



Government of **Western Australia**
Department of **Justice**

**Report on Civil Cases in the
District Court
of Western Australia
2012/13 to 2016/17**

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About this Report

The Department has committed to regularly publishing a wide range of statistics relating to the operation of its various business areas.

The purpose of this report is to provide information about the work carried out by the District Court of Western Australia. A number of different statistics have been included that illustrate different aspects of the civil court process. Care must be taken in interpreting these statistics. It is NOT possible to compare one indicator with another as the methods of counting are not aligned.

Separate counting rules that best illustrate the work of the court are utilised for each statistic. Please read the counting rules on each page to help interpret the data.

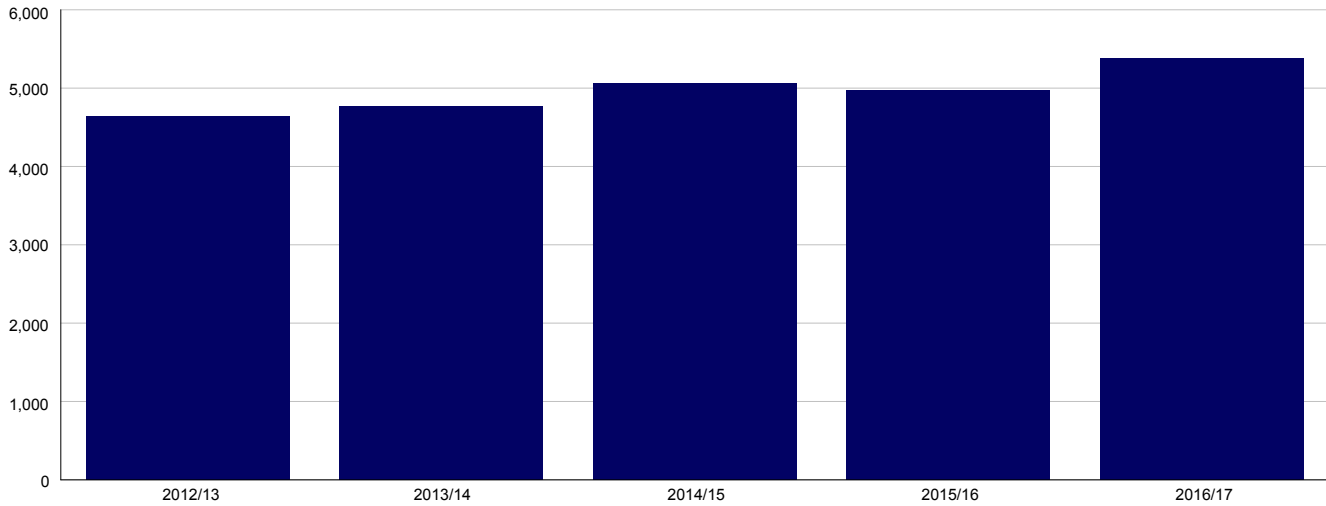
This version of the report was produced on 04 October 2017. Any variances between figures in this report and other publications may be due to differences in the date the report was produced, and the Department's commitment to the continual maintenance and improvement of data capture and storage.

Requests for additional data:

The Department regularly receives requests from media outlets for customised statistics. All requests for customised figures are considered on a case by case basis. The Department will generally supply such information only where the:

- information is stored in a way that it is easily retrievable; and
- amount of work required to compile and supply customised information is reasonable.

Civil Case Lodgments



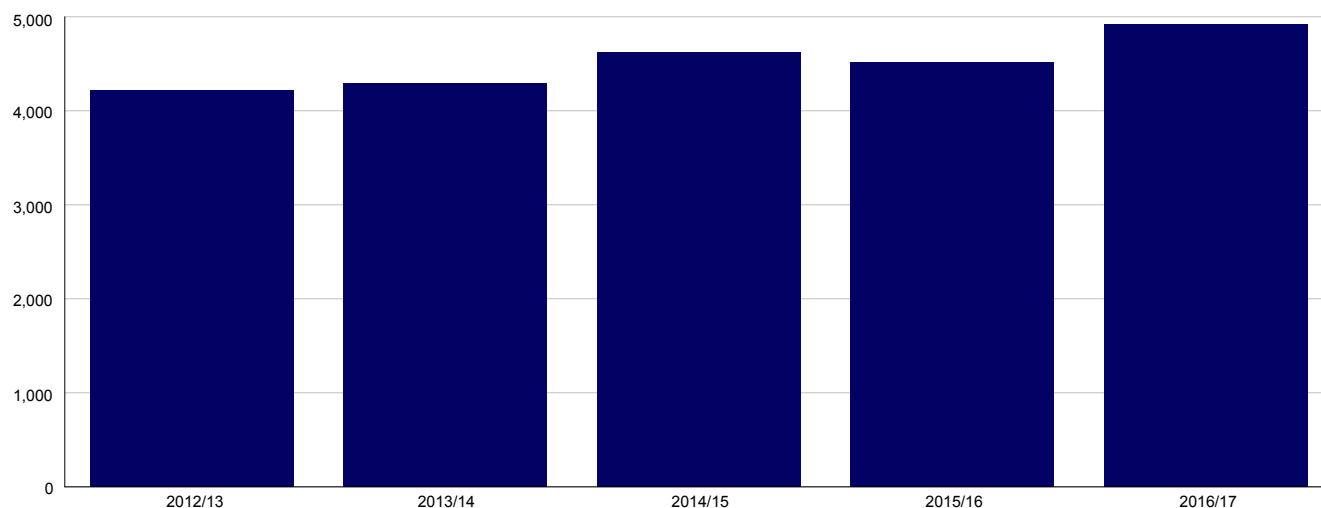
Civil Cases Lodged

Matter Type	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Appeals File	121	119	119	112	112	0.0%	-7.4%
Civil (Originating Summons)	233	254	212	253	225	-11.1%	-3.4%
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	4,230	4,298	4,629	4,521	4,926	9.0%	16.5%
Proceeds of Crimes	13	13	18	20	14	-30.0%	7.7%
Restraining Order	55	92	97	73	118	61.6%	114.5%
Total	4,652	4,776	5,075	4,979	5,395	8.4%	16.0%

Counting Rules:

- These are the number of civil cases lodged in the District Court in Western Australia, broken down by case type.
- The unit of measure is the number of new cases commenced in the court during the reporting period.
- If 'n/a' is present in the % Change column, the values of the columns in the table being compared are less than or equal to 10. It is not appropriate to make statistical comparisons for variables with values this low.
- The large increase in the number of civil (originating summons) cases lodged in 2010/11 is attributed to court fines for ignoring a jury summons or for failing to obey the direction of a jury pool supervisor being transferred from the criminal division where it was recorded as a miscellaneous criminal matter, to the civil division where it was recorded as a civil (originating summons) matter. Simultaneously, the Court processed a backlog of such matters. In October 2011, an amendment to the legislation gave the Sheriff's Office the authority to issue infringements for these matters.

Civil Writ (CIV) Register Lodgments



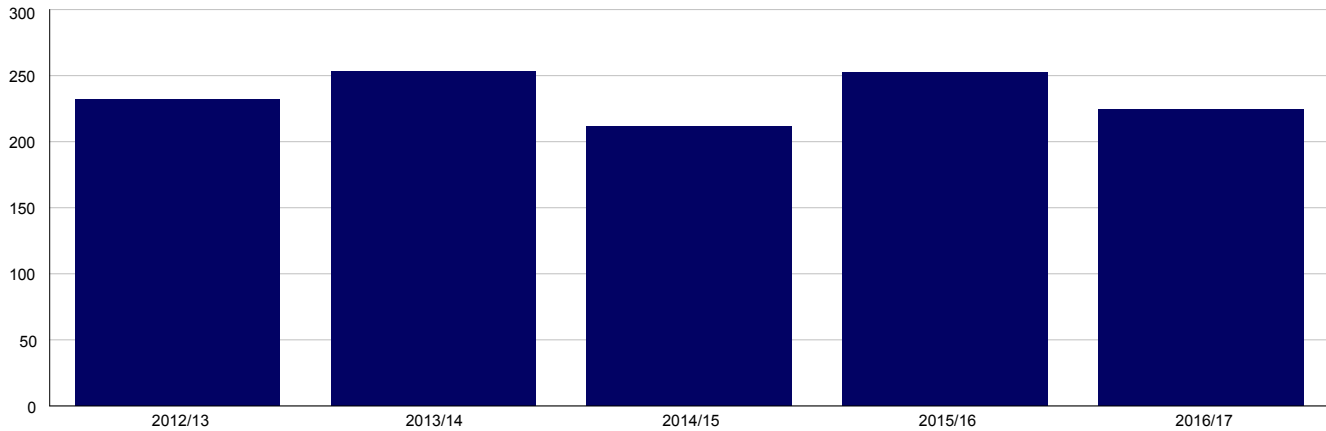
Civil Writ Cases Lodged

Remedy Type	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Civil Debt Recovery	820	937	877	633	1,066	68.4%	30.0%
Damages - Personal Injury - Ward of State	8	6	4	7	9	n/a	n/a
Damages Fatal Accident		15	19	23	29	26.1%	n/a
Damages General (Other)	150	166	233	204	212	3.9%	41.3%
Damages Medical Negligence	103	97	123	90	92	2.2%	-10.7%
Damages Personal Injury - No Category	633	662	536	495	517	4.4%	-18.3%
Damages Worker Injury	1,076	1,214	1,510	1,797	1,841	2.4%	71.1%
Damages for Motor Vehicle Accident	1,156	965	1,105	1,107	991	-10.5%	-14.3%
Damages for Occupiers Accident	183	156	187	128	112	-12.5%	-38.8%
Resolution of Commercial Claim	101	80	35	37	55	48.6%	-45.5%
Resolution of General Civil Application					2	n/a	n/a
Total	4,230	4,298	4,629	4,521	4,926	9.0%	16.5%

Counting Rules:

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Originating Summons (CIVO) Register Lodgments



Remedy Type	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Application for a conviction to be spent (section 6, Spent Convictions Act 1988)	18	27	18	36	26	-27.8%	44.4%
Application to fix a hearing for a reporting order (section 16, Community Protection (Offender Reporting) Act 2004)	3		2			n/a	n/a
Compromise	10	17	21	28	17	-39.3%	n/a
Contempt of Court (section 63, District Court of Western Australia Act 1969)	9	13	7	8	11	n/a	n/a
Extraordinary Driver's Licence Application	1	6	4	7	4	n/a	n/a
Leave for the Crown to intervene and be joined as a party (section 8, Crown Suits Act 1947)			1			n/a	n/a
Leave for the extension of time to bring an action (section 47A, Limitation Act 1935)					1	n/a	n/a
Order for motor vehicle third party action or proceeding be commenced (section 29(2), Motor Vehicle (Third Party Insurance) Act 1943)	9	3	1	4		n/a	n/a
Proceeds of Crime		1		1	1	n/a	n/a
Registration of Judgment/Order	20	27	20	16	36	125.0%	80.0%
Remove Driver's Licence Disqualification Application	99	108	92	96	87	-9.4%	-12.1%
Resolution of General Civil Application	64	52	46	57	42	-26.3%	-34.4%
Total	233	254	212	253	225	-11.1%	-3.4%

Counting Rules:

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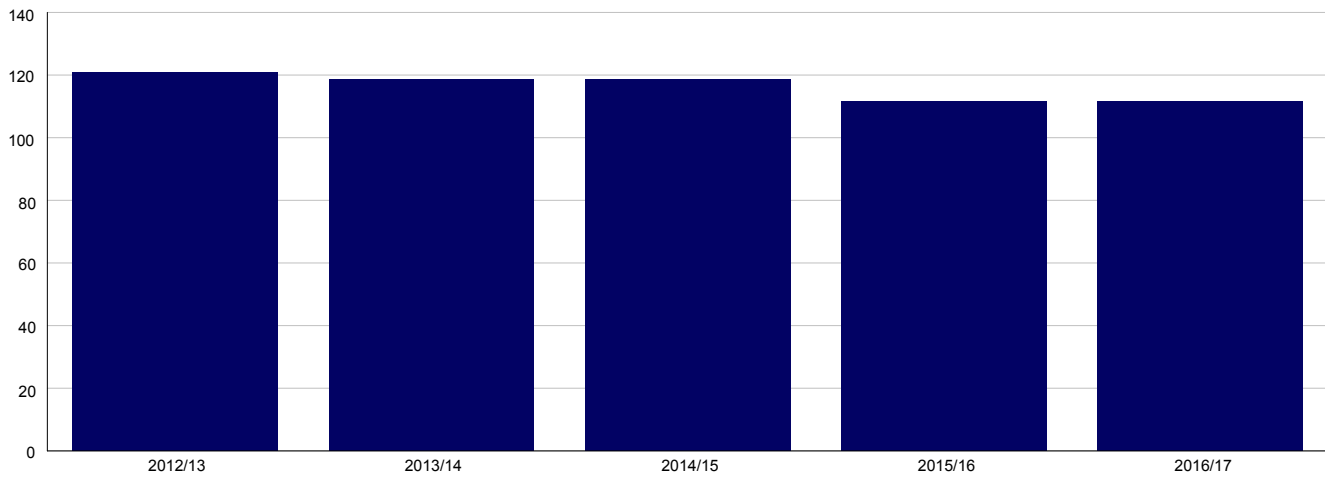
(b) The unit of measure is the number of new cases commenced in the court during the reporting period.

(c) If 'n/a' is present in the % Change column, the values of the columns in the table being compared are less than or equal to 10. It is not appropriate to make statistical comparisons for variables with values this low.

(d) The large increase in the number of civil (originating summons) cases lodged in 2010/11 is attributed to court fines for ignoring a jury summons or for failing to obey the direction of a jury pool supervisor being transferred from the criminal division where it was recorded as a miscellaneous criminal matter, to the civil division where it was recorded as a civil (originating summons) matter. Simultaneously, the Court processed a backlog of such matters. In October 2011, an amendment to the legislation gave the Sheriff's Office the authority to issue infringements for these matters.

Appeal Register Lodgments

Appeals File (APP) matters lodged in the last 2 years



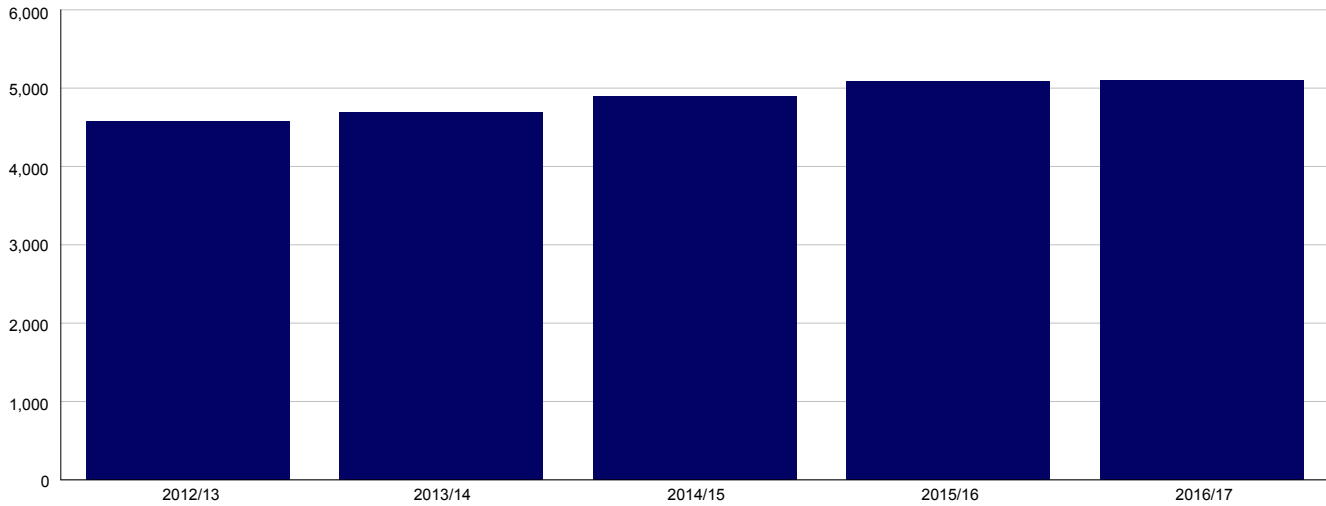
Civil Appeal Cases Lodged

Remedy Type	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Appeal from Criminal Injuries Compensation	36	29	27	24	30	25.0%	-16.7%
Appeal from Magistrates Court	68	61	62	62	63	1.6%	-7.4%
Appeal from other Jurisdiction			2	2	7	n/a	n/a
Appeal under the Workers Compensation and Injury Management Act	17	29	28	24	12	-50.0%	-29.4%
Total	121	119	119	112	112	0.0%	-7.4%

Counting Rules:

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Civil Case Finalisations



Civil Case Finalisations

Register	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Appeals File	113	98	117	102	105	2.9%	-7.1%
Australian Register of Judgements		1				n/a	n/a
Civil (Originating Summons)	202	262	224	220	220	0.0%	8.9%
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	4,215	4,241	4,465	4,686	4,651	-0.7%	10.3%
Freezing Notice					2	n/a	n/a
Proceeds of Crimes	6	10	8	16	10	n/a	n/a
Restraining Order	53	88	98	74	117	58.1%	120.8%
Total	4,589	4,700	4,912	5,098	5,105	0.1%	11.2%

Counting Rules:

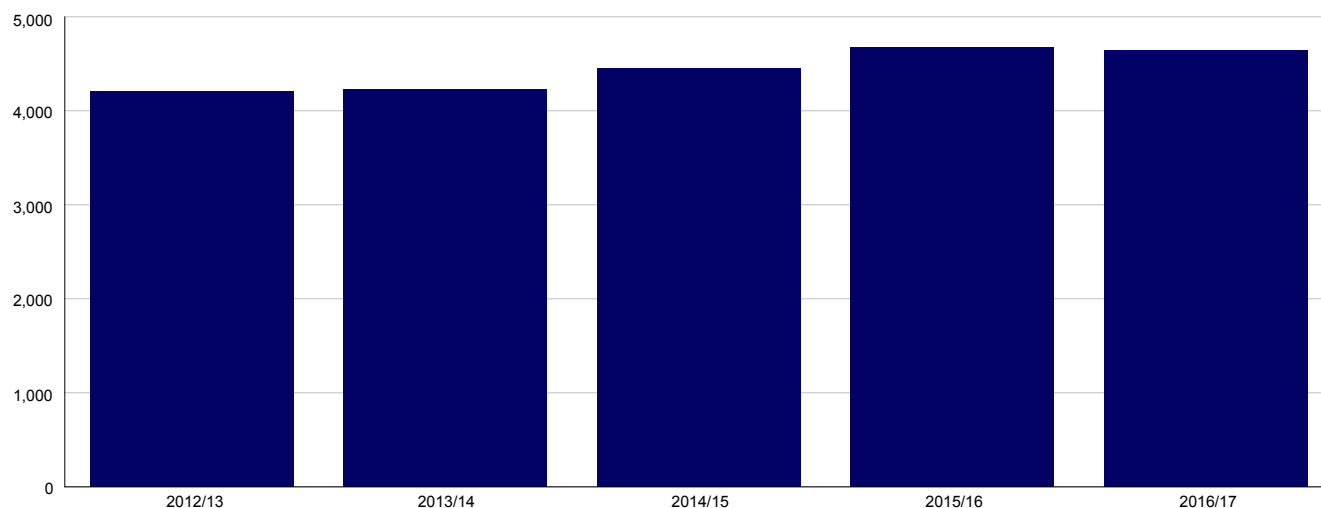
(a) These are the number of civil cases finalised in the District Court in Western Australia, broken down by case type.

(b) Only the initial finalisation of a case is counted here.

(c) If 'n/a' is present in the % Change column, the values of the columns in the table being compared are less than or equal to 10. It is not appropriate to make statistical comparisons for variables with values this low.

(d) The large increase in the number of civil (originating summons) cases lodged in 2010/11 is attributed to court fines for ignoring a jury summons or for failing to obey the direction of a jury pool supervisor being transferred from the criminal division where it was recorded as a miscellaneous criminal matter, to the civil division where it was recorded as a civil (originating summons) matter. Simultaneously, the Court processed a backlog of such matters. In October 2011, an amendment to the legislation gave the Sheriff's Office the authority to issue infringements for these matters.

Civil Writ (CIV) Register Finalisations



Civil Writ Cases Completed

Remedy Type Code	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Civil Debt Recovery	744	753	787	834	803	-3.7%	7.9%
Commercial	147	115	66	49	54	10.2%	-63.3%
Damages Fatal Accident		1	13	9	15	n/a	n/a
Damages General		1			1	n/a	n/a
Damages General (Other)	131	154	198	216	202	-6.5%	54.2%
Damages General (Personal Inj)			1			n/a	n/a
Damages Medical Negligence	74	78	102	96	103	7.3%	39.2%
Damages Occupiers Accident	213	185	163	142	126	-11.3%	-40.8%
Damages Pers Inj - Ward State	5	5	8	4	2	n/a	n/a
Damages Pers Inj - No Category	657	709	568	516	522	1.2%	-20.5%
Damages Worker Injury	1,077	1,206	1,477	1,768	1,797	1.6%	66.9%
Damages, MV Accident	1,167	1,034	1,082	1,052	1,023	-2.8%	-12.3%
Disability Percentage Assessme					1	n/a	n/a
					2	n/a	n/a
Total	4,215	4,241	4,465	4,686	4,651	-0.7%	10.3%

Counting Rules:

- These are the number of civil cases completed in the District Court in Western Australia, broken down by case type.
- Only the initial finalisation of a case is counted here.
- If 'n/a' is present in the % Change column, the values of the columns in the table being compared are less than or equal to 10. It is not appropriate to make statistical comparisons for variables with values this low.

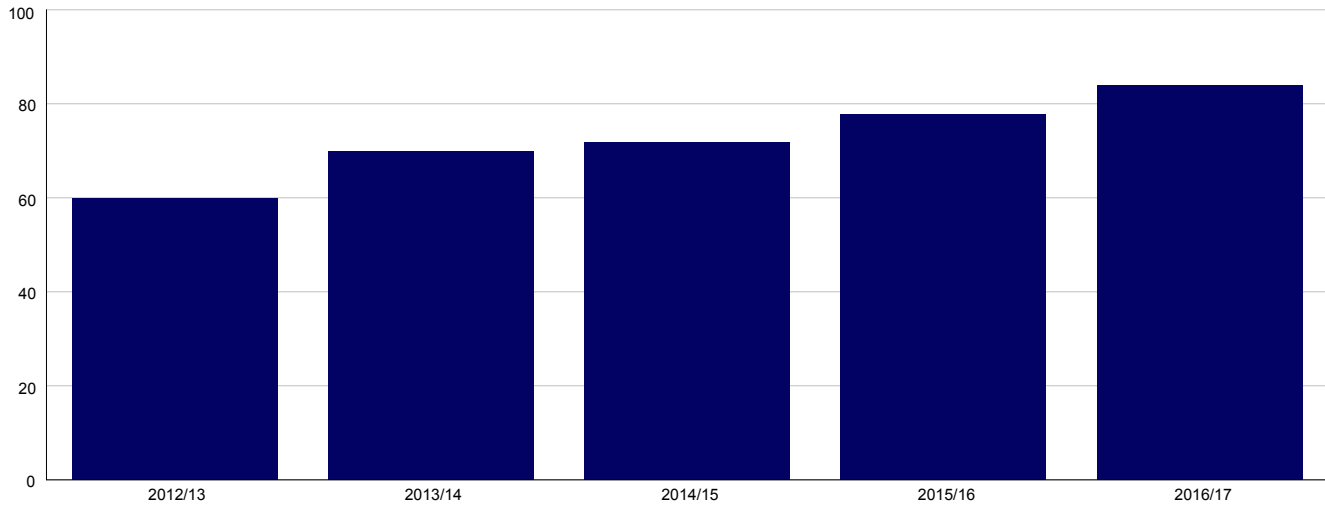
Civil Case Finalisation Reasons

Completion Reason Group	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Action Consolidated	16	16	11	8	4	n/a	n/a
Appeal Finalised	45	45	54	52	66	26.9%	46.7%
CIVO Application Finalised	161	209	165	172	172	0.0%	6.8%
Cancelled	2	4		1	4	n/a	n/a
Consent Judgement	2,239	2,408	2,646	2,814	2,842	1.0%	26.9%
Consent Order			1			n/a	n/a
Discontinued	315	281	250	272	287	5.5%	-8.9%
Dismissed			2		1	n/a	n/a
Due To Case Management	517	446	511	512	479	-6.4%	-7.4%
Final Restraining Order	52	86	98	72	117	62.5%	125.0%
Finalised by Order	121	126	113	122	114	-6.6%	-5.8%
Judgment Default Of Appearance	285	300	260	271	275	1.5%	-3.5%
Judgment Default Of Defence	42	59	69	90	43	-52.2%	2.4%
No Further Action Required	6	7	11	6	22	n/a	n/a
Order For Compromise	70	97	80	76	77	1.3%	10.0%
Other	1		2	1	1	n/a	n/a
Party in External Administration	16	3	1		1	n/a	n/a
Remitted to Another Court	13	24	20	15	20	33.3%	53.8%
Settled Following Pre-Trial Conference	688	585	615	614	580	-5.5%	-15.7%
Stayed		4	3			n/a	n/a
Total	4,589	4,700	4,912	5,098	5,105	0.1%	11.2%

Counting Rules:

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- (b) Only the initial finalisation of a case is counted here.
- (c) If 'n/a' is present in the % Change column, the values of the columns in the table being compared are less than or equal to 10. It is not appropriate to make statistical comparisons for variables with values this low.

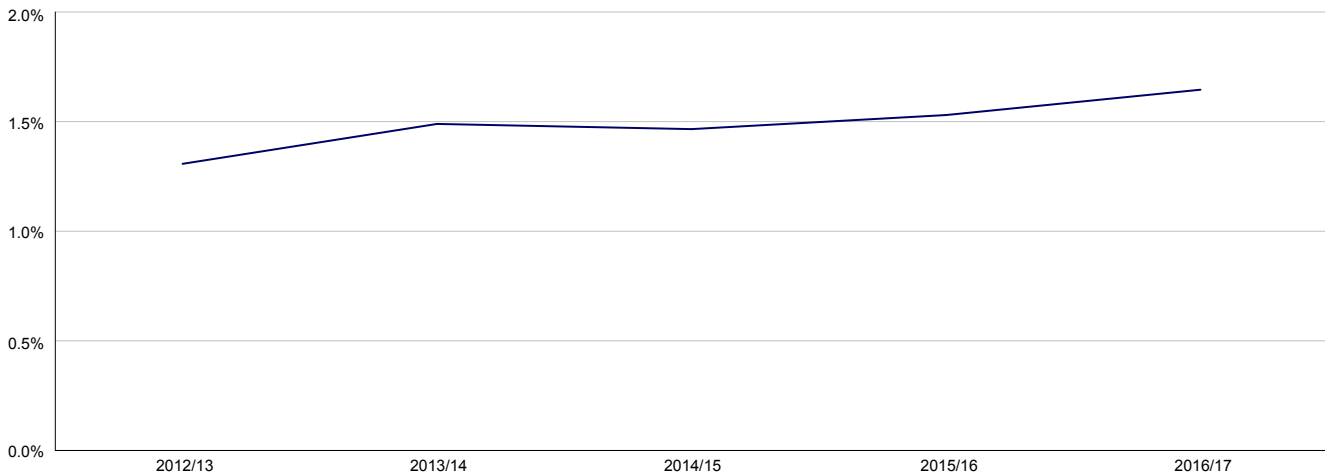
Civil Finalisations by Trial



Civil Trial Finalisations

	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Finalised Without Trial	4,529	4,630	4,840	5,020	5,021	0.0%	10.9%
Finalised by Trial	60	70	72	78	84	7.7%	40.0%
Total	4,589	4,700	4,912	5,098	5,105	0.1%	11.2%
Per cent finalised by trial	1.3%	1.5%	1.5%	1.5%	1.6%	7.5%	25.8%

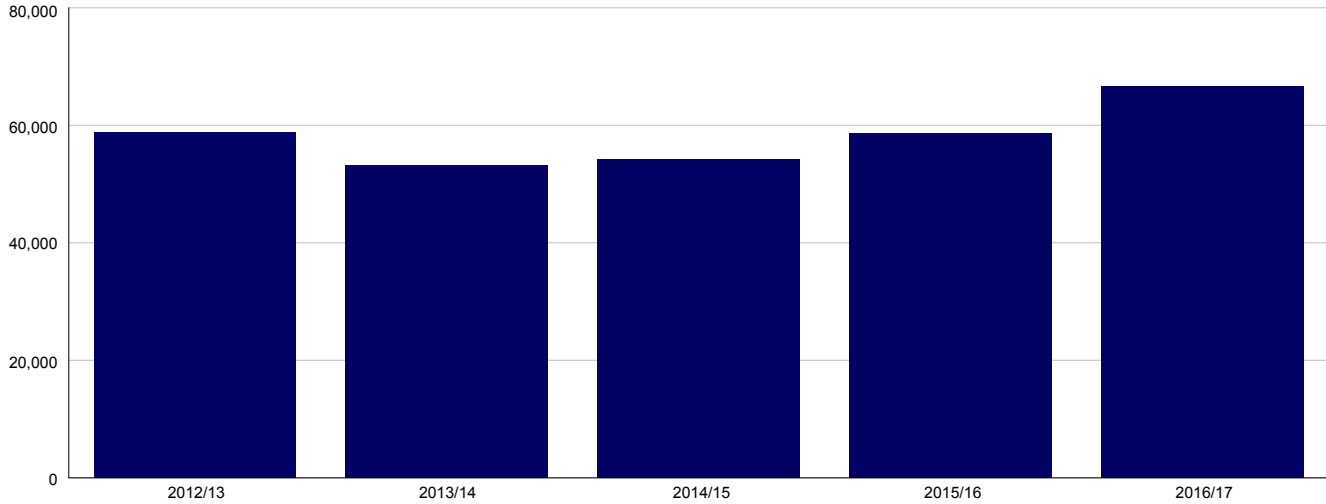
% Civil Finalisations by Trial



Counting Rules:

- These are the number of civil cases which were finalised in the District Court in Western Australia, broken down by whether a trial proceeded or not for the matter.
- When parties to a civil dispute are not able to resolve their case by alternative dispute resolution or other means, the case will progress to a trial where the evidence and law are heard and considered in court by a judicial officer and a decision is made to resolve the case.
- If 'n/a' is present in the % Change column, the values of the columns in the table being compared are less than or equal to 10. It is not appropriate to make statistical comparisons for variables with values this low.

Civil Documents Lodged



Civil Documents Lodged

Matter Type	2012/13	2013/14	2014/15	2015/16	2016/17	% Change 1 Year	% Change 5 Years
Appeals File	1,669	1,202	1,544	1,555	2,217	42.6%	32.8%
Australian Register of Judgements	45	1				n/a	n/a
Civil (Originating Summons)	1,615	1,674	1,580	1,708	2,226	30.3%	37.8%
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	55,177	49,698	50,542	54,911	61,316	11.7%	11.1%
Criminal Property Confiscation Act	25	12	30	17	40	135.3%	60.0%
Proceeds of Crimes	107	185	164	246	316	28.5%	195.3%
Restraining Order	316	477	495	366	600	63.9%	89.9%
Total	58,954	53,249	54,355	58,803	66,715	13.5%	13.2%

Counting Rules:

(a) These are the number of civil documents lodged in the District Court in Western Australia, broken down by matter type.

(b) If 'n/a' is present in the % Change column, the values of the columns in the table being compared are less than or equal to 10. It is not appropriate to make statistical comparisons for variables with values this low.

Appendix One--Definitions

The following are definitions of case types and remedy types that are used within the District Court.

Case Types

Matters lodged within the District Court are classified by case type. The following definitions specify the differences between the case types used.

Appeals File

A file that has been created in the current court as a result of an appeal to an order or judgement made in a lesser court. If the appellant feels the decision was unjust and wishes to have that matter reviewed, they file an appeal.

Australian Register of Judgements

Refers to the enforcement of judgements that were given at a different court interstate. For the judgement to be enforced in this state, it must first be registered with the court that has the jurisdiction to enforce such a judgement.

Civil (Originating Summons)

Civil proceedings between parties that are not commenced by writ are commenced by originating summons. Originating Summons refers to matter where the facts of the case are agreed, but the Judge must decide in the meaning of a particular law.

Remedy Types

Within each case type, matters lodged within the District Court are also classified by remedy type. The following definitions specify the differences between the remedy types used.

Appeal from Criminal Injuries Compensation

Appealing the result of the criminal compensation.

Appeal from Magistrates Court

The Appellant disagrees with the Magistrates decision and had the right to appeal the decision in the District Court.

Appeal from other Jurisdiction

An appeal moved to a different court, not necessarily a higher court.

Appeal under the Workers Compensation and Injury Management Act

An appeal against the decision of the Registrar or Arbitrator of the Workers' Compensation Arbitration Service.

Application for a conviction to be spent (section 6, Spent Convictions Act 1988)

An application to declare a conviction spent.

Application to fix a hearing for a reporting order (section 16, Community Protection (Offender Reporting) Act 2004)

An application by the Commissioner of Police for a court order that a person comply with the reporting obligations of this Act.

Bills of Costs

An application to a court to determine the costs to be paid at the completion of an action.

Civil Debt Recovery

A civil action claiming a specified monetary amount.

Compensation/Restitution Order (Criminal Court)

The *Sentencing Act 1995* allows for the making of a compensation/restitution order in favour of a victim of crime. The person can enforce the order by lodging it at a court as a judgement.

Civil Cause (Writ of Summons - Proceeded by Pleadings)

A civil action that has commenced by an issue of a Writ of Summons. These are actions in which damages (monetary compensation) are sought. A writ is the form used for issues of factual disputes to be determined in open court.

Proceeds of Crimes

Proceeds of crime are assets that have been obtained unlawfully. Individuals who have unexplained wealth can be court ordered to provide evidence on how they gained their assets. The responsibility of proving the property was lawfully obtained is of the respondent, and unexplained wealth may be confiscated and forfeited to the state.

Restraining Order

An application to vary or cancel a Restraining Order made pursuant to S63 or 63A of the *Restraining Orders Act 1997*.

Compromise

Both parties come to a compromise, generally all parties agree to terms and conditions.

Contempt of Court (section 63, District Court of Western Australia Act 1969)

Contempt of court is behaviour that opposes or defies the authority, justice, and dignity of the court. Contempt charges may be brought against parties to proceedings; lawyers or other court officers or personnel; jurors and witnesses.

Damages Personal Injury – Ward of State

People in care of the state usually under the age of 18. Who are claiming damages for personal injuries.

Damages Fatal Accident

Claim for damages by entitled persons for a wrongful death of another pursuant to the *Fatal Accidents Act 1969*. Claims can be for economic loss and expenses.

Damages for Motor Vehicle Accident

Claims for damages or injuries that have occurred in motor vehicle accidents.

Damages for Occupiers Accident

Claims for damages occurred in places of business in which the claimant is not an employee or contractor.

Damages General (Other)

Any claim that is for damages.

Damages Medical Negligence

Damages claims against medical practitioners and prospective health care providers and services.

Damages Personal Injury – No Category

Claims for personal injuries generally for damages.

Appendix One--Definitions continued

Remedy Types continued

Damages Worker Injury

Claims against employers for injuries that occur in course of employment.

Extraordinary Driver's Licence Application

An application for an extraordinary licence as per section 76 of the *Road Traffic Act 1974* or (section 27 of the *Road Traffic (Authorisation to Drive) Act 2008*

Fine for an offence by juror or other person (section 55, Juries Act 1957)

A fine imposed on a juror who fails to obey a summons or any other person relating to service as a juror.

Insurance Act

A claim under the Insurance Act (Commonwealth) is to protect the interests of policyholders and prospective policyholders under insurance policies (issued by general insurers and Lloyd's underwriters). A claim may be made if a policyholder has a valid claim and the Insurance Company may be insolvent.

Leave for the Crown to intervene and be joined as a party (section 8, Crown Suits Act 1947)

Application for leave for the Crown to intervene and be joined as a party in any civil proceedings. An application can be made by any party or of the Attorney General.

Leave for the extension of time to bring an action (section 47A, Limitation Act 1935)

An application for leave to commence an action before the expiration period on which the cause or action accrued where the prescribed notice of the action has not been given.

Leave to Bring Action Under Fatal Accidents Act 1959

The Fatal Accidents Act allows an action to compensate the families of persons killed by accident, where, if the deceased had no died, the deceased could have brought an action against that person in damages. Under the Act, a person is liable for damages where the cause of death is by a wrongful act, neglect or default of that person. Leave is required if the action is commenced more than 3 years after death: *Limitations Act 2005*.

Order for motor vehicle third party action or proceeding be commenced (section 29(2), Motor Vehicle (Third Party Insurance) Act 1943)

Order requiring a person who has made a claim to commence proceedings.

Order Pursuant to Criminal Property Confiscation Act

An order for the confiscation (in certain circumstances) of property acquired as a result of criminal activity and property used for criminal activity.

Proceeds of Crime

An application for the forfeiture of the proceeds of a crime.

Prohibited Behaviour Order

An order as per the *Prohibited Behaviour Orders Act 2010* constraining offenders with a history of anti-social behaviour.

Registration of Judgement/Order

An application to register a judgement or order from another jurisdiction.

Remove Driver's Licence Disqualification Application

An application for the removal of a driver's licence disqualification as per section 24 of the *Road Traffic (Authorisation to Drive) Act 2008*. The disqualification must have been ordered by the District Court and be for a period exceeding 3 years. Generally, applications are in respect of the removal of a permanent (more than 20 years) disqualification.

Resolution of Commercial Claim

A commercial claim is a claim that does not involve a claim for personal damages (injury in a motor vehicle, workers compensation or physical injury to a person generally). Typically, it is a claim for a breach of contract.

Resolution of General Civil Application

A general civil application is an action in damages between non-commercial parties. Refer now to remedy type 'Damages' and the several categories.

Restraining Order (section 63, Restraining Orders Act 1997)

An order prohibiting a person from making threats, damaging property, causing violence or emotional abuse to a protected person.

Violence Restraining Order (section 63A, Restraining Orders Act 1997)

An order prohibiting a person from making threats, damaging property, causing violence or emotional abuse to a protected person for the term of the life of the person who committed a violent personal offence.