



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

**Report on Civil Cases in the
Magistrates 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 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.

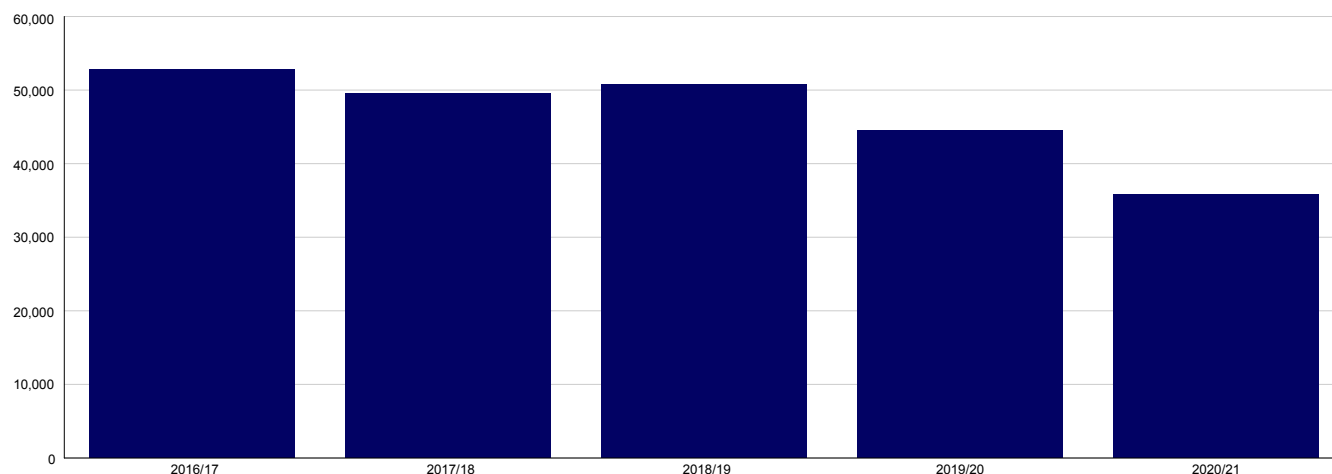
This version of the report was produced on 2 November 2021. Any variances between figures in this report and other publications may be due to differences in the date the report was produced, and the Department's commitment to the continual maintenance and improvement of data capture and storage.

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 Applications Lodged



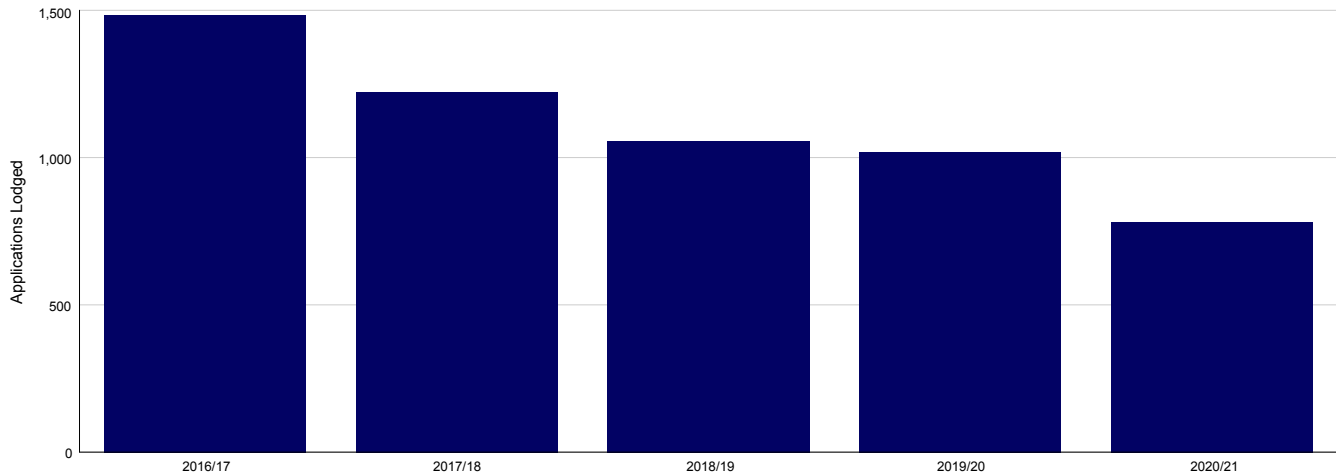
Civil Applications Lodged

Matter Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
Prohibited Behaviour Order	20	4	4	1		n/a	n/a
Revocation of Disqualification Notice	6	4	5	5	5	n/a	n/a
Set Aside Licence Suspension	8			1		n/a	n/a
Recovery Of Possession Of Land	28	29	36	30	26	-13.3%	-7.1%
Registration Of Orders	403	376	324	301	223	-25.9%	-44.7%
Criminal Property Confiscation Act	83	49	85	84	63	-25.0%	-24.1%
Freezing Notice				107	61	-43.0%	n/a
Residential Tenancies	16,469	14,913	14,020	11,230	7,373	-34.3%	-55.2%
Restraining Of Goods/Property Order	1	1		1		n/a	n/a
Under Age Marriage	2	1				n/a	n/a
Minor Cases Procedure Claim	4,752	3,526	3,191	2,719	1,759	-35.3%	-63.0%
Restraint Of Debtors Action	1	1		1	2	n/a	n/a
Auctioneer's Licence	67	99	88	45	40	-11.1%	-40.3%
Extraordinary Driver's Licence	2,137	2,167	2,068	1,822	2,026	11.2%	-5.2%
Miscellaneous Civil				6	3	n/a	n/a
Restraining Order	13,933	14,434	15,744	16,166	16,127	-0.2%	15.7%
General Procedure Claim	13,353	12,706	14,144	10,914	7,222	-33.8%	-45.9%
Trans-Tasman Act Judgements	2	1	1	2	1	n/a	n/a
Application for cancellation of enforcement warrant		3	1	3	16	n/a	n/a
Consumer/Trader Claim	1,485	1,226	1,059	1,022	784	-23.3%	-47.2%
Disposal of Uncollected Goods	33	22	26	32	23	-28.1%	-30.3%
General Application	202	160	154	154	169	9.7%	-16.3%
Total	52,985	49,722	50,950	44,646	35,923	-19.5%	-32.2%

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



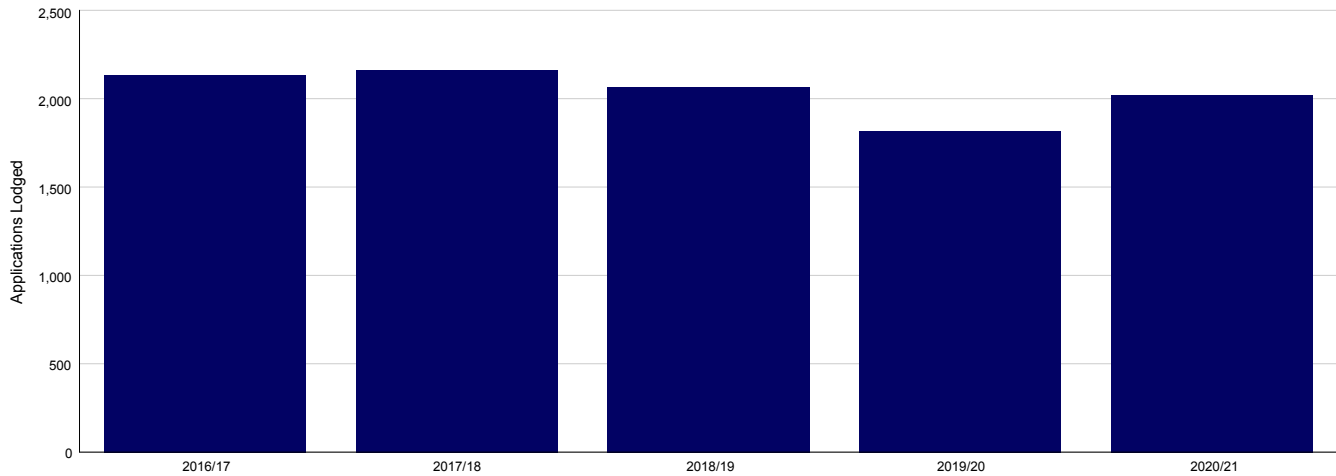
Consumer Trader Claim Applications Lodged

Remedy Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
01. Sale of Goods & Services	1					n/a	n/a
04. Breach of Contract		2				n/a	n/a
The Payment of an Amount of Money	1,264	1,072	916	867	682	-21.3%	-46.0%
The Performance of Work	43	32	31	27	17	-37.0%	-60.5%
The Providing of Services	81	63	44	48	21	-56.2%	-74.1%
The Relief from Payment of an Amount of Money	21	11	20	21	12	-42.9%	-42.9%
The Replacement of Goods	36	20	23	25	26	4.0%	-27.8%
The Return of Goods	39	26	25	34	26	-23.5%	-33.3%
Total	1,485	1,226	1,059	1,022	784	-23.3%	-47.2%

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



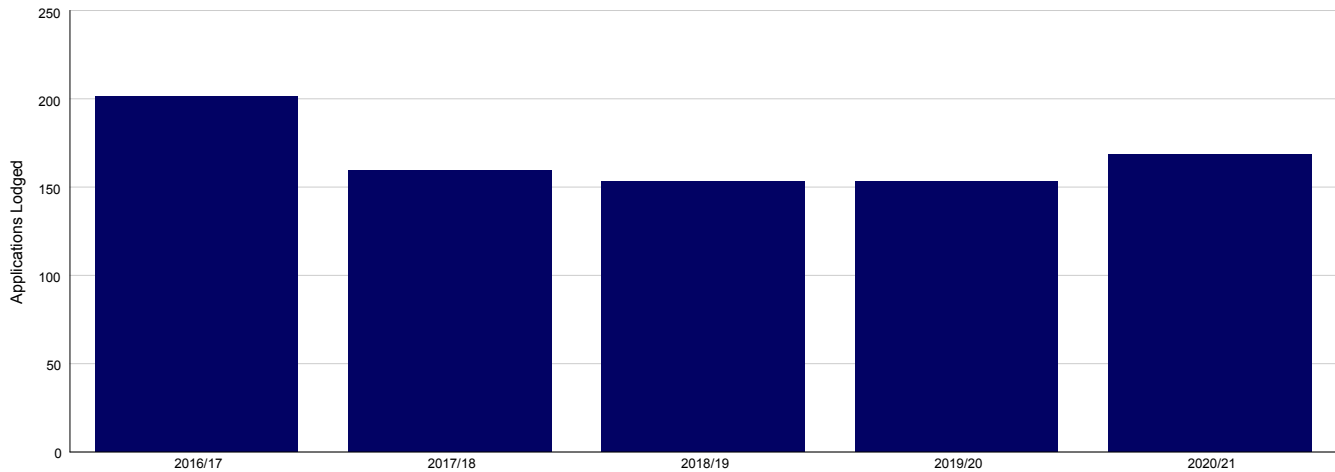
Extraordinary Driver's Licence Applications Lodged

Initiating Document Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
Form 5 - Application for Extraordinary Licence	2,137	2,167	2,068	1,821	2,026	11.3%	-5.2%
Order				1		n/a	n/a
Total	2,137	2,167	2,068	1,822	2,026	11.2%	-5.2%

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



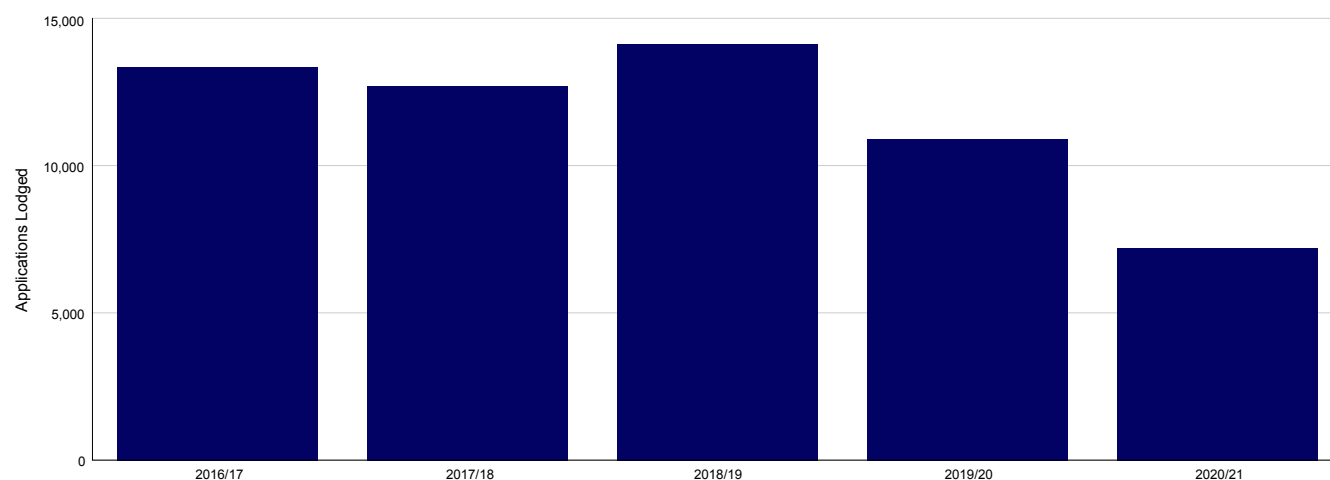
General Applications Lodged

Remedy Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
11. Return of Goods		1				n/a	n/a
17(4) Petroleum and Geothermal Energy Resources Act 1967					1	n/a	n/a
Animal Welfare Act	9	9	3	4	4	n/a	n/a
Applications under the Mandatory Testing (Infectious Diseases) Act 2014	2		3	4	2	n/a	n/a
Building Act 2011	3	3	4	5	12	n/a	n/a
Corporations Act		1			1	n/a	n/a
Criminal & Found Property Disposal Act	3	7	7	2		n/a	n/a
Criminal and Found Property Disposal Act				7	7	n/a	n/a
Criminal Investigation Act			1			n/a	n/a
Dividing Fence	179	125	113	123	132	7.3%	-26.3%
Dog Act 1976	1					n/a	n/a
Local Govt (Misc Provisions) Act		4		1		n/a	n/a
National Consumer Credit Protection Act 2009 (Commonwealth)	5	10	22	8	10	n/a	n/a
The Return of Goods			1			n/a	n/a
Total	202	160	154	154	169	9.7%	-16.3%

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



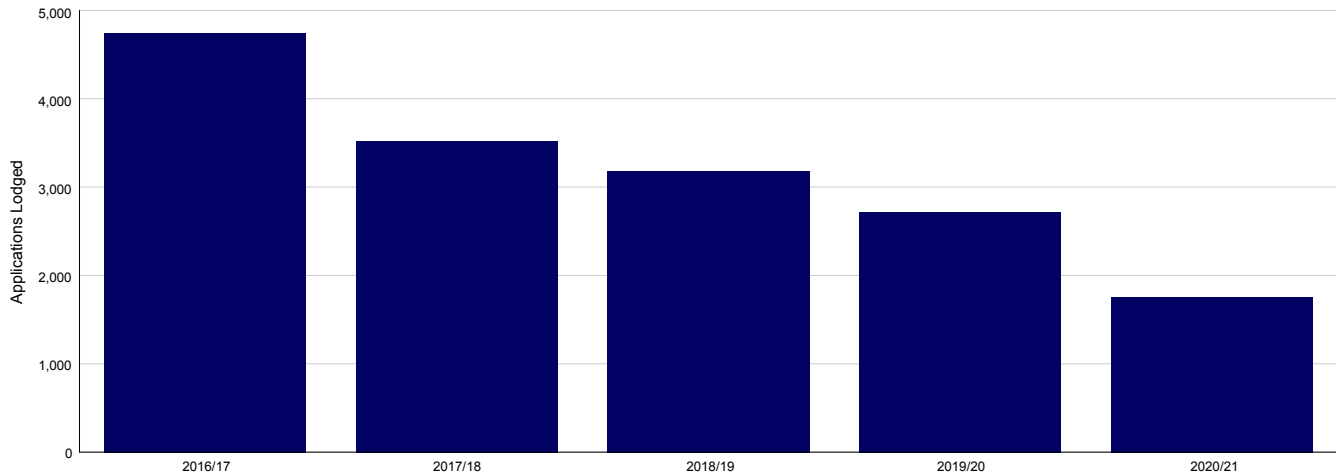
General Procedure Claim Applications Lodged

Remedy Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
01. Sale of Goods & Services	2,189	1,869	1,339	1,224	761	-37.8%	-65.2%
02. Council Rates	4,626	4,100	5,205	4,138	2,843	-31.3%	-38.5%
03. Motor Vehicle Accident	2,254	2,061	2,411	1,759	1,811	3.0%	-19.7%
04. Breach of Contract	2,191	2,431	2,852	2,280	832	-63.5%	-62.0%
05. Tax/Water Rates	311	305	178	76	46	-39.5%	-85.2%
06. Strata Plan Fees	337	371	387	460	330	-28.3%	-2.1%
07. Consumer Credit/Loan	957	1,080	1,304	562	206	-63.3%	-78.5%
08. Damages not Motor Vehicle	124	134	112	136	83	-39.0%	-33.1%
09. Personal Injury	80	115	146	112	170	51.8%	112.5%
10. Dishonoured Cheque	4	1	3	2	1	n/a	n/a
11. Return of Goods	22	15	26	46	32	-30.4%	45.5%
12. Outstanding Rent and Costs	131	142	152	112	98	-12.5%	-25.2%
13. Workers Compensation	123	78	25	6	9	n/a	n/a
Remitted from other Jurisdiction	3	3	4	1		n/a	n/a
The Payment of an Amount of Money	1	1				n/a	n/a
Total	13,353	12,706	14,144	10,914	7,222	-33.8%	-45.9%

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



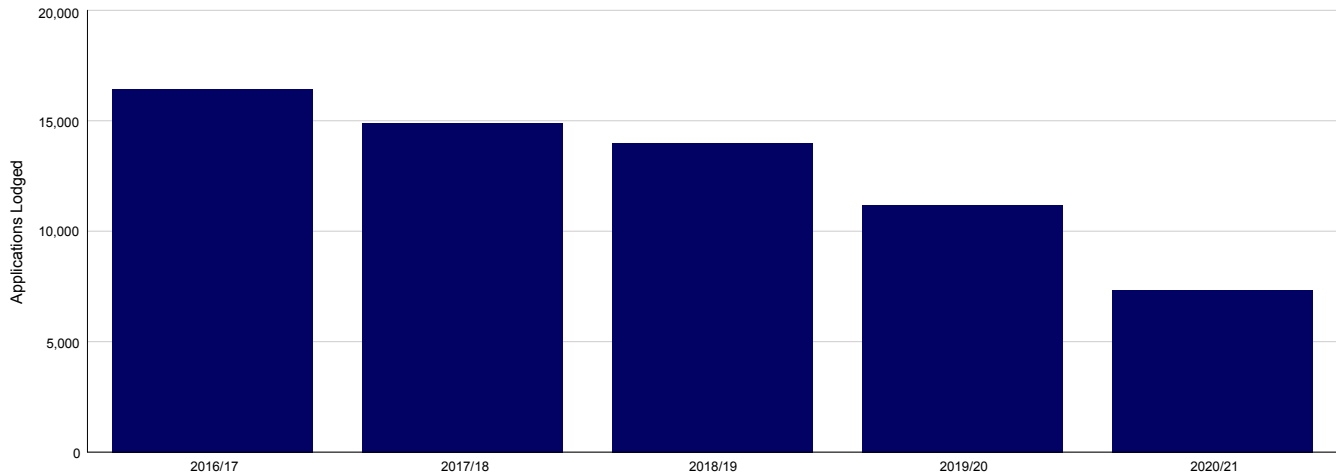
Minor Cases Procedure Claims Lodged

Remedy Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
01. Sale of Goods & Services	1,802	1,537	1,348	1,156	750	-35.1%	-58.4%
02. Council Rates	413	406	497	449	178	-60.4%	-56.9%
03. Motor Vehicle Accident	202	145	152	126	82	-34.9%	-59.4%
04. Breach of Contract	884	836	665	547	426	-22.1%	-51.8%
05. Tax/Water Rates	887	24	34	35	2	n/a	n/a
06. Strata Plan Fees	32	23	25	26	23	-11.5%	-28.1%
07. Consumer Credit/Loan	80	130	108	81	33	-59.3%	-58.7%
08. Damages not Motor Vehicle	151	125	122	122	106	-13.1%	-29.8%
09. Personal Injury	16	19	10	10	17	n/a	6.2%
10. Dishonoured Cheque	10	6	3	2	1	n/a	n/a
11. Return of Goods	75	78	79	66	48	-27.3%	-36.0%
12. Outstanding Rent and Costs	197	185	144	97	89	-8.2%	-54.8%
13. Workers Compensation	2	8	4	2	4	n/a	n/a
The Payment of an Amount of Money	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	4,752	3,526	3,191	2,719	1,759	-35.3%	-63.0%

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



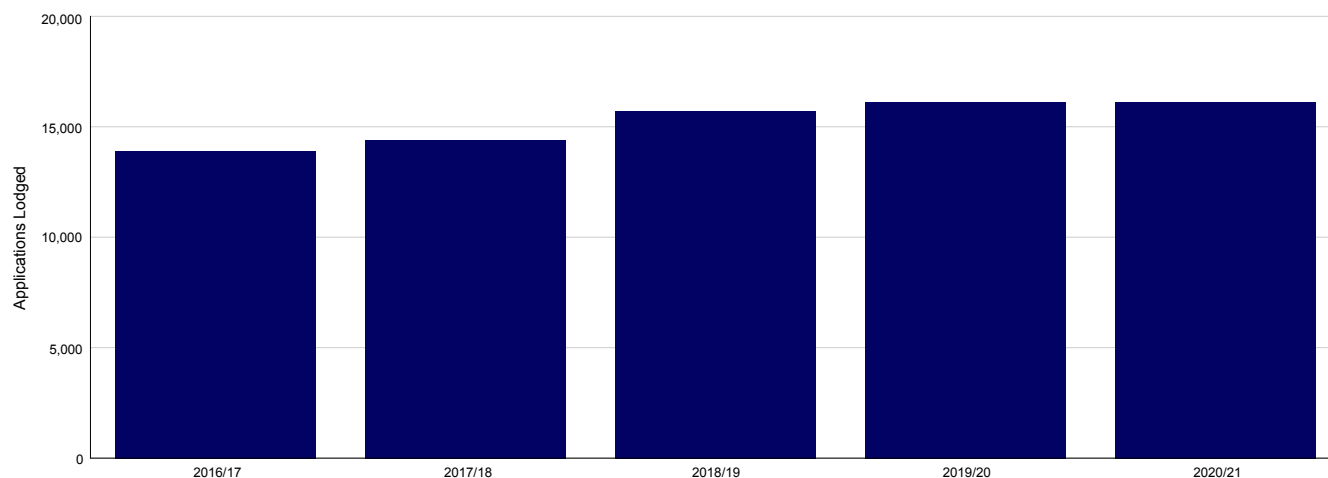
Residential Tenancy Applications Lodged

Initiating Document Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
Letter					7	n/a	n/a
Form 11 - Proceeds of Sale of Abandoned Goods (Residential Tenancies Act)	1		1	1	2	n/a	n/a
Residential Tenancy Form 6 Bond Disposal Application	6,598	6,092	5,527	4,430	2,902	-34.5%	-56.0%
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	1					n/a	n/a
Residential Tenancy Form 12 General Application	9,868	8,821	8,490	6,799	4,462	-34.4%	-54.8%
Form 57 - Notice of Discontinuance of Case			1			n/a	n/a
Total	16,469	14,913	14,020	11,230	7,373	-34.3%	-55.2%

Counting Rules:

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

Restraining Order Applications Lodged



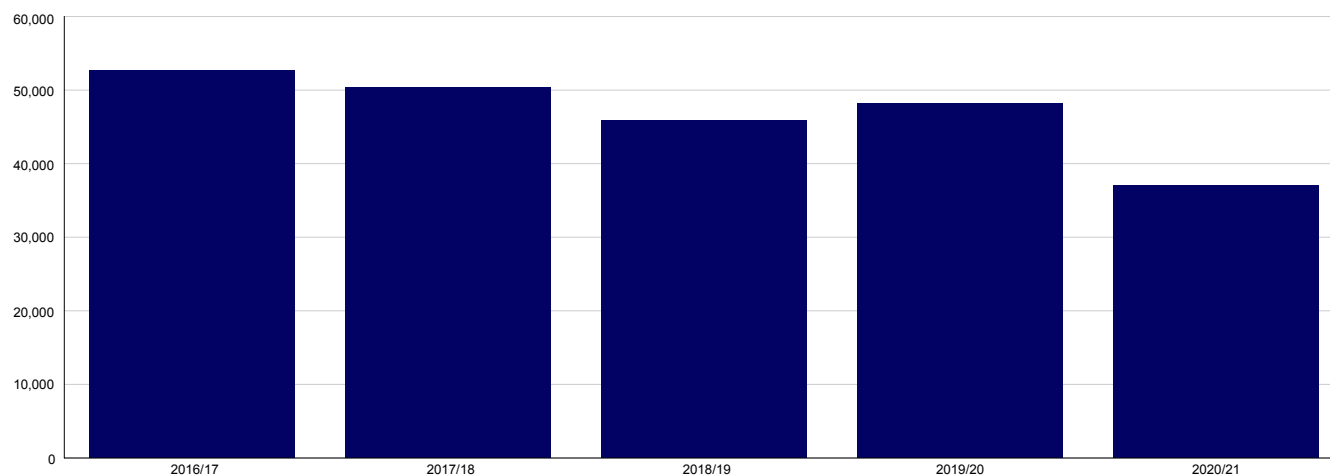
Restraining Order Applications Lodged

Remedy Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
Weapons Act		1				n/a	n/a
Family Violence Restraining Order		10,148	11,437	11,455	11,193	-2.3%	n/a
Interstate/Foreign Restraining Order Registration	58	38	17	19	19	0.0%	-67.2%
Telephone Violence Restraining Order	1	2				n/a	n/a
Violence Restraining Order	13,038	3,530	3,598	3,892	4,056	4.2%	-68.9%
Misconduct Restraining Order	836	707	692	799	857	7.3%	2.5%
Telephone Family Violence Restraining Order		8		1	2	n/a	n/a
Total	13,933	14,434	15,744	16,166	16,127	-0.2%	15.7%

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.
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Civil Applications Finalised



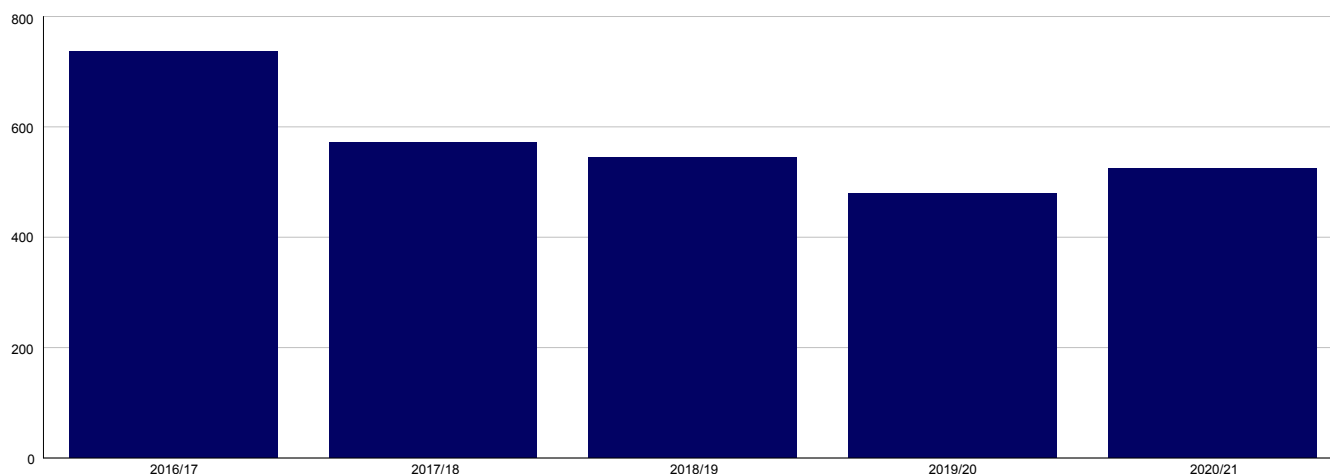
Civil Cases Finalised

Matter Type	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
Application for cancellation of enforcement warrant		2	1	2	14	n/a	n/a
Auctioneer's Licence	62	96	71	27	26	-3.7%	-58.1%
Consumer/Trader Claim	1,550	1,391	1,063	1,096	839	-23.4%	-45.9%
Criminal Property Confiscation Act	46	40	40	85	58	-31.8%	26.1%
Disposal of Uncollected Goods	28	18	18	30	25	-16.7%	-10.7%
Extraordinary Driver's Licence	2,144	1,974	1,925	1,644	1,857	13.0%	-13.4%
Freezing Notice					2	n/a	n/a
General Application	191	177	157	170	174	2.4%	-8.9%
General Procedure Claim	15,249	13,763	10,765	14,958	9,601	-35.8%	-37.0%
General Summons/Plaint	1					n/a	n/a
Minor Cases Procedure Claim	5,087	4,396	2,822	3,546	2,429	-31.5%	-52.3%
Miscellaneous Civil				4	3	n/a	n/a
Prohibited Behaviour Order	24	7	4	1	1	n/a	n/a
Recovery Of Possession Of Land	23	33	31	40	25	-37.5%	8.7%
Registration Of Orders	404	373	319	276	118	-57.2%	-70.8%
Residential Tenancies	15,106	14,018	13,537	11,314	6,838	-39.6%	-54.7%
Restraining Of Goods/Property Order	1			1		n/a	n/a
Restraining Order	12,917	14,222	15,295	15,085	15,113	0.2%	17.0%
Restraint Of Debtors Action	1	1		1	1	n/a	n/a
Revocation of Disqualification Notice	6	2	4	2	3	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	2	1				n/a	n/a
Total	52,850	50,514	46,052	48,284	37,127	-23.1%	-29.8%

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.

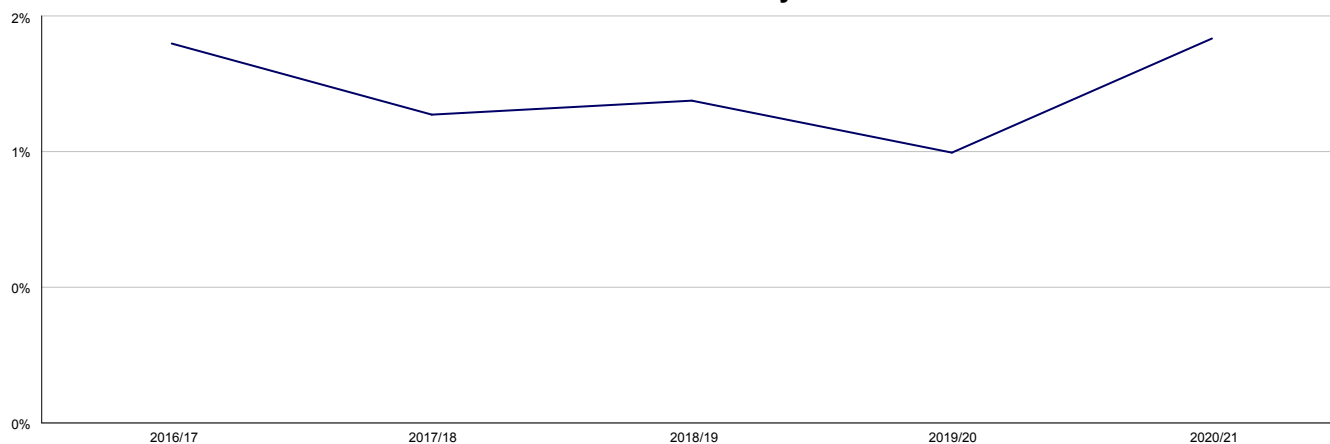
Civil Finalisations by Trial



Civil Trial Finalisations

	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
Finalised by Trial	739	574	547	481	526	9.4%	-28.8%
Finalised Without Trial	52,111	49,940	45,505	47,803	36,601	-23.4%	-29.8%
Total	52,850	50,514	46,052	48,284	37,127	-23.1%	-29.8%
Per cent finalised by trial	1.4%	1.1%	1.2%	1.0%	1.4%	42.2%	1.3%

% Civil Finalisations by Trial



Counting Rules:

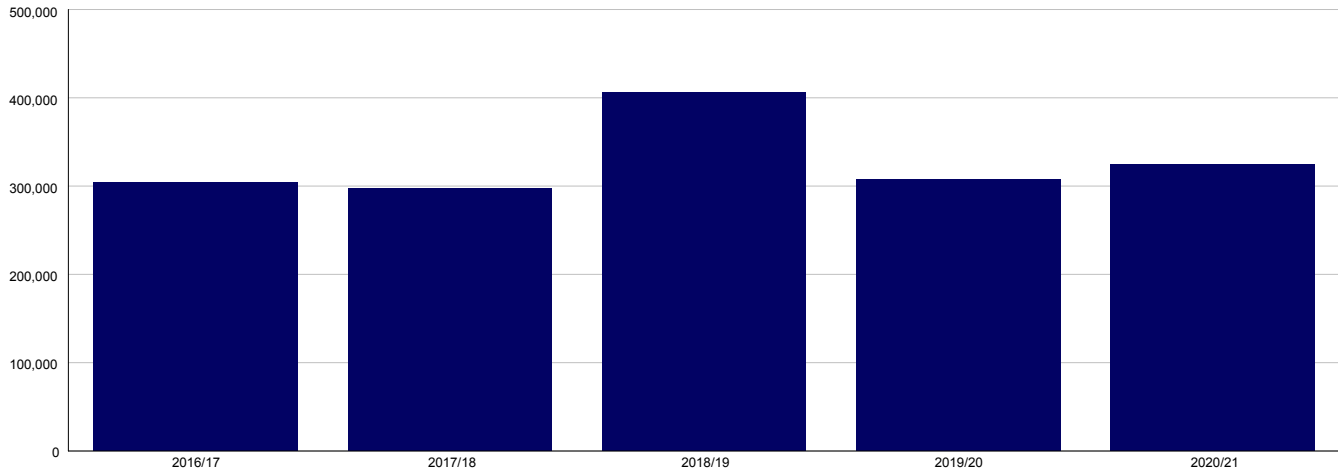
(a) These are the number of civil cases which were finalised in the Magistrates Court of Western Australia, broken down by whether a trial proceeded or not for the matter.

(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	2016/17	2017/18	2018/19	2019/20	2020/21	% Change 1 Year	% Change 5 Years
Auctioneer's Licence	429	421	293	209	287	37.3%	-33.1%
Extraordinary Driver's Licence	4,964	5,311	5,500	5,770	8,154	41.3%	64.3%
General Summons/Plaint	26	20	9	1	6	n/a	n/a
Miscellaneous Civil				12	44	266.7%	n/a
Restraining Order	90,234	96,950	109,291	116,481	136,987	17.6%	51.8%
Application to Breach Surety	7	1	2		1	n/a	n/a
Application to Reduce Fee			18	262	909	246.9%	n/a
Revocation of Disqualification Notice	8	5	10	11	19	72.7%	n/a
Set Aside Licence Suspension	15			2		n/a	n/a
Criminal Property Confiscation Act	708	686	765	993	805	-18.9%	13.7%
Freezing Notice				213	216	1.4%	n/a
Residential Tenancies	60,954	56,428	56,661	54,730	59,005	7.8%	-3.2%
Restraining Of Goods/Property Order	7	13		4	4	n/a	n/a
Under Age Marriage	3	3				n/a	n/a
Application for cancellation of enforcement warrant		9	3	8	60	n/a	n/a
Civil Cause (Writ Of Summons - Proceeding By Pleadings)					3	n/a	n/a
Consumer/Trader Claim	9,481	8,784	11,832	7,703	8,573	11.3%	-9.6%
Disposal of Uncollected Goods	169	126	165	216	280	29.6%	65.7%
General Application	1,474	1,306	1,210	1,371	1,968	43.5%	33.5%
EXEMPT					346	n/a	n/a
Prohibited Behaviour Order	119	32	16	9	8	n/a	n/a
Minor Cases Procedure Claim	38,677	34,594	57,219	27,269	23,749	-12.9%	-38.6%
Restraint Of Debtors Action	6	5		2	6	n/a	n/a
Application for Extradition		2				n/a	n/a
General Procedure Claim	94,353	90,184	160,824	90,406	80,623	-10.8%	-14.6%
Small Debt Summons/Plaint		100				n/a	n/a
Trans-Tasman Act Judgements	8	11	12	17	16	-5.9%	n/a
Recovery Of Possession Of Land	219	235	302	394	474	20.3%	116.4%
Registration Of Orders	3,384	3,169	3,003	2,905	2,783	-4.2%	-17.8%
Total	305,245	298,395	407,135	308,988	325,326	5.3%	6.6%

Counting Rules:

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

Civil Documents Lodged

(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.