



What is a Family Court Conciliation Conference?

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A family law conciliation conference is similar to a [mediation-style conference](#); however, it is conducted by a Registrar of the Court rather than being facilitated by a professional outside the court system. Conciliation conferences are only held in respect of financial disputes, including [property settlement](#) and [spousal maintenance](#).

A conciliation conference is often the second stage, after a first return hearing in family court proceedings. A first return hearing (also called a first return date) is a court appearance designed to provide a brief outline of the issues in dispute and confirm that all required documentation has been filed. No final decisions are made by the Judge at a first return hearing, although urgent matters can be dealt with.

Who conducts Family Court Conciliation Conferences?

A conciliation is chaired by a Registrar of the Court. The Registrar is a different officer of the Court to the Judicial Officer. The Judicial Officer is the person who will ultimately determine the parties' dispute if the matter proceeds to a contested trial. The Registrar assists the parties in exploring options for resolution (without the need to go to trial) and can provide the parties with guidance and options to resolve the issues in dispute.

Conciliation conferences are conducted on a "without prejudice" basis. This means that all discussions had during the conference are confidential and cannot be repeated in open Court. This is to encourage parties to negotiate freely without compromising their position before the Court.

The Registrar chairing the conference does not publish a report outlining what is discussed in the conference. Further, the Registrar does not communicate with the presiding Judicial Officer, any discussions had between the parties during the conference.

The Family Court of Western Australia has published some [short education videos, which can be viewed here, to assist parties in](#)

Do I have to attend a Conciliation Conference?

Parties may elect to attend a [private mediation style conference](#) (rather than a conciliation conference) if they have capacity to meet the costs of same. The benefit to private mediation is that this can often be arranged more quickly than the Court can allocate a date for a conciliation conference.

Generally, the Court will not make procedural orders processing a matter to trial until the Court can be satisfied that the parties have genuinely tried to resolve their dispute before resorting to a trial. Attendance at a conciliation conference and/or a private mediation-style conference demonstrates to the Court the parties' efforts to resolve the dispute through alternative dispute resolution.

Conciliation conferences have a high success rate in resolving financial disputes between parties at an early stage. Avoiding protracted court proceedings is beneficial to all parties. A quick resolution means that ongoing legal fees are avoided and the emotional toll of court proceedings is also avoided.

How do I prepare for a Conciliation Conference?

When the court lists a conciliation conference, Orders will be made for the parties to file a conciliation conference document. This document will be exchanged with the other party and the Registrar chairing the conference. The document sets out the factors each party relies on and their position for the conference. It assists the Registrar in identifying the issues in dispute.

Orders are also generally made for the exchange of [full and frank disclosure](#). This includes all documents to identify the parties' assets, liabilities and financial resources. Disclosure is necessary so that all parties have transparency.

Orders may also be made for the parties to attend to additional tasks, such as providing notice to the Trustee of a superannuation fund if either party seeks a [superannuation splitting Order](#). This is necessary as the Registrar will not be able to make a superannuation splitting Order if agreement is reached, if the superannuation fund Trustee has not been provided procedural fairness.

If values of assets or other entities are in dispute (such as real property, businesses, companies or trusts), it may be prudent to ensure they are valued by a jointly appointed valuer (a [Single Expert Witness](#)) prior to the conference. This assists in narrowing the issues in dispute which will give a greater prospect of agreement being reached at the conference.

If agreement is not reached, the parties' conciliation conference document is removed from the Court file and returned to the parties.

What happens at the conclusion of a Conciliation Conference?

If agreement is reached at a conciliation conference, the Family Court proceedings can be finalised by consent, with the Registrar pronouncing Orders in chambers if they are satisfied that the [Orders agreed between the parties are just and equitable](#).

If agreement is not reached, the Registrar may schedule a further conciliation conference if the parties and the Registrar consider this will be beneficial. Otherwise, the Registrar will make Orders placing the matter in the Defended List (the Defended List is all of the matters awaiting allocation of a Readiness Hearing and, ultimately, trial) and making procedural Orders for the matter to proceed to trial. This includes Orders for the parties to file further court documents setting out their position and evidence to be relied upon at trial.

Get help from a family lawyer

If you'd like to consider conciliation or mediation options for your family law dispute or you need advice in respect of any other family law issues, please get in touch with one of our team members.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.