



Government of **Western Australia**
Department of the **Attorney General**

**Report on Civil Cases in the
District Court
of Western Australia
2010/11 to 2014/15**

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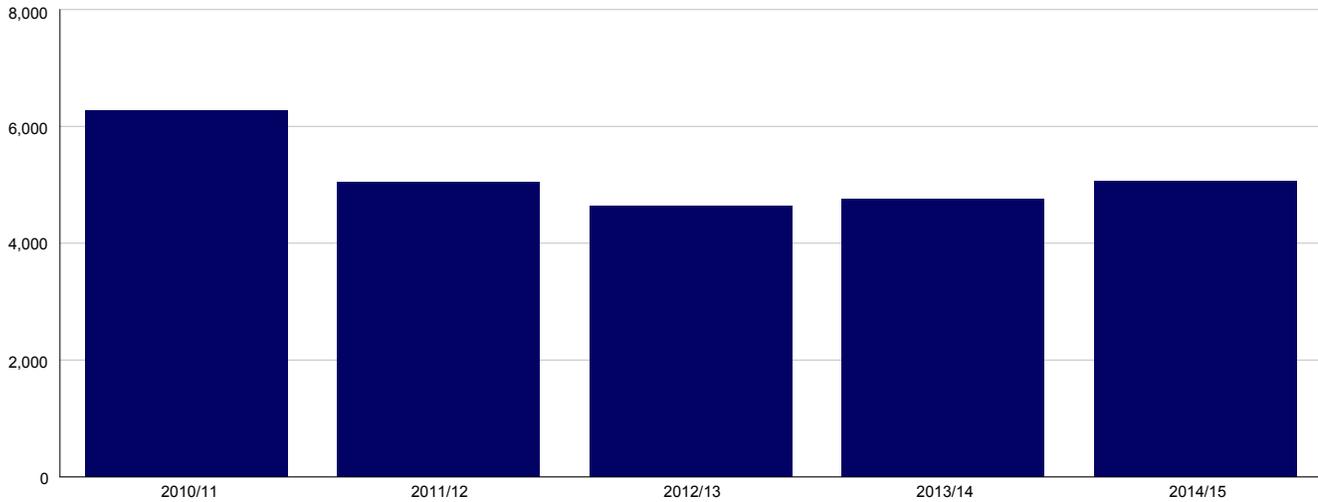
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About this Report

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.

Civil Case Lodgments



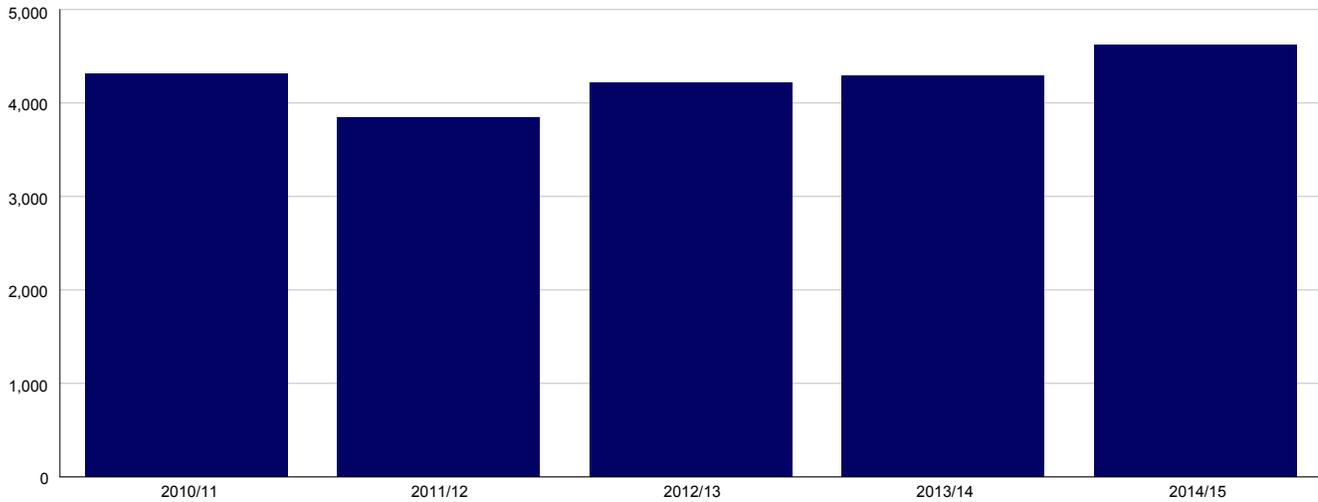
Civil Cases Lodged

Matter Type	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Appeals File	105	99	121	119	119	0.0%	13.3%
Australian Register of Judgements	5					n/a	n/a
Civil (Originating Summons)	1,831	1,102	233	254	212	-16.5%	-88.4%
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	4,323	3,854	4,230	4,299	4,631	7.7%	7.1%
Criminal Property Confiscation Act	1					n/a	n/a
Proceeds of Crimes	13	7	13	13	18	38.5%	38.5%
Restraining Order			55	92	97	5.4%	n/a
Total	6,278	5,062	4,652	4,777	5,077	6.3%	-19.1%

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, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.
- 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



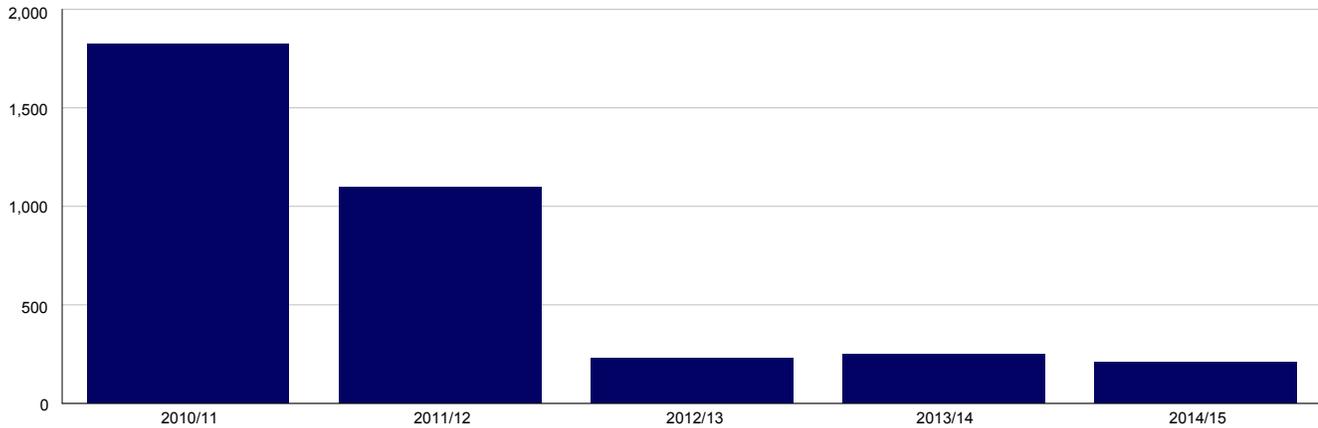
Civil Writ Cases Lodged

Remedy Type	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Civil Debt Recovery	849	549	821	937	877	-6.4%	3.3%
Compromise	1					n/a	n/a
Damages - Personal Injury - Ward of State	12	6	8	6	4	n/a	n/a
Damages Fatal Accident				15	19	26.7%	n/a
Damages General (Other)	139	162	150	166	235	41.6%	69.1%
Damages Medical Negligence	69	96	103	97	119	22.7%	72.5%
Damages Personal Injury - No Category	925	580	634	662	532	-19.6%	-42.5%
Damages Worker Injury	929	841	1,076	1,214	1,518	25.0%	63.4%
Damages for Motor Vehicle Accident	1,076	1,229	1,154	966	1,105	14.4%	2.7%
Damages for Occupiers Accident	133	227	183	156	187	19.9%	40.6%
Insurance Act	1					n/a	n/a
Resolution of Commercial Claim	189	164	101	80	35	-56.2%	-81.5%
Total	4,323	3,854	4,230	4,299	4,631	7.7%	7.1%

Counting Rules:

- These are the number of civil cases lodged in 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.
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Originating Summons (CIVO) Register Lodgments



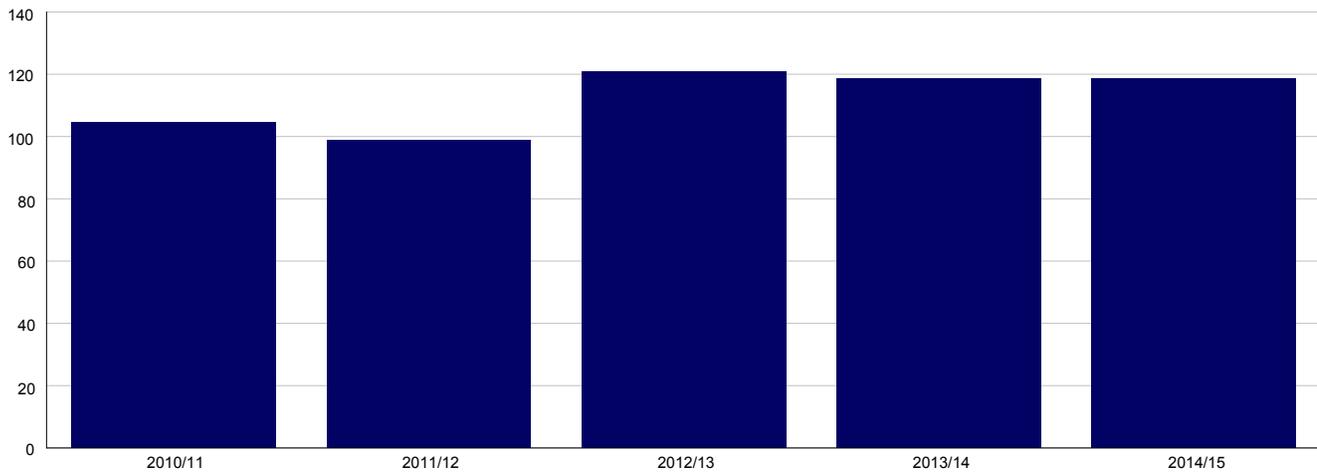
Remedy Type	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Application for a conviction to be spent (section 6, Spent Convictions Act 1988)	9	21	18	27	18	-33.3%	n/a
Application to fix a hearing for a reporting order (section 16, Community Protection (Offender Reporting) Act 2004)	3	3	3		2	n/a	n/a
Bill of Costs	1					n/a	n/a
Civil Debt Recovery	1					n/a	n/a
Compensation/Restitution Order [Criminal Court]	1					n/a	n/a
Compromise	24	31	10	17	21	23.5%	-12.5%
Contempt of Court (section 63, District Court of Western Australia Act 1969)		2	9	13	7	n/a	n/a
Extraordinary Driver's Licence Application	1	4	1	6	4	n/a	n/a
Fine for an offence by juror or other person (section 55, Juries Act 1957)	1,651	835				n/a	n/a
Leave for the Crown to intervene and be joined as a party (section 8, Crown Suits Act 1947)	1				1	n/a	n/a
Leave for the extension of time to bring an action (section 47A, Limitation Act 1935)	10	3				n/a	n/a
Leave to Bring Action Under Fatal Accidents Act 1959	2					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)	12	11	9	3	1	n/a	n/a
Proceeds of Crime		1		1		n/a	n/a
Prohibited Behaviour Order		1				n/a	n/a
Registration of Judgment/Order	11	20	20	27	20	-25.9%	81.8%
Remove Driver's Licence Disqualification Application	52	108	99	108	92	-14.8%	76.9%
Resolution of General Civil Application	52	62	64	52	46	-11.5%	-11.5%
Total	1,831	1,102	233	254	212	-16.5%	-88.4%

Counting Rules:

- (a) These are the number of civil cases lodged in District Court in Western Australia, broken down by case type.
- (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, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.
- (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



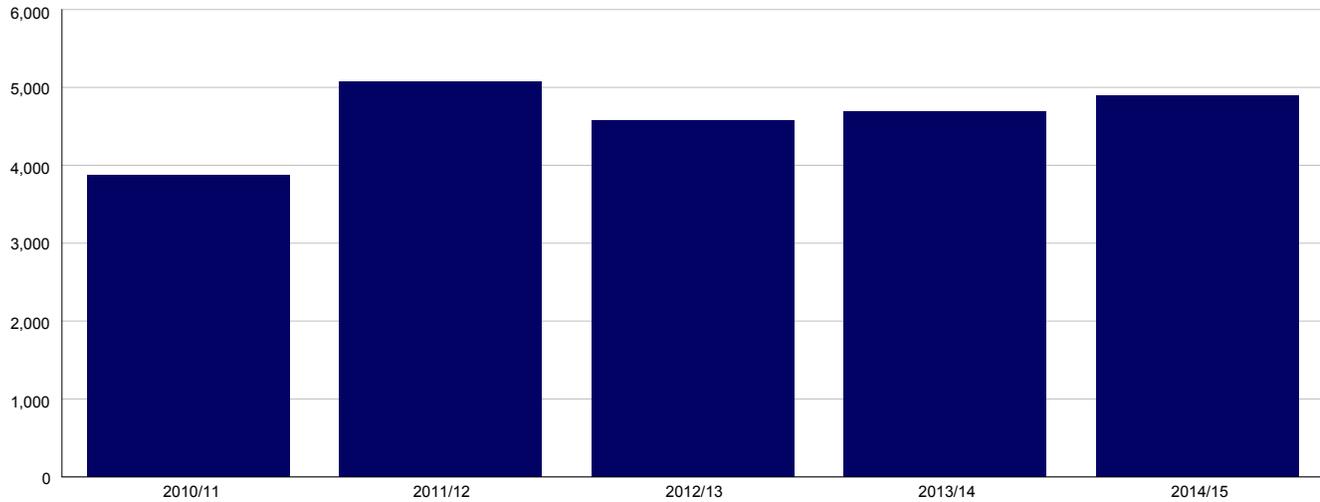
Civil Appeal Cases Lodged

Remedy Type	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Appeal from Criminal Injuries Compensation	32	27	36	29	27	-6.9%	-15.6%
Appeal from Magistrates Court	73	62	68	61	62	1.6%	-15.1%
Appeal from other Jurisdiction					2	n/a	n/a
Appeal under the Workers Compensation and Injury Management Act		10	17	29	28	-3.4%	n/a
Total	105	99	121	119	119	0.0%	13.3%

Counting Rules:

- (a) These are the number of civil cases lodged in District Court in Western Australia, broken down by case type.
- (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, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Civil Case Finalisations



Civil Case Finalisations

Register	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Appeals File	87	104	113	98	117	19.4%	34.5%
Australian Register of Judgements	1			1		n/a	n/a
Civil (Originating Summons)	1,028	1,730	201	259	215	-17.0%	-79.1%
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	2,760	3,238	4,213	4,240	4,464	5.3%	61.7%
Criminal Property Confiscation Act	3	1				n/a	n/a
Proceeds of Crimes	5	13	6	10	8	n/a	n/a
Restraining Order			53	88	98	11.4%	n/a
Total	3,884	5,086	4,586	4,696	4,902	4.4%	26.2%

Counting Rules:

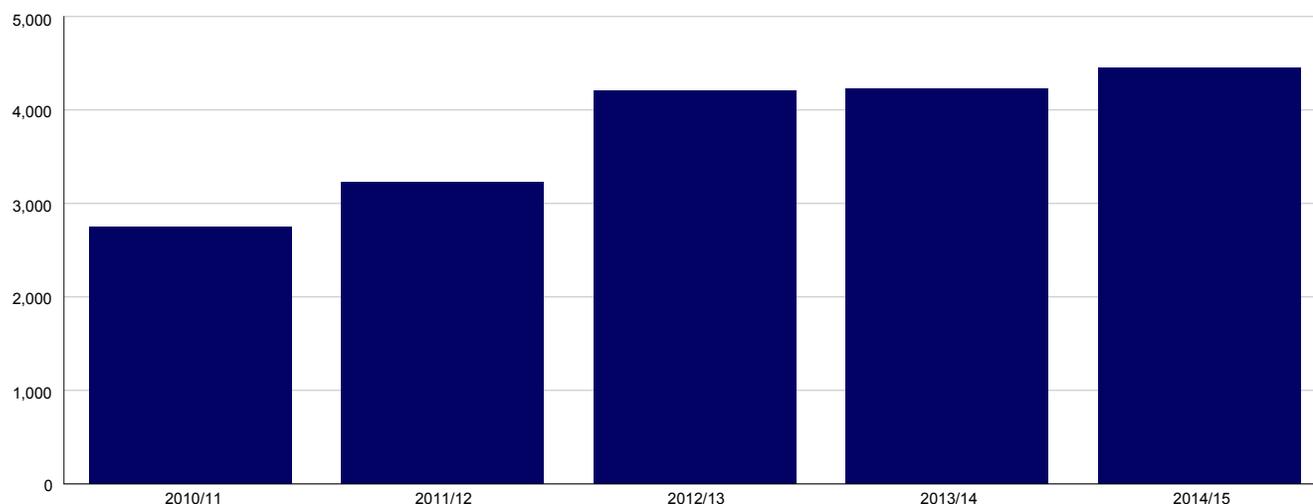
(a) These are the number of civil cases finalised in the District Court in Western Australia, broken down by case type.

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

(c) If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

(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	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Civil Debt Recovery	375	513	745	753	786	4.4%	109.6%
Commercial	108	146	146	115	66	-42.6%	-38.9%
Compromise		1				n/a	n/a
Damages Fatal Accident				1	13	n/a	n/a
Damages General				1		n/a	n/a
Damages General (Other)	63	91	130	154	198	28.6%	214.3%
Damages General (Personal Inj)	2				1	n/a	n/a
Damages Medical Negligence	20	44	74	78	102	30.8%	410.0%
Damages Occupiers Accident	81	146	213	185	163	-11.9%	101.2%
Damages Pers Inj - Ward State	9	7	5	5	8	n/a	n/a
Damages Pers Inj - No Category	551	579	656	709	567	-20.0%	2.9%
Damages Worker Injury	801	851	1,077	1,206	1,478	22.6%	84.5%
Damages, MV Accident	749	858	1,167	1,033	1,082	4.7%	44.5%
Insurance Act		1				n/a	n/a
Professional Negligence	1	1				n/a	n/a
Total	2,760	3,238	4,213	4,240	4,464	5.3%	61.7%

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, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

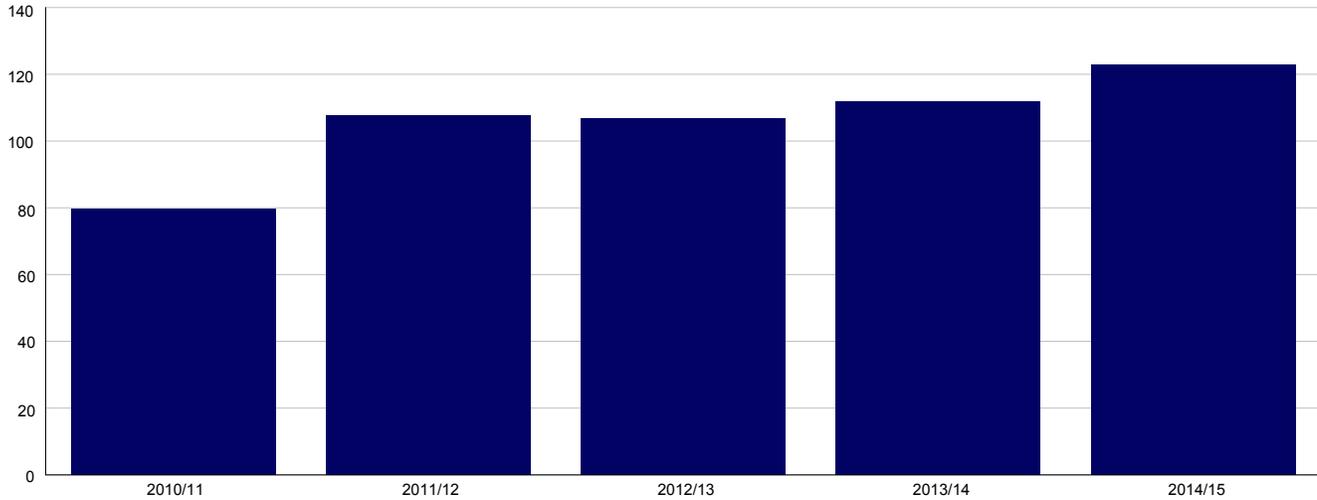
Civil Case Finalisation Reasons

Completion Reason Group	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Action Consolidated	7	16	15	16	11	-31.2%	n/a
Appeal Finalised	57	65	45	45	54	20.0%	-5.3%
CIVO Application Finalised	939	1,555	160	206	158	-23.3%	-83.2%
Cancelled			2	4		n/a	n/a
Consent Judgement	1,675	1,692	2,238	2,407	2,646	9.9%	58.0%
Consent Order					1	n/a	n/a
Conviction		1				n/a	n/a
Discontinued	197	235	315	280	250	-10.7%	26.9%
Dismissed	2				2	n/a	n/a
Due to Case Management		277	517	446	511	14.6%	n/a
Final Restraining Order			52	86	98	14.0%	n/a
Finalised by Order	97	142	121	126	111	-11.9%	14.4%
Judgment default of appearance	265	266	286	301	260	-13.6%	-1.9%
Judgment default of defence	51	57	42	59	69	16.9%	35.3%
Judgment, default of defence	1					n/a	n/a
No Further Action Required	2	3	5	7	11	n/a	n/a
Order for compromise	40	69	70	97	80	-17.5%	100.0%
Other		1			1	n/a	n/a
Party in external admin.	1	1	16	3	1	n/a	n/a
Remitted to Another Court	8	87	13	24	20	-16.7%	n/a
Sentenced			1			n/a	n/a
Settled Following PTC	540	617	688	585	614	5.0%	13.7%
Settled Following Pre-Trial Conference	1					n/a	n/a
Stayed		1		4	3	n/a	n/a
Taxation Complete	1					n/a	n/a
		1			1	n/a	n/a
Total	3,884	5,086	4,586	4,696	4,902	4.4%	26.2%

Counting Rules:

- (a) These are the number of civil cases finalised in the District Court in Western Australia, broken down by completion reason.
- (b) Only the initial finalisation of a case is counted here.
- (c) If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

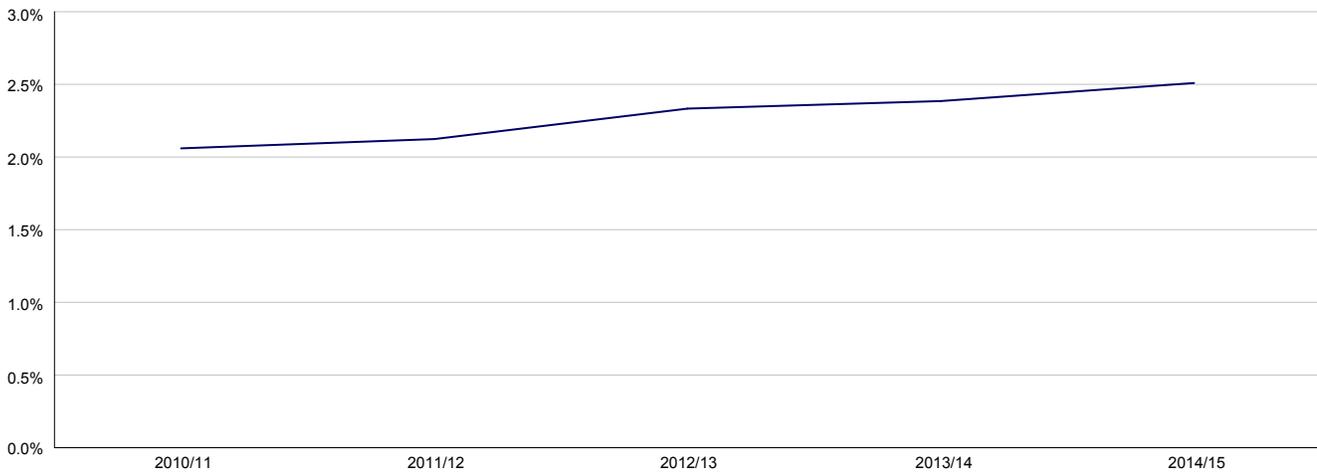
Civil Finalisations by Trial



Civil Trial Finalisations

	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Finalised Without Trial	3,804	4,978	4,479	4,584	4,779	4.3%	25.6%
Finalised by Trial	80	108	107	112	123	9.8%	53.8%
Total	3,884	5,086	4,586	4,696	4,902	4.4%	26.2%
Per cent finalised by trial	2.1%	2.1%	2.3%	2.4%	2.5%	5.2%	21.8%

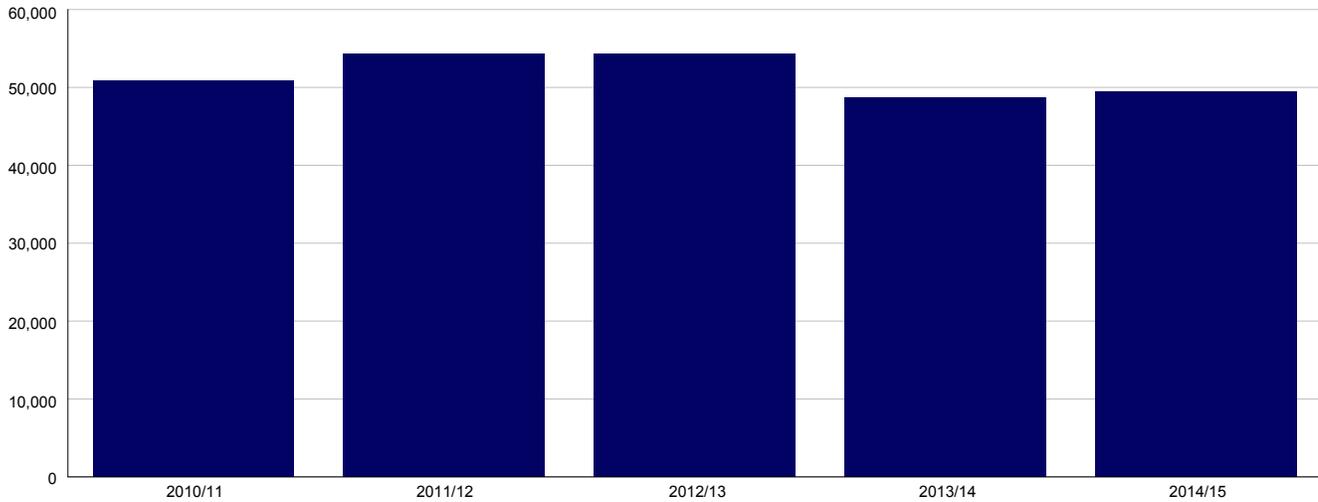
% Civil Finalisations by Trial



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, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

Civil Documents Lodged



Civil Documents Lodged

Matter Type	2010/11	2011/12	2012/13	2013/14	2014/15	% Change 1 Year	% Change 5 Years
Appeal Criminal Injuries	9	1				n/a	n/a
Appeals File	1,404	1,767	1,619	1,152	1,507	30.8%	7.3%
Australian Register of Judgements	21	7	23	1		n/a	n/a
Civil (Originating Summons)	2,811	3,003	1,367	1,378	1,324	-3.9%	-52.9%
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	46,531	49,509	51,153	45,756	46,272	1.1%	-0.6%
Criminal Property Confiscation Act	55	31	25	12	30	150.0%	-45.5%
Proceeds of Crimes	123	76	104	181	164	-9.4%	33.3%
Restraining Order			183	299	297	-0.7%	n/a
Total	50,954	54,394	54,474	48,779	49,594	1.7%	-2.7%

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, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

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.

As well as our Freedom of Information and annual reporting responsibilities, the Department of the Attorney General has now committed to regularly publishing a wide range of statistics relating to the operation of its various business areas.

The Department receives requests from media outlets on a daily basis for customised statistics, which may be beyond the scope of this statistics package.

All media requests for customised figures are considered individually and 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.***