



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

**Report on Civil Cases in the
District Court
of Western Australia
2009/10 to 2013/14**

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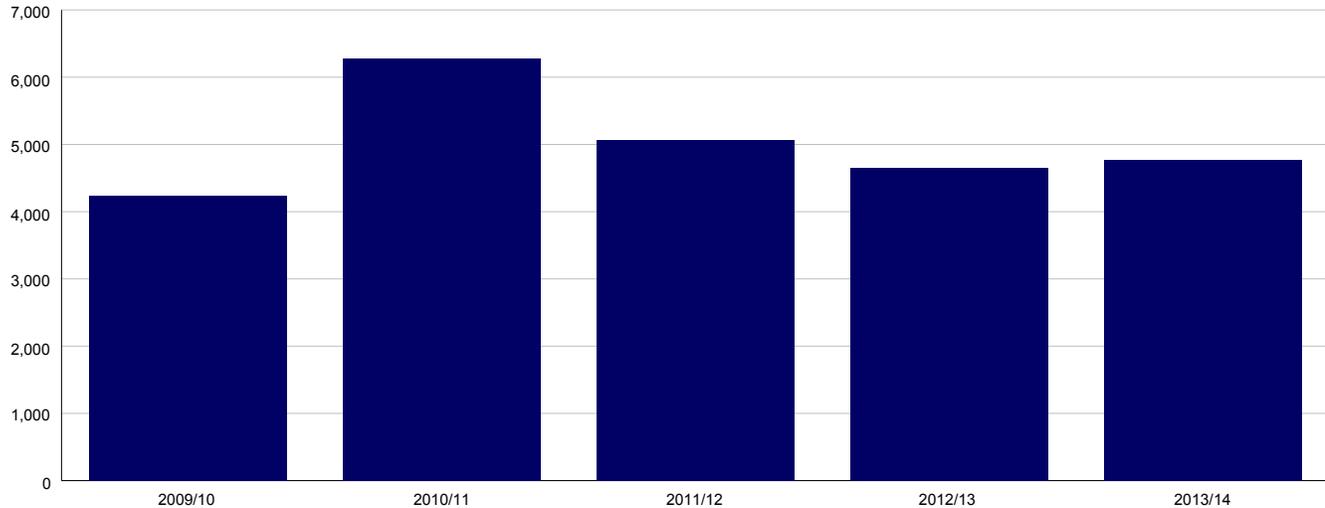
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About this Report

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



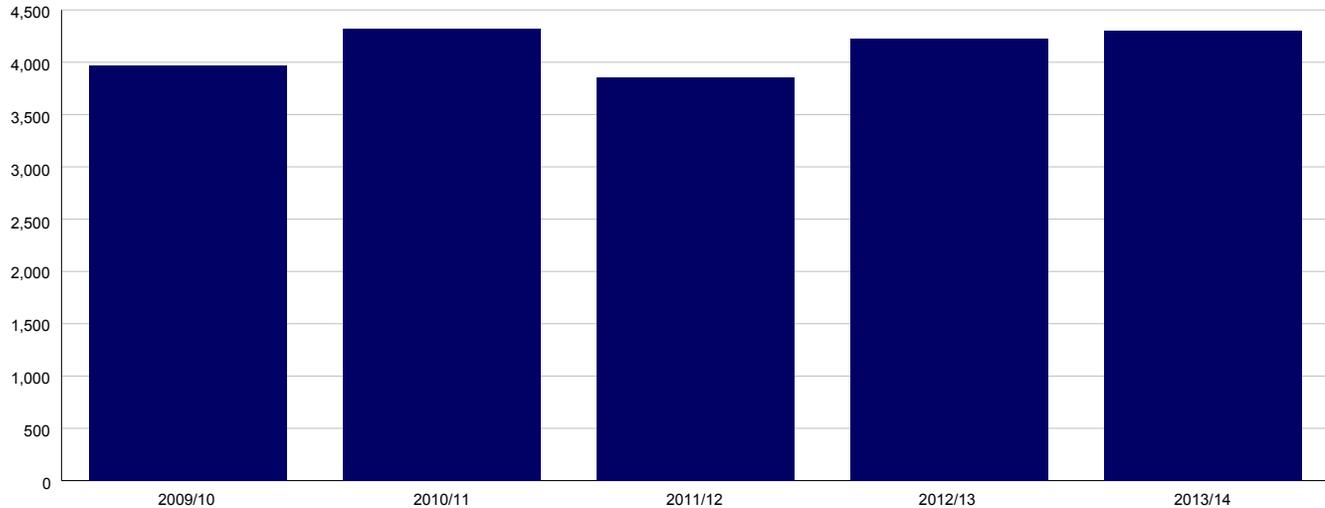
Civil Cases Lodged

Matter Type Description	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Appeal Criminal Injuries	2					n/a	n/a
Appeals File	115	105	99	121	119	-1.7%	3.5%
Australian Register of Judgements	7	5				n/a	n/a
Civil (Originating Summons)	131	1,826	1,098	233	254	9.0%	93.9%
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	3,966	4,323	3,855	4,230	4,298	1.6%	8.4%
Criminal Property Confiscation Act	3	1				n/a	n/a
Proceeds of Crimes	7	13	7	13	13	0.0%	n/a
Restraining Order	1			55	92	67.3%	n/a
Total	4,232	6,273	5,059	4,652	4,776	2.7%	12.9%

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



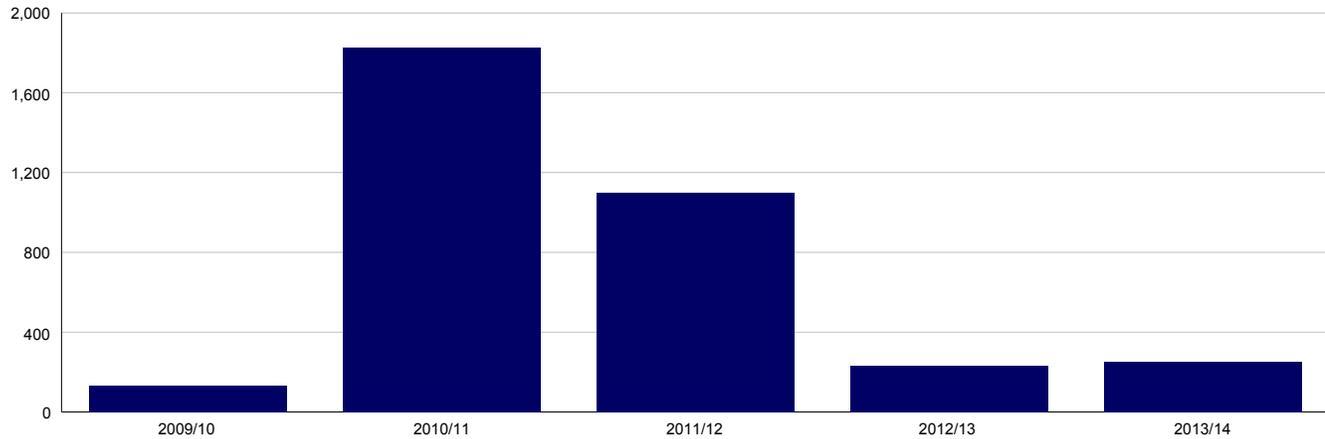
Civil Writ Cases Lodged

Remedy Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Civil Debt Recovery	318	845	549	821	933	13.6%	193.4%
Compromise		1				n/a	n/a
Damages - Personal Injury - Ward of State	41	12	6	8	5	n/a	n/a
Damages Fatal Accident					15	n/a	n/a
Damages General (Other)	116	139	162	150	168	12.0%	44.8%
Damages Medical Negligence	91	69	96	103	97	-5.8%	6.6%
Damages Personal Injury - No Category	829	925	580	634	661	4.3%	-20.3%
Damages Worker Injury	893	929	841	1,076	1,214	12.8%	35.9%
Damages for Motor Vehicle Accident	1,270	1,076	1,229	1,154	965	-16.4%	-24.0%
Damages for Occupiers Accident	189	133	227	183	156	-14.8%	-17.5%
Insurance Act	4	1				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
Professional Negligence	6					n/a	n/a
Resolution of Commercial Claim	208	193	165	101	84	-16.8%	-59.6%
Total	3,966	4,323	3,855	4,230	4,298	1.6%	8.4%

Counting Rules:

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- 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



Civil Originating Summons Cases Lodged

Remedy Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Application for a conviction to be spent (section 6, Spent Convictions Act 1988)		9	21	18	27	50.0%	n/a
Application to fix a hearing for a reporting order (section 16, Community Protection (Offender Reporting) Act 2004)		3	3	3		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]	2	1				n/a	n/a
Compromise		24	31	10	17	n/a	n/a
Contempt of Court (section 63, District Court of Western Australia Act 1969)			2	9	13	n/a	n/a
Extraordinary Driver's Licence Application (section 76, Road Traffic Act 1974)		1	4	1	6	n/a	n/a
Fine for an offence by juror or other person (section 55, Juries Act 1957)		1,648	829			n/a	n/a
Infants Compromise	19					n/a	n/a
Interpleader Relief	2					n/a	n/a
Leave for the Crown to intervene and be joined as a party (section 8, Crown Suits Act 1947)	2	1				n/a	n/a
Leave for the extension of time to bring an action (section 47A, Limitation Act 1935)	10	10	3			n/a	n/a
Leave to Bring Action Under Fatal Accidents Act 1959	2	2				n/a	n/a
Non-Infants Compromise	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)	29	12	11	9	3	n/a	n/a
Order pursuant to Criminal Property Confiscation Act	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	3	11	20	20	27	35.0%	n/a
Remove Driver's Licence Disqualification Application (section 78, Road Traffic Act 1974)		50	110	99	108	9.1%	n/a
Resolution of General Civil Application	59	52	62	64	52	-18.8%	-11.9%
Total	131	1,826	1,098	233	254	9.0%	93.9%

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.

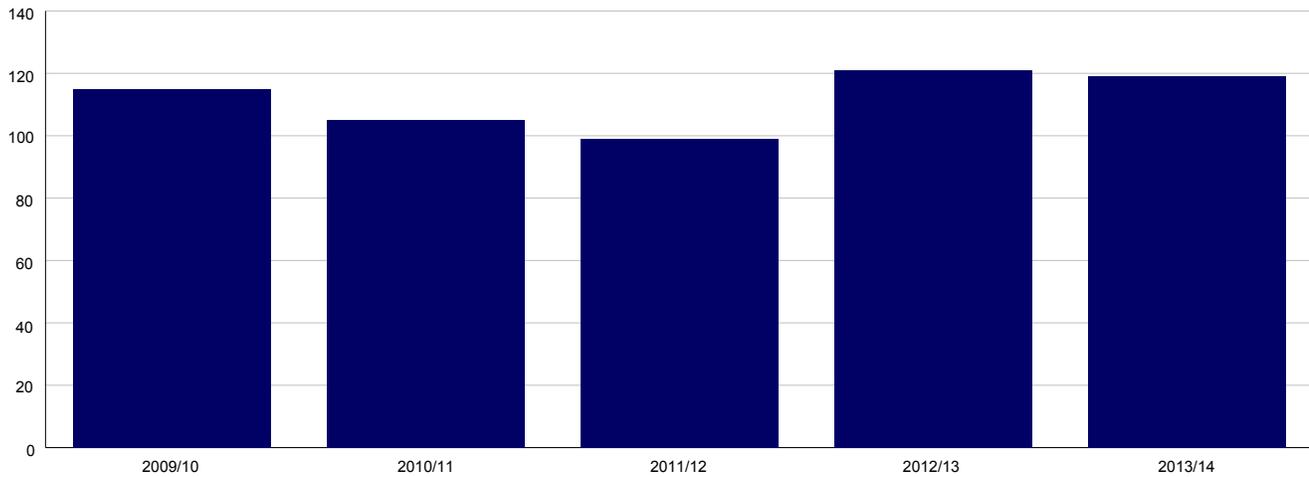
Originating Summons (CIVO) Register Lodgments

(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



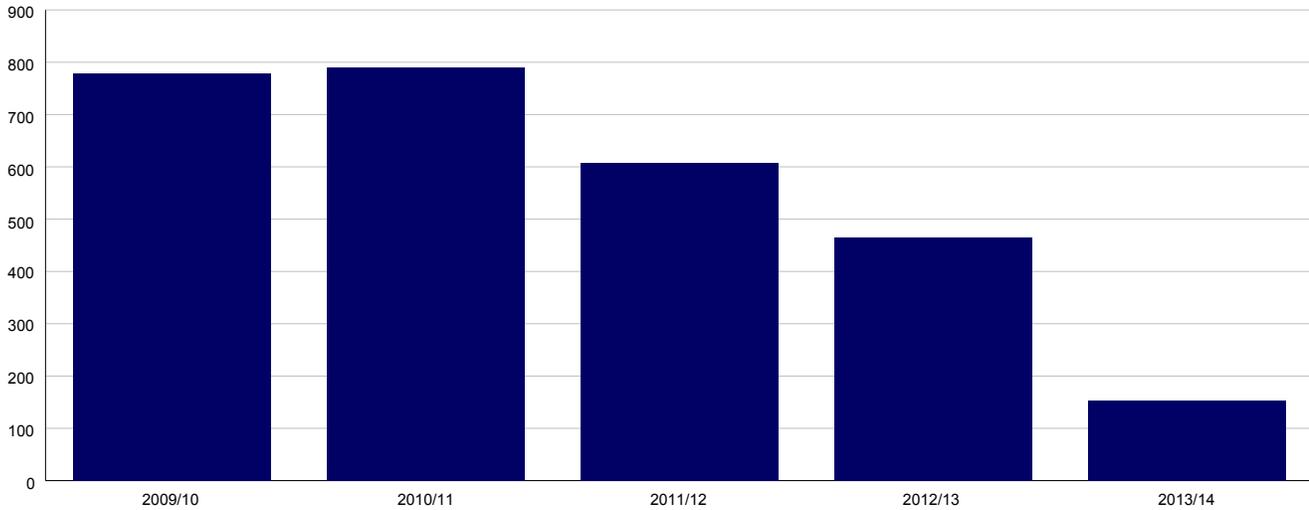
Civil Appeal Cases Lodged

Remedy Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Appeal from Criminal Injuries Compensation	37	32	27	36	29	-19.4%	-21.6%
Appeal from Magistrates Court	78	73	62	68	60	-11.8%	-23.1%
Appeal from other Jurisdiction					1	n/a	n/a
Appeal under the Workers Compensation and Injury Management Act			10	17	29	70.6%	n/a
Total	115	105	99	121	119	-1.7%	3.5%

Counting Rules:

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Civil Case Reactivations



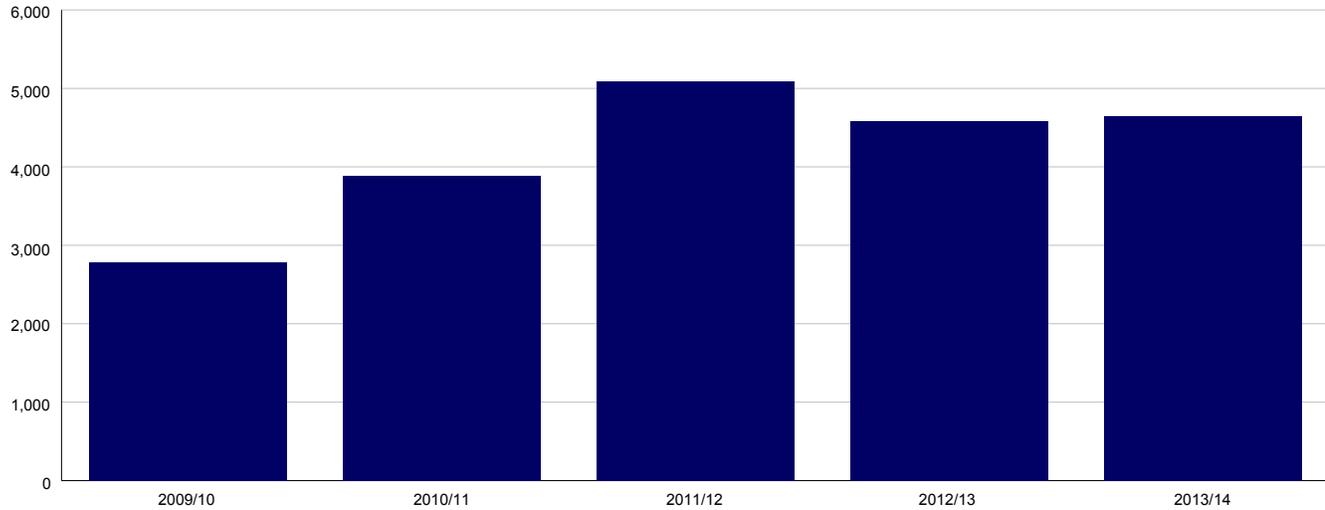
Civil Cases Reactivated

	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Appeals File	12	1				n/a	n/a
Australian Register of Judgements	1					n/a	n/a
Civil (Originating Summons)	2	18	1	1	1	n/a	n/a
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	764	770	606	463	152	-67.2%	-80.1%
Proceeds of Crimes		1				n/a	n/a
Total	779	790	607	464	153	-67.0%	-80.4%

Counting Rules:

- (a) These are the number of civil cases reactivated after becoming inactive in the District Court in Western Australia, broken down by case type.
- (b) The unit of measure is the number of reactivated 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	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Appeal Criminal Injuries	1					n/a	n/a
Appeals File	77	87	104	113	97	-14.2%	26.0%
Civil (Originating Summons)	72	1,026	1,731	195	229	17.4%	218.1%
Civil Cause (Writ Of Summons - Proceeding By Pleadings)	2,622	2,759	3,239	4,212	4,222	0.2%	61.0%
Criminal Property Confiscation Act	6	3	1			n/a	n/a
Proceeds of Crimes	2	5	13	6	10	n/a	n/a
Restraining Order				53	85	60.4%	n/a
Total	2,780	3,880	5,088	4,579	4,643	1.4%	67.0%

Counting Rules:

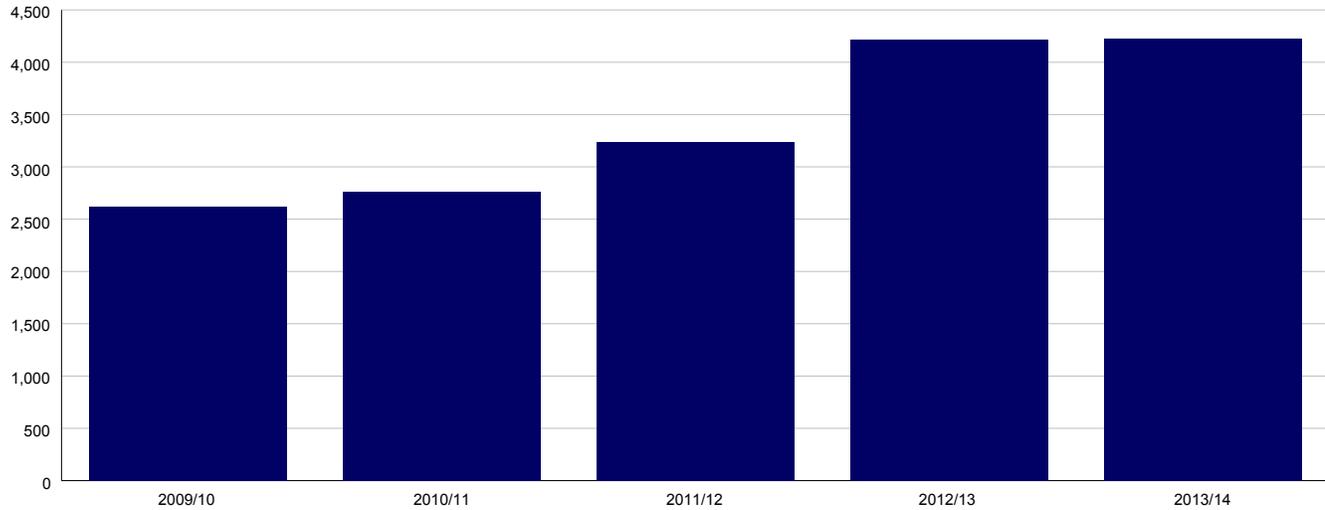
(a) These are the number of civil cases finalised in the District Court in Western Australia, broken down by case type.

(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	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Civil Debt Recovery	180	371	512	744	751	0.9%	317.2%
Compromise			1			n/a	n/a
Damages - Personal Injury - Ward of State	22	9	7	5	3	n/a	n/a
Damages Fatal Accident					1	n/a	n/a
Damages General	1				1	n/a	n/a
Damages General (Other)	73	63	90	131	153	16.8%	109.6%
Damages General (Personal Inj)	4	2				n/a	n/a
Damages Medical Negligence	20	20	44	74	78	5.4%	290.0%
Damages Personal Injury - No Category	504	551	579	656	708	7.9%	40.5%
Damages Worker Injury	749	801	851	1,077	1,205	11.9%	60.9%
Damages for Industrial Accident	3					n/a	n/a
Damages for Motor Vehicle Accident	846	749	858	1,167	1,026	-12.1%	21.3%
Damages for Occupiers Accident	89	81	147	213	185	-13.1%	107.9%
Insurance Act	4		1			n/a	n/a
Professional Negligence	2	1	1			n/a	n/a
Resolution of Commercial Claim	123	111	148	145	111	-23.4%	-9.8%
Resolution of General Civil Claim	2					n/a	n/a
Total	2,622	2,759	3,239	4,212	4,222	0.2%	61.0%

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.
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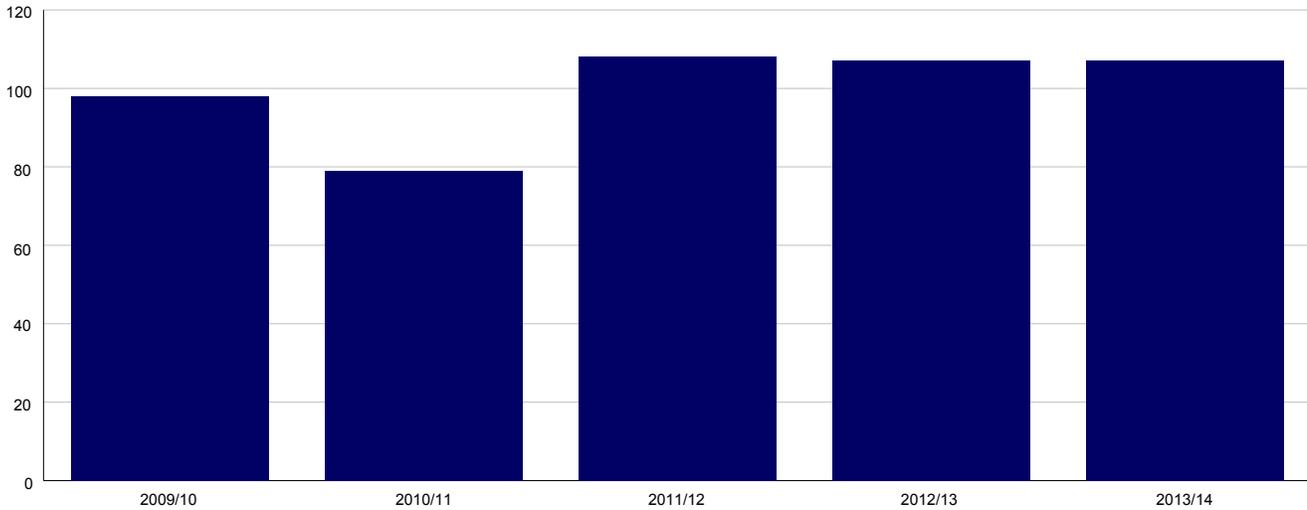
Civil Case Finalisation Reasons

Completion Reason Group	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Action Consolidated	7	7	16	16	16	0.0%	n/a
Appeal Finalised	46	57	65	45	44	-2.2%	-4.3%
CIVO Application Finalised	26	939	1,556	154	181	17.5%	596.2%
Cancelled	1			2	3	n/a	n/a
Consent Judgement	2,046	1,675	1,693	2,237	2,402	7.4%	17.4%
Conviction			1			n/a	n/a
Discontinued	211	197	235	314	280	-10.8%	32.7%
Dismissed	34	2				n/a	n/a
Due to Case Management			278	518	448	-13.5%	n/a
Final Restraining Order				52	85	63.5%	n/a
Finalised by Order	28	96	142	121	118	-2.5%	321.4%
Judgment after trial	25					n/a	n/a
Judgment, default of appearance	83	265	266	286	300	4.9%	261.4%
Judgment, default of defence	16	52	57	43	58	34.9%	262.5%
No Further Action Required		1	3	3	5	n/a	n/a
Order for compromise	55	40	69	70	96	37.1%	74.5%
Other	1		1			n/a	n/a
Party in external administration	3	1	1	16	3	n/a	n/a
Remitted to Another Court	15	8	87	13	22	69.2%	46.7%
Sentenced				1		n/a	n/a
Settled Following Pre-Trial Conference	181	540	617	688	582	-15.4%	221.5%
Transferred to another DC	2					n/a	n/a
			1			n/a	n/a
Total	2,780	3,880	5,088	4,579	4,643	1.4%	67.0%

Counting Rules:

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- (b) Only the initial finalisation of a case is counted here.
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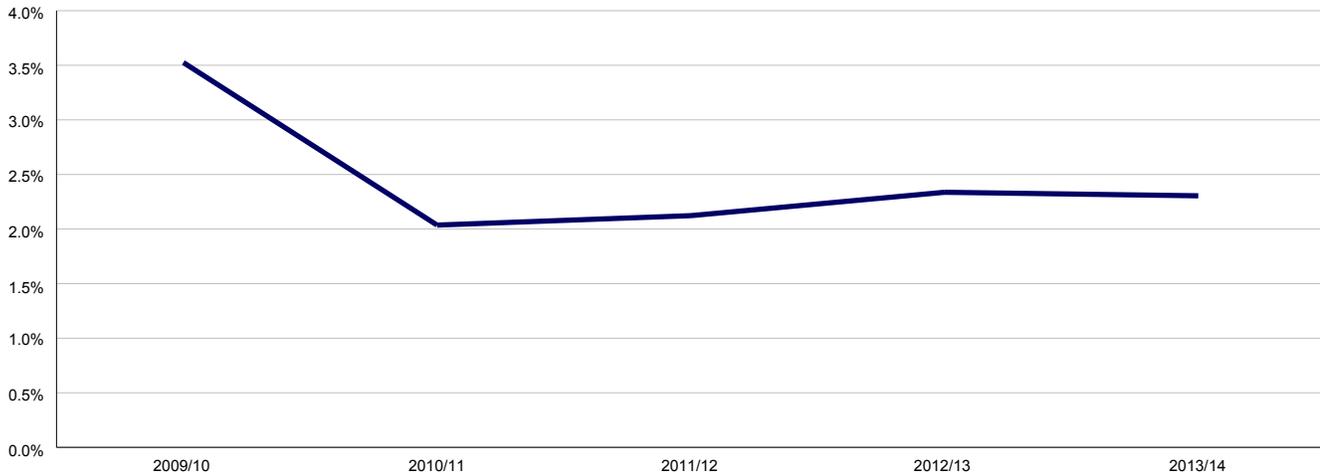
Civil Finalisations by Trial



Civil Trial Finalisations

	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Finalised Without Trial	2,682	3,801	4,980	4,472	4,536	1.4%	69.1%
Finalised by Trial	98	79	108	107	107	0.0%	9.2%
Total	2,780	3,880	5,088	4,579	4,643	1.4%	67.0%
Per cent finalised by trial	3.5%	2.0%	2.1%	2.3%	2.3%	-1.4%	-34.6%

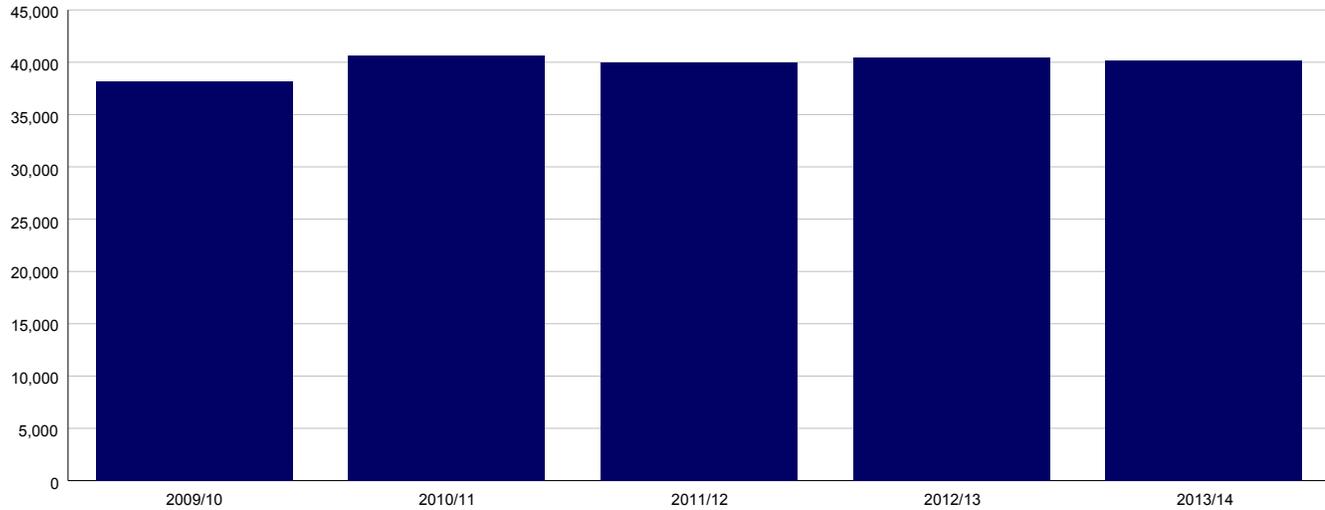
% Civil Finalisations by Trial



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

Document Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Additional Party Notice - further parties to a matter	78	101	70	73	85	16.4%	9.0%
Affidavit	3,739	4,026	4,312	4,333	4,141	-4.4%	10.8%
Amended	1,089	1,286	1,659	1,550	1,324	-14.6%	21.6%
Answers to	322	332	352	324	316	-2.5%	-1.9%
Appeal Book	10	7	12	14	18	28.6%	n/a
Application for Removal of Life Disqualification under the Road Traffic Act s78				60	108	80.0%	n/a
Application for an Extraordinary Licence under the Road traffic Act s76		3	3	2	7	n/a	n/a
Application for an order under Spent Convictions Act s6		2	6	16	26	62.5%	n/a
Application to Cancel a Restraining Order				1	4	n/a	n/a
Application to Remit Fees	61	129	195	98	148	51.0%	142.6%
Application to Vary a Restraining Order				1	3	n/a	n/a
Arrest Warrant - Originating			4	12	13	8.3%	n/a
Bill of Costs	110	107	114	91	109	19.8%	-0.9%
Book	106	135	98	93	74	-20.4%	-30.2%
Certificate	504	500	488	592	467	-21.1%	-7.3%
Certificate of Judgement	7	7	1	1	2	n/a	n/a
Chamber Summons/Application	2,023	2,154	2,379	2,542	1,559	-38.7%	-22.9%
Chronology of relevant events	31	21	25	25	21	-16.0%	-32.3%
Civil Judgement Enforcement Act Document	33	30	67	72	40	-44.4%	21.2%
Concurrent Writ of Summons	7	3	2		3	n/a	n/a
Consent Orders	5,660	5,037	5,743	6,708	7,122	6.2%	25.8%
Consent Other	82	105	83	71	57	-19.7%	-30.5%
Counterclaim	2	1	6	2	3	n/a	n/a
Declaration of Small Business	116	144	164	120	122	1.7%	5.2%
Deed		1				n/a	n/a
Default Judgement	73	18	45	29	42	44.8%	-42.5%
Defence	2,270	2,229	2,232	2,102	1,872	-10.9%	-17.5%
Defence and Counterclaim	127	118	125	119	100	-16.0%	-21.3%
Entry for Trial	1,456	1,429	1,563	1,404	1,291	-8.0%	-11.3%
Entry of Appeal for Hearing	71	75	8			n/a	n/a
Expert Reports	183	180	152	185	152	-17.8%	-16.9%
Form 1 - Application				3	2	n/a	n/a

Civil Documents Lodged

Civil Documents Lodged

Document Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Year	% Change 5 Years
Form 6 - Civil Judgement Enforcement Act	142	140	149	148	143	-3.4%	0.7%
Further Re-Amend	23	1		2		n/a	n/a
Further and Better Particulars of Pleadings	99	123	116	76	79	3.9%	-20.2%
Interrogatories	10	26	60	53	47	-11.3%	n/a
Judgement After	225	442	447	439	437	-0.5%	94.2%
List of Authorities	236	212	224	174	173	-0.6%	-26.7%
List of Documents	345	301	300	324	286	-11.7%	-17.1%
List of Records & Objects to be tendered at Trial	54	57	11	4	6	n/a	n/a
List of Witnesses	141	140	135	110	143	30.0%	1.4%
Memorandum	111	87	56	72	58	-19.4%	-47.7%
Memorandum of Appearance	4,240	4,385	3,947	4,147	4,024	-3.0%	-5.1%
Memorandum pursuant to Order 59 Rule 9	76	96	134	114	105	-7.9%	38.2%
Minute of	1,261	1,761	1,093	1,050	894	-14.9%	-29.1%
Notice of	1,730	1,853	1,724	1,987	1,709	-14.0%	-1.2%
Notice of Appeal (Registrar's Decision)	48	39	72	67	46	-31.3%	-4.2%
Notice of Appeal Criminal Injuries Compensation Criminal Injury Regulations	2					n/a	n/a
Notice of Appeal DC	119	111	101	123	119	-3.3%	0.0%
Notice of Appointment to Hear Originating Summons/Motion	42	35	30	26	27	3.8%	-35.7%
Notice of Contribution/Indemnity	52	83	79	160	72	-55.0%	38.5%
Notice of Cross Appeal DC			1		1	n/a	n/a
Notice of Daily Hearing Fee	253	239	251	221	199	-10.0%	-21.3%
Notice of Discontinuance	226	259	286	391	353	-9.7%	56.2%
Notice of Intention to Act in Person	48	70	41	50	35	-30.0%	-27.1%
Notice of Intention to Appear	68	70	48	77	66	-14.3%	-2.9%
Notice of Intention to Proceed	13	1				n/a	n/a
Notice of Intention to be Heard	5					n/a	n/a
Order	699	637	793	948	922	-2.7%	31.9%
Originating Summons/Motion	138	175	250	141	88	-37.6%	-36.2%
Other Document	171	114	26	39	24	-38.5%	-86.0%
Papers for the Judge	632	204	79	77	93	20.8%	-85.3%
Particulars of	564	1,135	1,200	1,249	1,283	2.7%	127.5%
Registration of Judgement	6	11	19	21	29	38.1%	n/a
Reply	198	200	222	189	226	19.6%	14.1%
Request for	282	294	326	273	259	-5.1%	-8.2%
Schedule of Damages	1,208	604	560	365	215	-41.1%	-82.2%
Scott Schedule	23	10	2	4	6	n/a	n/a
Statement of Claim	1,528	1,599	1,596	1,463	1,258	-14.0%	-17.7%
Submissions	922	834	831	835	716	-14.3%	-22.3%
Subpoena Returnable	2	1	26	14	2,334	16,571.4%	n/a
Substituted	49	67	82	77	76	-1.3%	55.1%
Summons (No Fee)		1,659	835			n/a	n/a
Writ of Summons	4,011	4,377	3,915	4,270	4,346	1.8%	8.4%
Total	38,162	40,632	39,975	40,423	40,128	-0.7%	5.2%

Counting Rules:

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

Appeal Criminal Injuries

When a decision has been made to compensate a victim for injuries suffered as a consequence of an offence, and the victim is not satisfied with the decision of the assessor of the amount of compensation allocated, it is then appealed.

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.

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.

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 Magistrates Court

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

Appeal from Commercial Tribunal

Appealing the decision from the State Administrative Tribunal (SAT).

Appeal from Criminal Injuries Compensation

Appealing the result of the criminal compensation.

Appeal from Real Estate & Business Agents Superannuation Board

Appealing a decision with Western Australia Electoral Commission (WEAC).

Appeal from Other Jurisdiction

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

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.

Legal Profession Act Bills of Cost

An application to a court to determine the costs to be paid at the completion of an action. The bill is itemised and all of the costs that the party feels are owing are listed in the bill for the taxing officer to determine.

Proceeds of Crime

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.

Proceeds of Crime Act 2002

The act which regulates the tracking, restraining and confiscation of proceeds of crime and also regulates how the funds can be returned to the Australian community to alleviate the effects of crime in Australia.

Workers Compensation Section 93

The section of the *Workers Compensation Act* that deals with remedies against non-employers. This is for instances where someone other than the employer should be responsible and the employer in this instance was not legally responsible or negligent.

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.

Compromise

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

Damages General

A civil claim to get to obtain fund back from another party or to have payment made to themselves.

Damages General (Other)

Any claim that is for damages.

Damages General (Personal Injury)

A civil claim to get compensation from being injured at work sites, car accidents, etc.

Damages Medical Negligence

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

Appendix One--Definitions continued

Remedy Types continued

Damages Personal Injury – no category

Claims for personal injuries generally for damages.

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 Worker Injury

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

Damages for Industrial Accident

Claims for damages (monetary) in relation to unexpected injuries/harm that have taken place in an industrial setting

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.

Infants Compromise

A person under the age of 18 is deemed an infant. An action may be 'compromised'. This means the parties agree to the cause of action and, subject to the opinion of a senior legal practitioner, the amount of damages.

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.

Interpleader Relief

An application for interpleader relief is made when an applicant has or will be sued by 2 or more parties over a liability that both are making adverse claims over.

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*.

Leave to Commence per S93D (4) Workers Compensation & Rehabilitation Act 1981

Leave to commence common-law proceedings.

Non – Infants Compromise

An application to approve a compromise by a person under a disability.

Order pursuant to Corporations Law

An order made under Corporations law which specifically applies to corporations/companies which have their own set of legal rights and responsibilities.

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.

Order pursuant to Section 29 (2) of Motor Vehicle Third Party Insurance Act

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

Order pursuant to Section 47A, Limitations Act

An extension of time to commence proceedings against the Crown.

Proceeds of Crime Act

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

Professional Negligence

An action against a professional who has breached the duty owed to a person by acting negligently. For health professionals, refers to 'Damages, Medical Negligence' remedy type. See also section 5PA *Civil Liabilities Act 2002*.

Registration of Judgement

An application to register a judgement from another jurisdiction.

Registration of Judgement/Order

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

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.

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.

Section 6, Crown Suits Act 1947

The *Crown Suits Act* allows the Crown to sue, and be sued, in any court or otherwise competent jurisdiction in the same manner as a person. Section 6 is repealed. It dealt with applications for leave to commence action in a Court at any time before the expiration of 6 years from the date on which the cause of action required.

Section 6, Spent Conviction Act 1988

An application to declare a conviction spent.

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.

Section 56, Juries Act 1957

Rights of jury members in regards to their employers.

Section 76 or 78, Road Traffic Act 1974

An application for an extraordinary licence as per section 76 (1) of the *Road Traffic Act 1974*.

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.***