



The Readiness Hearing

Information for participants
FAMILY COURT OF WESTERN AUSTRALIA

This brochure will tell you

- Why you need to have a Readiness Hearing.
- How to prepare for your Readiness Hearing.
- What will happen at the Readiness Hearing.
- What will happen after the Readiness Hearing.

Why have a Readiness Hearing?

The Readiness Hearing is when the Registrar decides whether your case is ready to go to trial.

You must attend your Readiness Hearing unless your lawyer attends or the Registrar has given you permission not to attend.

If the Readiness Hearing is not able to proceed for any reason the Registrar may list the case before a Judicial Officer to decide whether it should be dismissed, or orders for costs made.

When will my Readiness Hearing be held?

You will have been informed of the date of your Readiness Hearing, usually by letter, about two months before the date which has been set for the Readiness Hearing.

How to prepare for the Readiness Hearing

At a previous court appearance the Judicial Officer will have made directions which need to have been completed by the Readiness Hearing. You will need to make sure that you have followed them.

At least **21 days** before the Readiness Hearing, both parties file and serve their trial affidavits. If one of your witnesses has refused to provide an affidavit, you must file a written notice stating the witness's name.

If previously ordered to do so, the applicant must file and serve a chronology of significant events:

- The chronology should generally not be longer than four pages.
- It should include the dates of significant financial events such as the purchase of property, inheritances and damages awards.
- If the respondent disputes matters in the chronology, they will be required to provide a schedule after the Readiness Hearing identifying the points of difference.
- If the other party agrees with your version of events, a joint chronology may be filed.

At least **7 days** before the Readiness Hearing each party must file a written notice confirming that they have complied with the duty of disclosure.

It is very important that you obtain information from the Court about your duty of disclosure. For more information read the brochure "Duty of Disclosure" available from the Family Court of WA registry or website.

What will happen at the Readiness Hearing?

On the day of the Readiness Hearing, you will be expected to answer questions about:

- The issues of fact and law.
- Whether any amendment to an application is anticipated or required, including the consolidation of application.
- Compliance with the Rules and any previous directions or orders of the Court.
- Completion of all necessary interlocutory matters, including discovery and inspection.
- Whether each party has provided to each other party a list of all witnesses who have refused to swear an affidavit.
- Whether affidavits of all other witnesses to be called have been filed and exchanged with all other parties.
- Which of the other party's witnesses will not be required for cross-examination.
- The availability of counsel (lawyers) and each witness.
- Whether the matter requires a fixed date for trial.
- The time likely to be taken in examination of any witness who has refused to swear an affidavit and the time likely to be taken in cross-examination of each other witness.
- Whether interpreters are required.
- Whether video or telephone link facilities are required.
- Whether a bring up order is required.

What happens after the Readiness Hearing?

The Registrar will allocate the case to the list of matters awaiting a Callover. You will be informed by the Court when your case is listed for Callover where it will be allocated a trial date.

The Registrar may make directions about payment of the setting down and hearing fees, if they have not already been paid.

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 10am to 4pm on Saturdays.

For more information about the Family Court of Western Australia, 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 Western Australia 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 Western Australia
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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