



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

**Report on Civil Cases in the
Children's Court
of Western Australia
2016/17 to 2020/21**

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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 Children's 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.

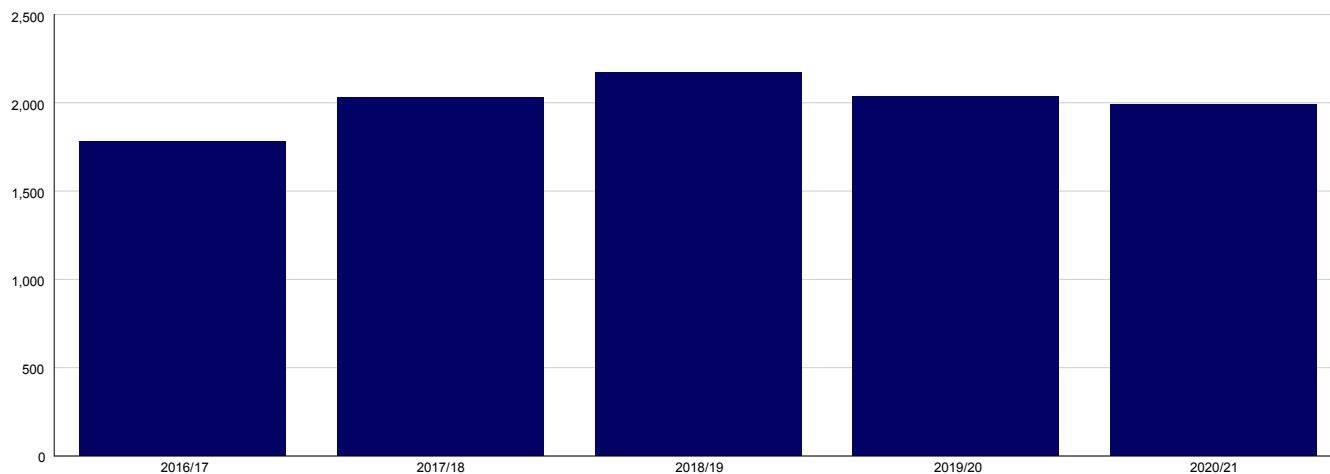
This version of the report was produced on 2 November 2021. Any variances between figures in this report and other publications may be due to differences in the date the report was produced, and the Department's commitment to the continual maintenance and improvement of data capture and storage.

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 Cases Lodged



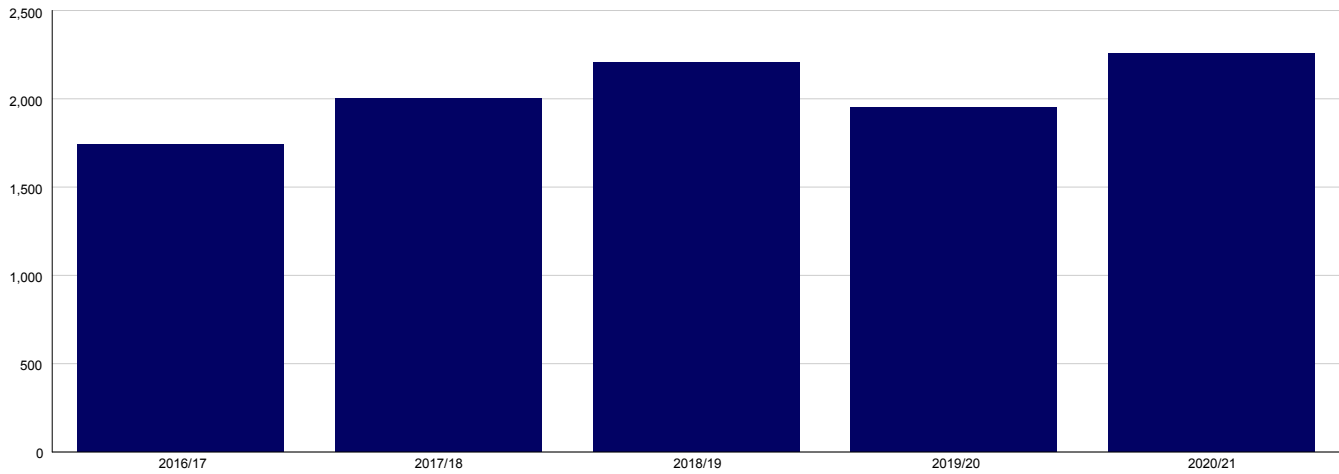
Civil Applications Lodged

| Matter Type | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | % Change 1 Year | % Change 5 Years |
|--------------------------------|--------------|--------------|--------------|--------------|--------------|-----------------|------------------|
| Extraordinary Driver's Licence | 2 | 1 | | 1 | 2 | n/a | n/a |
| General Application | 1 | 3 | 3 | 6 | 10 | n/a | n/a |
| Protection and Care | 814 | 891 | 1,000 | 871 | 687 | -21.1% | -15.6% |
| Restraining Order | 967 | 1,141 | 1,173 | 1,164 | 1,295 | 11.3% | 33.9% |
| Total | 1,784 | 2,036 | 2,176 | 2,042 | 1,994 | -2.4% | 11.8% |

Counting Rules:

- These are the number of civil applications lodged in the Children's 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.

Civil Case Finalisations



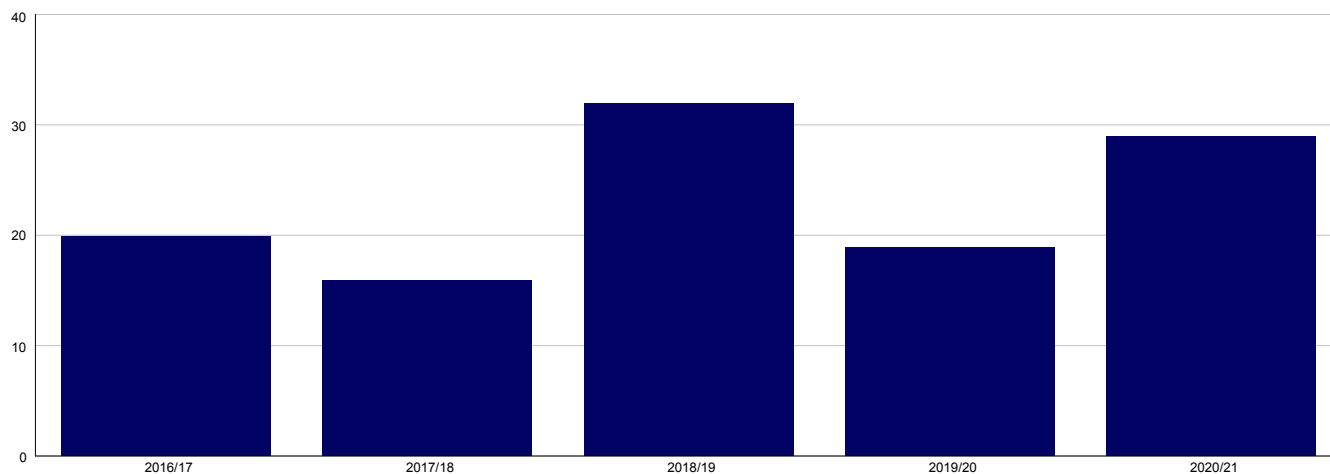
Civil Cases Finalised

| Matter Type | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | % Change 1 Year | % Change 5 Years |
|--------------------------------|--------------|--------------|--------------|--------------|--------------|-----------------|------------------|
| Extraordinary Driver's Licence | 1 | 1 | 1 | 1 | 1 | n/a | n/a |
| General Application | 1 | 3 | 3 | 6 | 9 | n/a | n/a |
| Protection and Care | 786 | 900 | 1,001 | 769 | 957 | 24.4% | 21.8% |
| Restraining Order | 959 | 1,105 | 1,206 | 1,180 | 1,294 | 9.7% | 34.9% |
| Total | 1,747 | 2,009 | 2,211 | 1,956 | 2,261 | 15.6% | 29.4% |

Counting Rules:

- These are the number of civil applications finalised in the Children's 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.

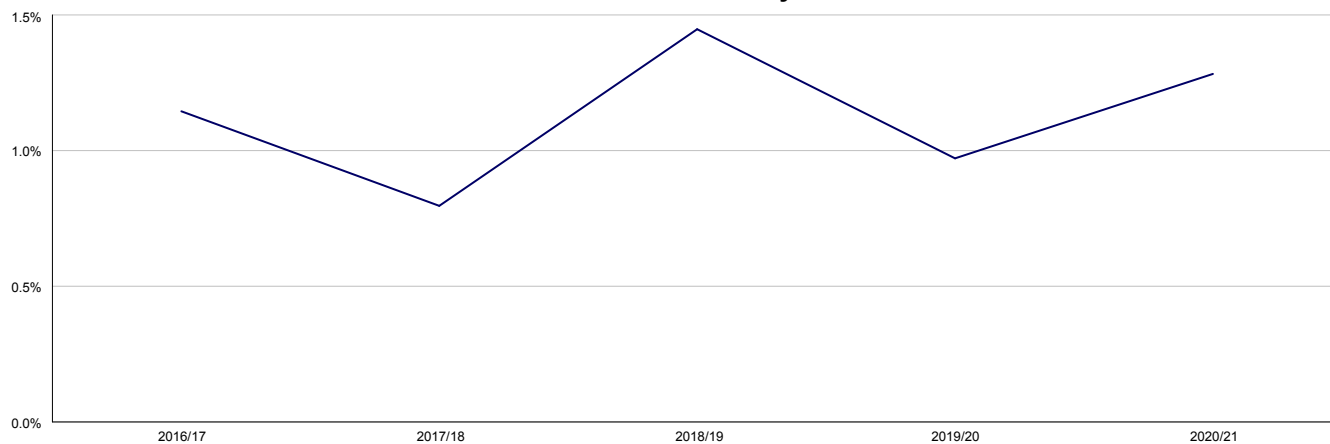
Civil Finalisations by Trial



Civil Trial Finalisations

| | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | % Change 1 Year | % Change 5 Years |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|-----------------|------------------|
| Finalised by Trial | 20 | 16 | 32 | 19 | 29 | 52.6% | 45.0% |
| Finalised Without Trial | 1,727 | 1,993 | 2,179 | 1,937 | 2,232 | 15.2% | 29.2% |
| Total | 1,747 | 2,009 | 2,211 | 1,956 | 2,261 | 15.6% | 29.4% |
| Per cent finalised by trial | 1.1% | 0.8% | 1.4% | 1.0% | 1.3% | 32.0% | 12.0% |

% Civil Finalisations by Trial



Counting Rules:

- These are the number of civil cases which were finalised in the Children's Court of 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.
- 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.
- 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 Children's Court.

Case Types

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

Extraordinary Driver's Licence

Application under the *Road Traffic Act 1974* seeking permission to hold an Extraordinary Driver's License 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.

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.

Protection and Care

The Department for Child Protection and Family Support (DCPFS) can apply to the Children's Court for a protection order if it appears to the agency that a child is in need of protection. A protection order granted by the Children's Court can result in a child staying with their family but under supervision of DCPFS, or the child being removed from their family and cared for by the DCPFS.

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.

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.