



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

**Report on Civil Cases in the
Magistrates Court
of Western Australia
2015/16 to 2019/20**

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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 Magistrates 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 is utilised for each statistic. Please read the counting rules on each page to help interpret the data.

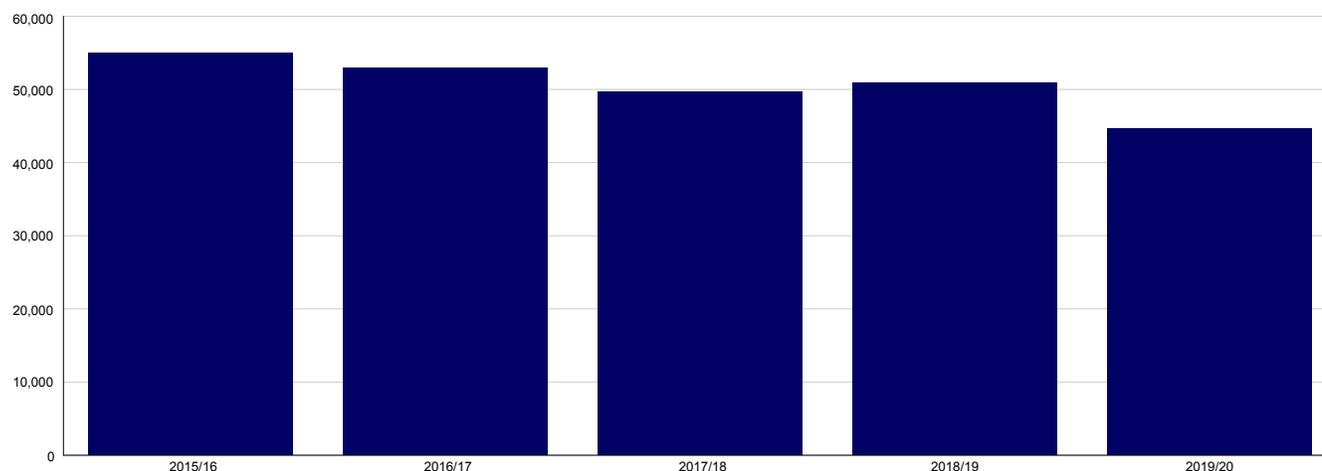
This version of the report was produced on 11 November 2020. Any variances between figures in this report and other publications may be due to differences in the date the report was produced, and the Department's commitment to the continual maintenance and improvement of data capture and storage.

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 Applications Lodged



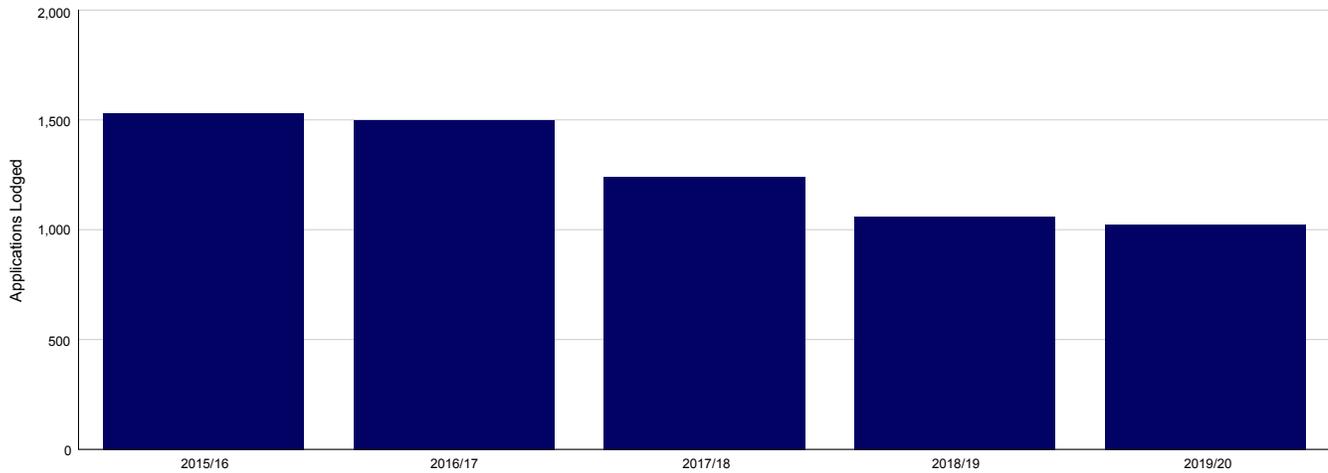
Civil Applications Lodged

Matter Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
Restraining Of Goods/Property Order	1	1	1		1	n/a	n/a
Application to Reduce Fee				12	135	1,025.0%	n/a
Revocation of Disqualification Notice	1	6	4	5	5	n/a	n/a
Set Aside Licence Suspension		8			1	n/a	n/a
Auctioneer's Licence	79	67	102	88	45	-48.9%	-43.0%
Prohibited Behaviour Order	32	20	4	4	1	n/a	n/a
Application for cancellation of enforcement warrant	10		3	1	3	n/a	n/a
General Application	205	202	160	154	156	1.3%	-23.9%
Recovery Of Possession Of Land	31	28	29	36	30	-16.7%	-3.2%
Registration Of Orders	515	403	377	324	302	-6.8%	-41.4%
Extraordinary Driver's Licence	2,532	2,140	2,172	2,068	1,824	-11.8%	-28.0%
Miscellaneous Civil					6	n/a	n/a
Restraining Order	14,437	13,937	14,436	15,747	16,170	2.7%	12.0%
Restraint Of Debtors Action	1	1	1		1	n/a	n/a
Minor Cases Procedure Claim	4,987	4,766	3,531	3,197	2,724	-14.8%	-45.4%
General Procedure Claim	14,668	13,374	12,716	14,146	10,919	-22.8%	-25.6%
Trans-Tasman Act Judgements	1	2	1	1	2	n/a	n/a
Consumer/Trader Claim	1,533	1,502	1,242	1,062	1,028	-3.2%	-32.9%
Criminal Property Confiscation Act	66	83	49	86	85	-1.2%	28.8%
Disposal of Uncollected Goods	31	33	22	26	32	23.1%	3.2%
Freezing Notice					108	n/a	n/a
Residential Tenancies	16,022	16,479	14,927	14,028	11,237	-19.9%	-29.9%
Under Age Marriage	1	2	1			n/a	n/a
Total	55,153	53,054	49,778	50,985	44,815	-12.1%	-18.7%

Counting Rules:

- These are the number of civil applications lodged in the Magistrates Court of Western Australia, 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.

Consumer Trader Claim Applications Lodged



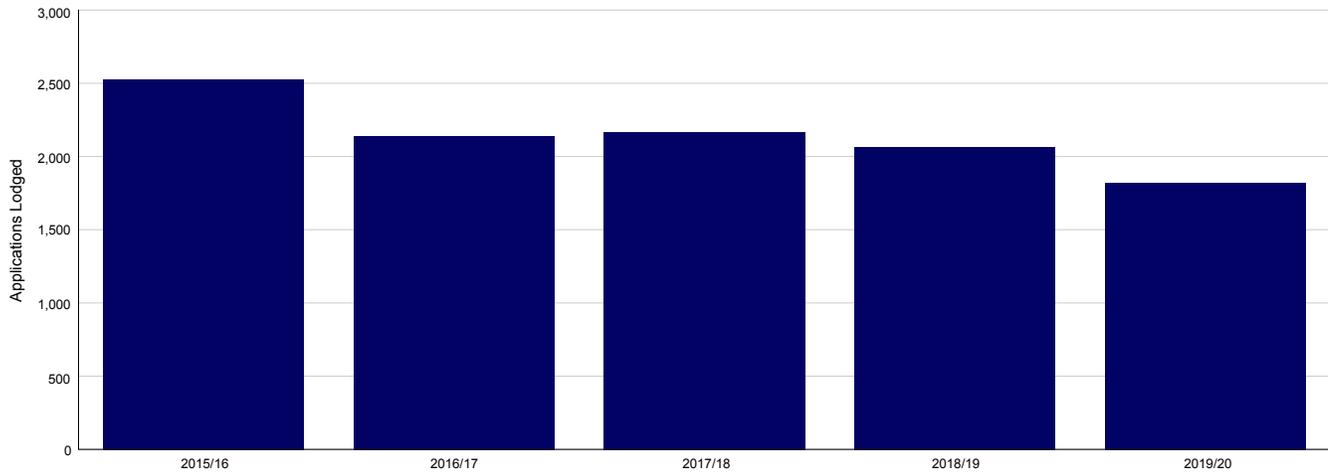
Consumer Trader Claim Applications Lodged

Remedy Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
01. Sale of Goods & Services		1				n/a	n/a
04. Breach of Contract	2		2			n/a	n/a
The Payment of an Amount of Money	1,290	1,278	1,086	918	872	-5.0%	-32.4%
The Performance of Work	59	43	32	31	28	-9.7%	-52.5%
The Providing of Services	90	83	64	44	48	9.1%	-46.7%
The Relief from Payment of an Amount of Money	29	22	11	21	21	0.0%	-27.6%
The Replacement of Goods	40	36	20	23	25	8.7%	-37.5%
The Return of Goods	23	39	27	25	34	36.0%	47.8%
Total	1,533	1,502	1,242	1,062	1,028	-3.2%	-32.9%

Counting Rules:

- (a) These are the number of consumer/trader applications lodged in the Magistrates Court of Western Australia, by remedy 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, 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.

Extraordinary Driver's Licence Applications Lodged



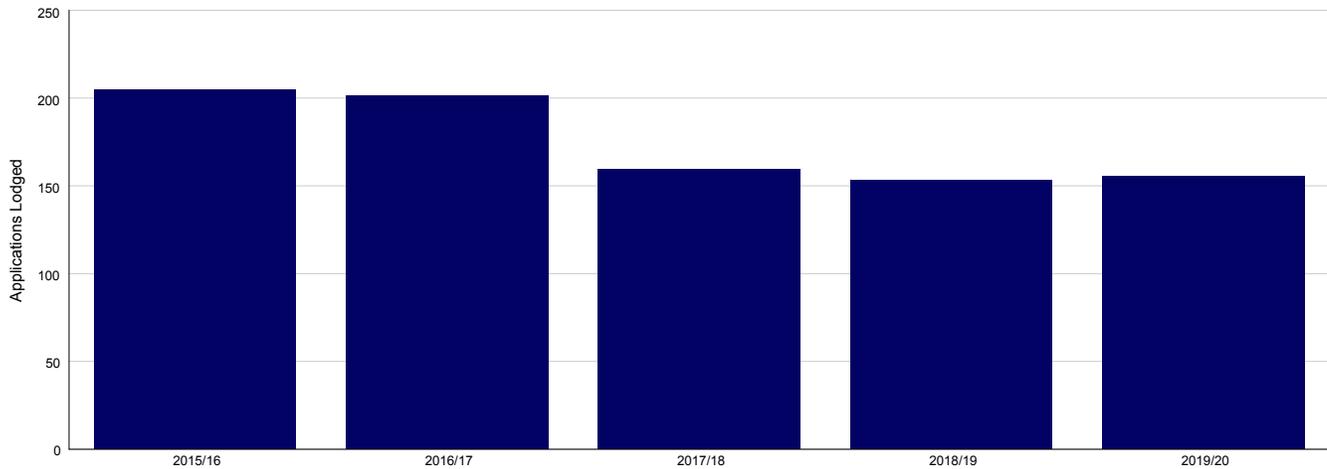
Extraordinary Driver's Licence Applications Lodged

Initiating Document Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
Form 5 - Application for Extraordinary Licence	2,531	2,140	2,172	2,068	1,823	-11.8%	-28.0%
Inactive Notice	1					n/a	n/a
Order					1	n/a	n/a
Total	2,532	2,140	2,172	2,068	1,824	-11.8%	-28.0%

Counting Rules:

- These are the number of extraordinary driver's licence applications lodged in the Magistrates Court of Western Australia, by initiating document 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.

General Applications Lodged



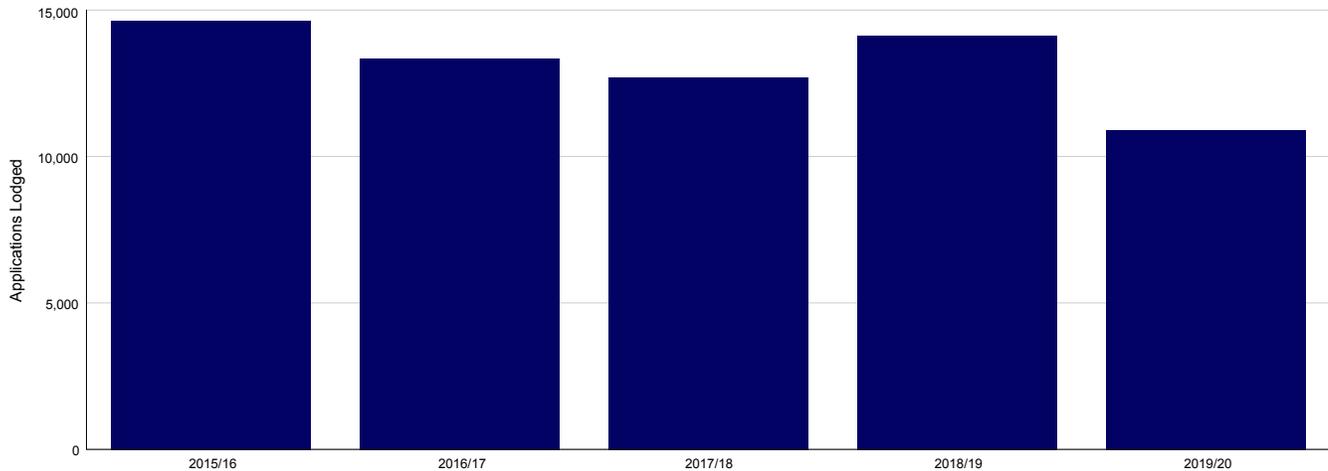
General Applications Lodged

Remedy Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
11. Return of Goods			1			n/a	n/a
Animal Welfare Act	3	9	9	3	4	n/a	n/a
Applications under the Mandatory Testing (Infectious Diseases) Act 2014	3	2		3	4	n/a	n/a
Building Act 2011	8	3	3	4	5	n/a	n/a
Corporations Act			1			n/a	n/a
Criminal & Found Property Disposal Act	8	3	7	7	2	n/a	n/a
Criminal and Found Property Disposal Act					7	n/a	n/a
Criminal Investigation Act				1		n/a	n/a
Dividing Fence	170	179	126	113	125	10.6%	-26.5%
Dog Act 1976		1				n/a	n/a
Local Govt (Misc Provisions) Act	2		4		1	n/a	n/a
National Consumer Credit Protection Act 2009 (Commonwealth)	11	5	9	22	8	n/a	n/a
The Return of Goods				1		n/a	n/a
Total	205	202	160	154	156	1.3%	-23.9%

Counting Rules:

- (a) These are the number of general applications lodged in the Magistrates Court of Western Australia, by remedy 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, 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.

General Procedure Claim Applications Lodged



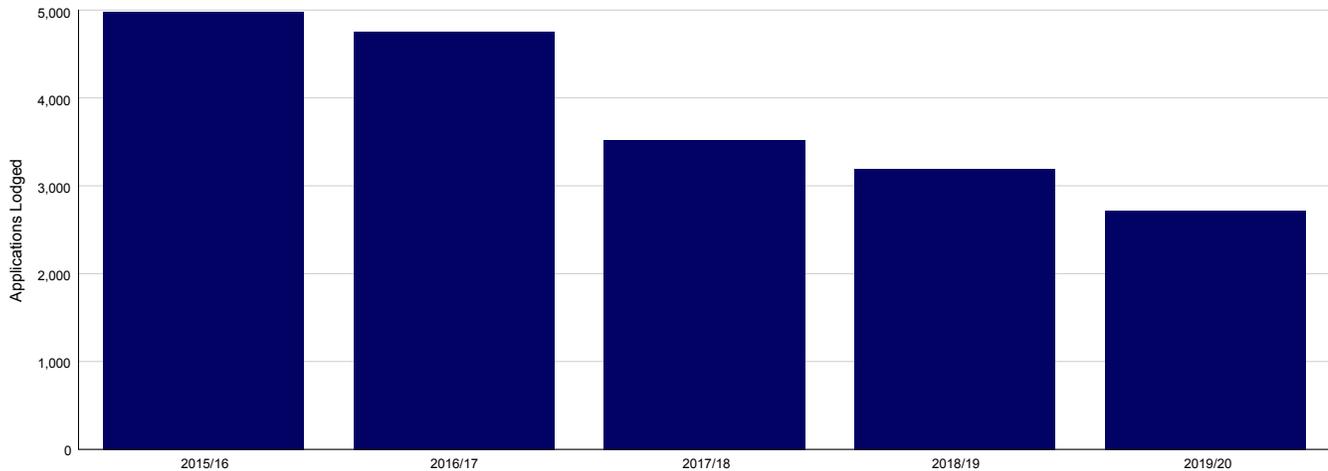
General Procedure Claim Applications Lodged

Remedy Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
Local Govt (Misc Provisions) Act	1					n/a	n/a
13. Workers Compensation	227	123	78	25	6	n/a	n/a
04. Breach of Contract	2,104	2,197	2,434	2,854	2,284	-20.0%	8.6%
08. Damages not Motor Vehicle	152	124	135	112	136	21.4%	-10.5%
06. Strata Plan Fees	303	338	371	387	460	18.9%	51.8%
07. Consumer Credit/Loan	689	957	1,080	1,304	562	-56.9%	-18.4%
12. Outstanding Rent and Costs	178	131	142	152	112	-26.3%	-37.1%
01. Sale of Goods & Services	2,344	2,199	1,873	1,339	1,225	-8.5%	-47.7%
09. Personal Injury	101	80	115	146	112	-23.3%	10.9%
The Payment of an Amount of Money		1	1			n/a	n/a
03. Motor Vehicle Accident	2,011	2,257	2,063	2,411	1,759	-27.0%	-12.5%
05. Tax/Water Rates	274	311	305	178	76	-57.3%	-72.3%
Remitted from other Jurisdiction	1	3	3	4	1	n/a	n/a
02. Council Rates	6,241	4,627	4,100	5,205	4,138	-20.5%	-33.7%
10. Dishonoured Cheque	7	4	1	3	2	n/a	n/a
11. Return of Goods	34	22	15	26	46	76.9%	35.3%
The Performance of Work	1					n/a	n/a
Total	14,668	13,374	12,716	14,146	10,919	-22.8%	-25.6%

Counting Rules:

- (a) These are the number of general procedure claim applications lodged in the Magistrates Court of Western Australia, by remedy 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, 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.

Minor Cases Claim Applications Lodged



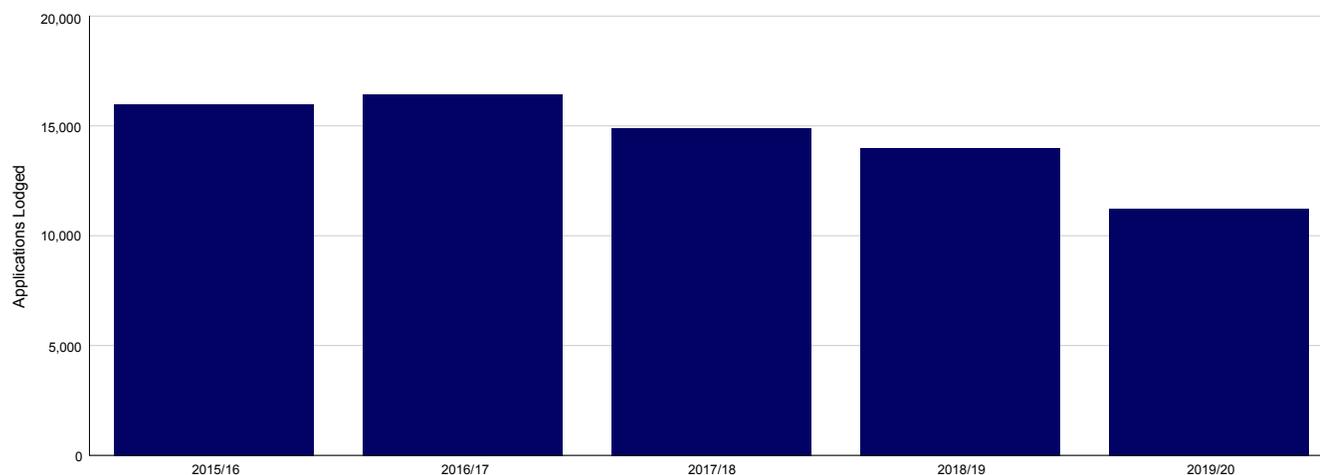
Minor Cases Procedure Claims Lodged

Remedy Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
01. Sale of Goods & Services	2,010	1,812	1,539	1,352	1,157	-14.4%	-42.4%
02. Council Rates	546	413	406	497	449	-9.7%	-17.8%
03. Motor Vehicle Accident	205	202	145	152	126	-17.1%	-38.5%
04. Breach of Contract	881	885	838	666	547	-17.9%	-37.9%
05. Tax/Water Rates	744	887	24	34	35	2.9%	-95.3%
06. Strata Plan Fees	29	32	23	25	26	4.0%	-10.3%
07. Consumer Credit/Loan	82	80	130	108	81	-25.0%	-1.2%
08. Damages not Motor Vehicle	153	151	125	122	122	0.0%	-20.3%
09. Personal Injury	37	16	20	10	12	n/a	-67.6%
10. Dishonoured Cheque	7	10	6	3	2	n/a	n/a
11. Return of Goods	122	77	78	79	66	-16.5%	-45.9%
12. Outstanding Rent and Costs	167	198	185	145	99	-31.7%	-40.7%
13. Workers Compensation	2	2	8	4	2	n/a	n/a
The Payment of an Amount of Money	2	1	1			n/a	n/a
The Providing of Services			2			n/a	n/a
The Return of Goods			1			n/a	n/a
Total	4,987	4,766	3,531	3,197	2,724	-14.8%	-45.4%

Counting Rules:

- (a) These are the number of minor case procedure claim applications lodged in the Magistrates Court of Western Australia, by remedy 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, 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.

Residential Tenancy Applications Lodged



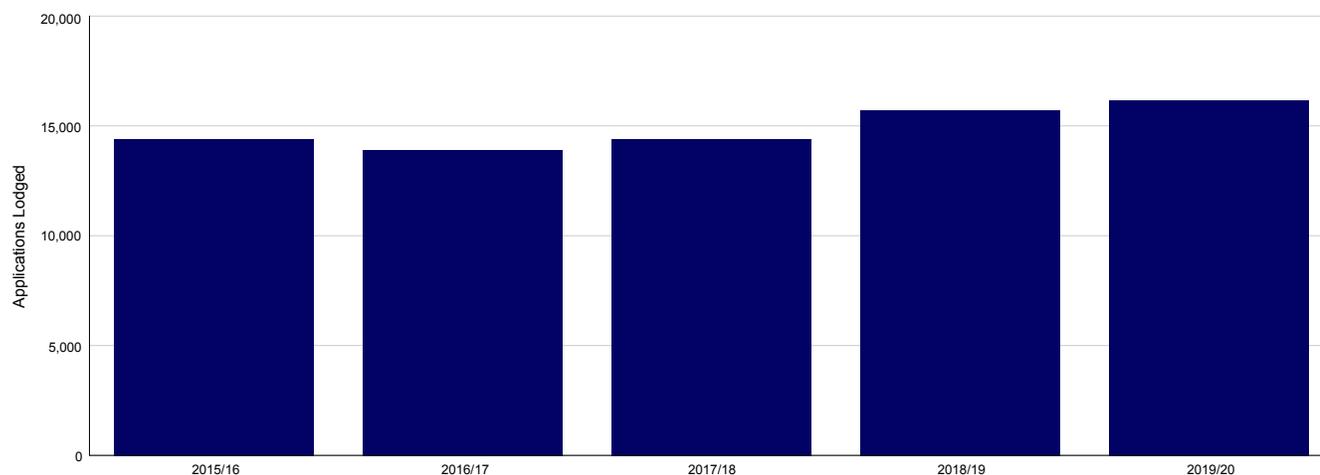
Residential Tenancy Applications Lodged

Initiating Document Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
Form 1A - Application for Leave to Lodge a Document (Non Originating)		1				n/a	n/a
Residential Tenancies Order - Form 15					1	n/a	n/a
Residential Tenancy Form 12 General Application	9,945	9,874	8,829	8,498	6,801	-20.0%	-31.6%
Form 11 - Proceeds of Sale of Abandoned Goods (Residential Tenancies Act)		1		1	1	n/a	n/a
Form 25 - General Order				1		n/a	n/a
Inactive Notice		1				n/a	n/a
Residential Tenancies Order for Disposal of Security Bond - Form 10	2	1				n/a	n/a
Form 57 - Notice of Discontinuance of Case				1		n/a	n/a
Residential Tenancy Form 6 Bond Disposal Application	6,075	6,601	6,098	5,527	4,434	-19.8%	-27.0%
Total	16,022	16,479	14,927	14,028	11,237	-19.9%	-29.9%

Counting Rules:

- These are the number of residential tenancy applications lodged in the Magistrates Court of Western Australia, by initiating document 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.

Restraining Order Applications Lodged



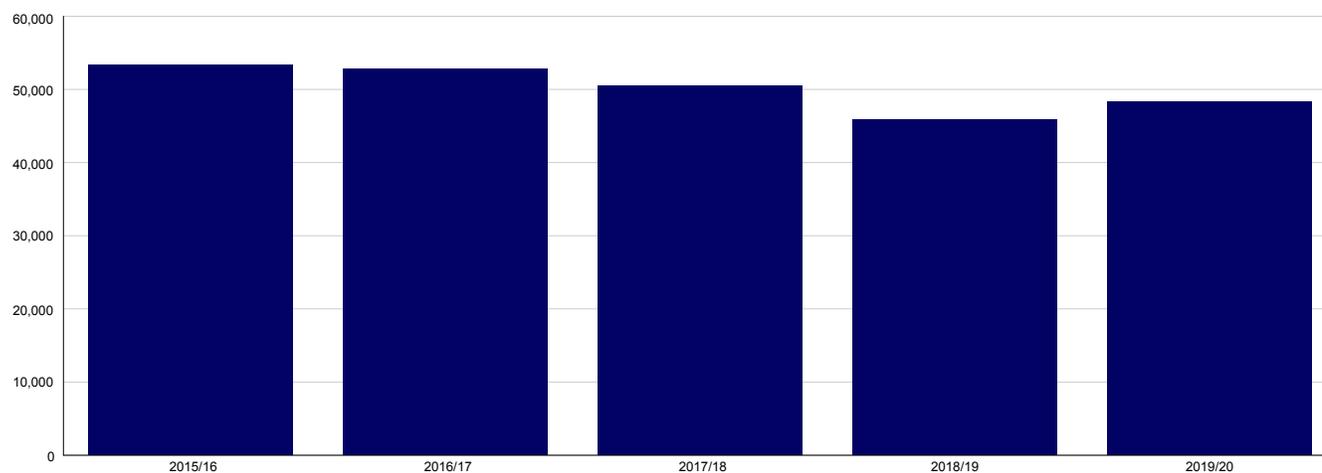
Restraining Order Applications Lodged

Remedy Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
Weapons Act			1			n/a	n/a
Family Violence Restraining Order			10,148	11,439	11,454	0.1%	n/a
Violence Restraining Order	13,609	13,041	3,530	3,599	3,897	8.3%	-71.4%
Interstate/Foreign Restraining Order Registration	51	59	38	17	19	11.8%	-62.7%
Misconduct Restraining Order	771	836	709	692	799	15.5%	3.6%
Telephone Family Violence Restraining Order			8		1	n/a	n/a
Telephone Violence Restraining Order	6	1	2			n/a	n/a
Total	14,437	13,937	14,436	15,747	16,170	2.7%	12.0%

Counting Rules:

- These are the number of restraining order applications lodged in the Magistrates Court of Western Australia, by remedy 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.

Civil Applications Finalised



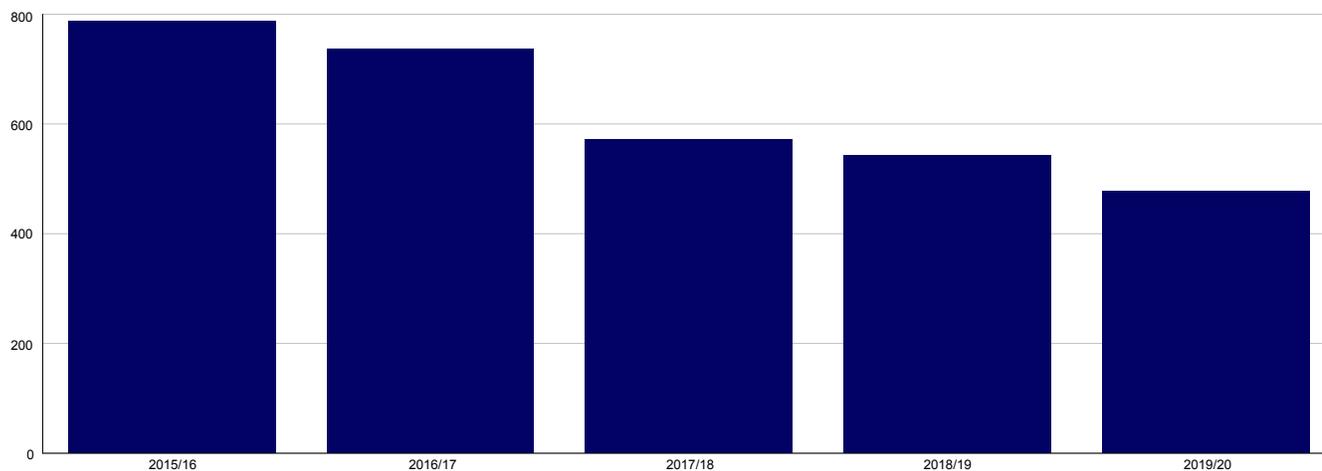
Civil Cases Finalised

Matter Type	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
Application for cancellation of enforcement warrant	10		2	1	2	n/a	n/a
Application to Reduce Fee				3	111	n/a	n/a
Auctioneer's Licence	77	62	98	71	27	-62.0%	-64.9%
Consumer/Trader Claim	1,683	1,571	1,411	1,065	1,077	1.1%	-36.0%
Criminal Property Confiscation Act	47	46	40	41	85	107.3%	80.9%
Disposal of Uncollected Goods	22	28	18	18	30	66.7%	36.4%
Extraordinary Driver's Licence	2,354	2,144	1,981	1,926	1,647	-14.5%	-30.0%
General Application	247	191	178	156	171	9.6%	-30.8%
General Procedure Claim	14,647	15,268	13,776	10,732	14,950	39.3%	2.1%
General Summons/Plaint		1				n/a	n/a
Minor Cases Procedure Claim	5,559	5,095	4,406	2,833	3,542	25.0%	-36.3%
Miscellaneous Civil					8	n/a	n/a
Prohibited Behaviour Order	20	24	7	4	1	n/a	n/a
Recovery Of Possession Of Land	41	24	33	31	40	29.0%	-2.4%
Registration Of Orders	519	408	376	321	279	-13.1%	-46.2%
Residential Tenancies	14,323	15,117	14,034	13,549	11,325	-16.4%	-20.9%
Restraining Of Goods/Property Order	2	1			1	n/a	n/a
Restraining Order	13,940	12,925	14,227	15,300	15,093	-1.4%	8.3%
Restraint Of Debtors Action	1	1	1		1	n/a	n/a
Revocation of Disqualification Notice		6	2	4	2	n/a	n/a
Set Aside Licence Suspension		8			1	n/a	n/a
Trans-Tasman Act Judgements					1	n/a	n/a
Under Age Marriage	1	2	1			n/a	n/a
Total	53,493	52,922	50,591	46,055	48,394	5.1%	-9.5%

Counting Rules:

- These are the number of civil cases finalised in the Magistrates Court of Western Australia, by case type.
- The unit of measure is the number of cases finalised 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.

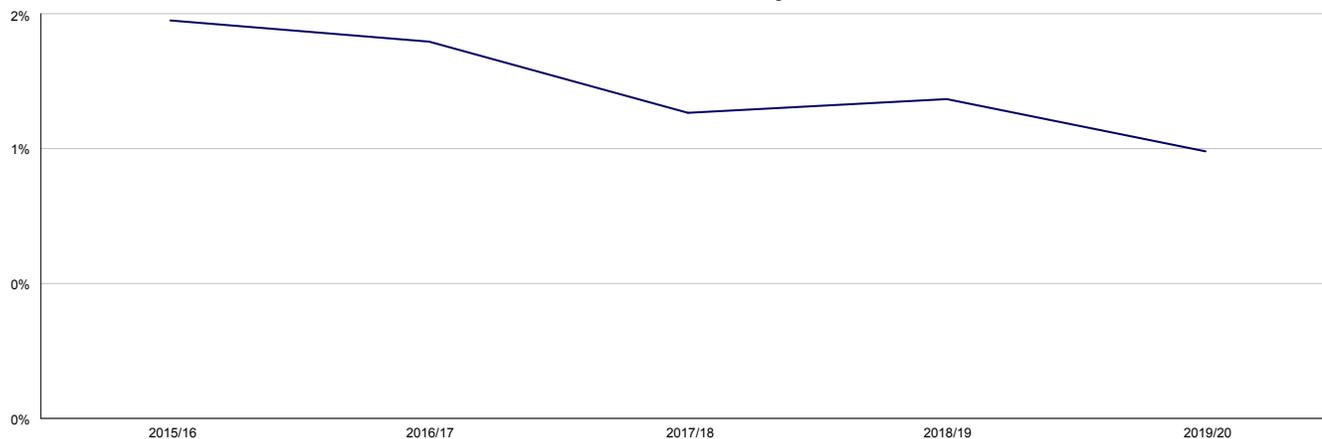
Civil Finalisations by Trial



Civil Trial Finalisations

	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
Finalised by Trial	789	739	573	545	479	-12.1%	-39.3%
Finalised Without Trial	52,704	52,183	50,018	45,510	47,915	5.3%	-9.1%
Total	53,493	52,922	50,591	46,055	48,394	5.1%	-9.5%
Per cent finalised by trial	1.5%	1.4%	1.1%	1.2%	1.0%	-16.4%	-32.9%

% Civil Finalisations by Trial



Counting Rules:

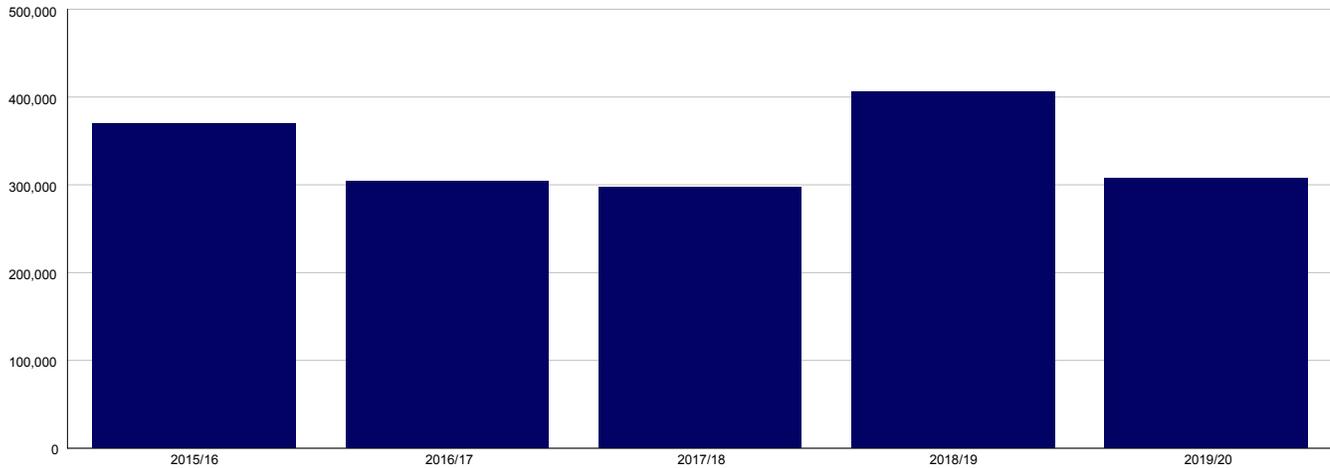
(a) These are the number of civil cases which were finalised in the Magistrates Court of Western Australia, broken down by whether a trial proceeded or not for the matter.

(b) 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.

(c) Trial related figures are presented from 2014/15 onwards, due to improvements in the Court's civil case management system and the capture of related trial information, and is not comparable to trial information prior to this time.

(d) 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	2015/16	2016/17	2017/18	2018/19	2019/20	% Change 1 Year	% Change 5 Years
Restraining Of Goods/Property Order	12	7	13		4	n/a	n/a
Application to Breach Surety	2	7	1	2		n/a	n/a
General Summons/Plaint	46	26	20	9	1	n/a	n/a
Minor Cases Procedure Claim	55,510	38,670	34,583	57,215	27,256	-52.4%	-50.9%
Application for cancellation of enforcement warrant	29		9	3	8	n/a	n/a
General Application	2,109	1,474	1,306	1,210	1,370	13.2%	-35.0%
Recovery Of Possession Of Land	364	219	235	301	394	30.9%	8.2%
Registration Of Orders	4,184	3,384	3,169	3,002	2,904	-3.3%	-30.6%
Consumer/Trader Claim	12,348	9,476	8,781	11,827	7,696	-34.9%	-37.7%
Criminal Property Confiscation Act	534	706	685	765	993	29.8%	86.0%
Disposal of Uncollected Goods	159	169	126	164	216	31.7%	35.8%
Freezing Notice					209	n/a	n/a
Residential Tenancies	56,817	60,951	56,421	56,646	54,694	-3.4%	-3.7%
Under Age Marriage	4	3	3			n/a	n/a
Application for Extradition	2		2			n/a	n/a
Application to Reduce Fee				18	262	1,355.6%	n/a
Revocation of Disqualification Notice	1	8	5	10	11	n/a	n/a
Set Aside Licence Suspension		15			2	n/a	n/a
Auctioneer's Licence	488	429	422	293	209	-28.7%	-57.2%
Prohibited Behaviour Order	148	119	32	16	9	n/a	n/a
Extraordinary Driver's Licence	5,828	4,964	5,309	5,500	5,768	4.9%	-1.0%
Miscellaneous Civil					11	n/a	n/a
Restraining Order	94,025	90,208	96,914	109,249	116,386	6.5%	23.8%
Restraint Of Debtors Action	2	6	5		2	n/a	n/a
General Procedure Claim	137,758	94,316	90,156	160,798	90,374	-43.8%	-34.4%
Small Debt Summons/Plaint			100			n/a	n/a
Trans-Tasman Act Judgements	2	8	11	12	17	41.7%	n/a
Total	370,372	305,165	298,308	407,040	308,796	-24.1%	-16.6%

Counting Rules:

- (a) These are the number of civil documents lodged in the Magistrates Court of 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 that are used within the Magistrates Court.

Case Types

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

Appeals and Reviews

Applications seeking the review of a decision of a Justice of the Peace or a registrar.

Auctioneer's Licence

Application seeking a license to facilitate an auction under the *Auction Sales Act 1973*.

Consumer/Trader Claim

Application under the *Magistrates Court (Civil Proceedings) Act 2004* seeking a remedy in a dispute between a consumer and a trader.

Criminal Profits Confiscation Act

Applications made by the State under the *Criminal Property Confiscation Act 2000*, ordering confiscation in certain circumstances of property acquired as a result of criminal activity and property used for criminal activity.

Disposal of Uncollected Goods

Applications made under the *Disposal of Uncollected Goods Act 1970* seeking the removal of goods left on premises.

Extraordinary Driver's Licence

Application under the *Road Traffic Act 1974* seeking permission to hold an Extraordinary Driver's Licence when a driver has been disqualified from holding or obtaining a driver's licence. A successful application allows someone who has been disqualified from driving to drive in certain circumstances.

General Application

An application under the *Magistrates Court (Civil Proceedings) Act 2004* that is of a non-specific nature.

General Procedure Claim

Application under the *Magistrates Court (Civil Proceedings) Act 2004* seeking a remedy in a dispute where the monetary value of the remedy sought is less than \$75,000.

Minor Cases Procedure Claim

Application under the *Magistrates Court (Civil Proceedings) Act 2004* seeking a remedy in a dispute where the monetary value of the remedy sought is less than \$10,000.

Prohibited Behaviour Order

An application by the State under the *Prohibited Behaviour Orders Act 2010* seeking the prohibition of recurrent criminal activity which is made following certain criminal convictions. When a prohibited behaviour order is made it specifies certain restrictions on a person that aim to prevent that person from engaging in future anti-social offending.

Recovery Of Possession Of Land

An application under the *Magistrates Court (Civil Proceedings) Act 2004* seeking to recover possession of real property (land).

Registration Of Orders

Applications seeking the registration of orders made by other jurisdictions (either interstate or other jurisdictions in Western Australia) within the Magistrates Court of Western Australian jurisdiction.

Residential Tenancies

A general application under the *Residential Tenancies Act 1987* seeking the intervention of the Court in disputes between tenants and landlords or between co-tenants.

Restraining Of Goods/Property Order

Applications made under the *Restraint of Debtors Act 1984* seeking an order from the court that will restrain the transfer or removal from the state of property until a debt is paid.

Restraining Order

An application under the *Restraining Orders Act 1997* seeking an order restraining the person who is bound from from either: committing an act of abuse, breaching the peace, causing fear, damaging property or intimidating another person. Orders can also be made under the *Prostitution Act 2000* restraining a person from being in or near a specified place or engaging in specified behaviours.

Restraint Of Debtors Action

Applications made under the *Restraint of Debtors Act 1984* seeking an order from the court that will restrain a debtor from leaving the State until a debt is paid.

Revocation of Disqualification Notice

An application under the *Road Traffic Act 1974* seeking to revoke a disqualification from holding or obtaining a driver's licence issued by a police officer within ten days of the commission of an offence.

Under Age Marriage

An application seeking the permission of the Court to allow a marriage between two applicants, where one is under 18 years of age.