and make additional procedural orders;
- make an order for costs;
- list the matter for further procedural orders; and/or
- list the matter for consideration of dismissal of the matter, or other appropriate orders.

Seek legal advice

You should get legal advice before deciding what to do. A lawyer can help you understand your legal rights and responsibilities, and explain how the law applies to your case. A lawyer can also help you reach an agreement with the other party without going to court.

You can get legal advice from a:

- Legal Aid Office;
- Community Legal Centre; or
- Private law firm.

**Court staff can help you with questions about Court forms
and the Court process, but cannot give you legal advice.**

Personal safety

If you have any concerns about your safety while attending court, please call 08 9224 8222 before your court appointment or hearing. Options for your safety at court will be discussed and arrangements put in place. By law, people must inform a court if there is an existing or pending family violence order involving themselves or their children.

Need more information?

For more information about Family Dispute Resolution, or to find your nearest Family Relationship Centre:

- go to www.familyrelationships.gov.au ; or
- call the Family Relationship Advice Line on 1800 050 321, the line is open from 8:00am to 8:00pm Monday to Friday, and 10:00am to 4:00pm on Saturdays.

For more information about the Family Court of WA, including access to the legislation, forms or publications listed in this brochure:

- go to www.familycourt.wa.gov.au;
- call 08 9224 8222 or 1800 199 228; or
- visit the Family Court of WA registry.

Who else can help?

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| <ul style="list-style-type: none">▪ Legal Aid WA
www.legalaid.wa.gov.au
1300 650 579▪ Community Legal Centres Association of WA
www.communitylaw.net
08 9221 9322▪ Law Society of Western Australia
www.lawsocietywa.asn.au
08 9322 7877 | <ul style="list-style-type: none">▪ Aboriginal Legal Service of Western Australia
Family Law Unit
www.als.org.au
08 9265 6666 or 1800 019 900▪ Law Council of Australia – Family Law Section
www.familylawsection.org.au
02 6246 3788 |
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This brochure provides general information only and is not provided as legal advice. If you have a legal issue, you should contact a lawyer before making a decision about what to do or applying to the Court. The Family Court cannot provide legal advice. The Family Court of WA respects your right to privacy and the security of your information.

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