

# ANNUAL REVIEW 2015



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DISTRICT COURT OF WESTERN AUSTRALIA

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<b>as at 31 December 2015</b>	

# FROM THE CHIEF JUDGE

The business of the Court is driven by the judicial oath which is inscribed on the front of the District Court building and states:

*To do right to all manner of people, according to the law, without fear or favour, affection or ill-will.*



## **Criminal Jurisdiction**

There was a 3% increase in the number of criminal lodgments in 2015. Over a five-year period the number of lodgments has increased by 18.6%.

Finalisations in 2015 (both trials and sentencing) increased by 17% from 2014. This includes a 15% increase in matters finalised by sentencing.

The number of lengthy trials being conducted increased with 26 more trials of five days or more in 2015 compared with 2014.

The Court maintained a policy of over listing of trials by 50%. This enables the Court to maximise judicial resources notwithstanding trials not proceeding due to late pleas of guilty, discontinuances and adjournments. There has been an 11% increase in trials listed and a 4% increase in trials conducted in 2015.

## **Civil Jurisdiction**

There were 5,091 new civil cases, including appeals, lodged in 2015. This is 6% more cases than in 2014. The Court continued last year's trend of finalising around two thirds of its civil cases within 12 months.

## **Retirement of Chief Judge Peter Martino**

On 20 April 2015 Chief Judge Peter Martino retired as Chief Judge of the District Court of Western Australia and took up a position as a Justice of the Supreme Court of Western Australia. The Honourable Justice Martino had been appointed as a judge of the District Court in 2000 and served as the Chief Judge from 1 July 2010 until his appointment to the Supreme Court. On behalf of the District Court I would like to acknowledge and thank Justice Martino for his services to the District Court over a long period of time and wish him well in his new position on the Supreme Court bench.

## **Judicial Appointments**

On 1 June 2015 her Honour Judge Petrusa was appointed to the Court, filling the vacancy created by Chief Judge Martino's appointment to the Supreme Court.

### **New Governance**

On 18 August 2015 the Judges of the District Court of Western Australia adopted a new governance structure to assist the Chief Judge with the administration of the Court. Under this structure the Management Council was established. The initial members of the Management Council were the following:

- Chief Judge (Chair)
- Senior Judge (his Honour Judge Fenbury)
- Chairperson of the Building Committee (his Honour Judge Eaton)
- Chairperson of the IT Committee (his Honour Judge Stavrianou)
- Two Judges on a two-year rotation (her Honour Judge Davis and his Honour Judge Derrick)
- Principal Registrar (Mr Shane Melville)
- Executive Manager of the District Court (Ms. Su Owen).

It is anticipated that the establishment of the Management Council will make the management of the Court more inclusive, consultative, modern and transparent.

### **e-Lodgment and e-Court Project**

In 2015 the Judges of the Court resolved to support the implementation of an e-lodgment system in the civil jurisdiction of the District Court under a modernisation plan of the Court and Tribunal Services Division of the Department of the Attorney General.

The support of the Judges was conditional on the Court converting to an e-court environment as soon as possible so as to create paperless court files in the civil jurisdiction of the Court. It is not anticipated that the changes will alter the way trials are conducted in the civil jurisdiction of the Court (at least in the short term) but there will be dramatic changes in the way the Court manages its civil jurisdiction.

Ultimately there will be significant benefits in terms of efficiencies in the management of the Court's records and significant savings in handling and storage costs. It is anticipated that there will also be significant benefits to the profession and litigants who will be able to lodge documents electronically at any time.

As a part of the project the Court has insisted that certain core principles are followed. They include that the conversion of the civil jurisdiction to an e-court will not in any way inhibit access to justice. To ensure this, self-represented litigants will be able to lodge documents at the Court in a paper form by having the documents scanned into the electronic file.

It is anticipated that the e-lodgment facility will be in operation in mid 2016 and over a period of several years the Court will then gradually convert to an e-court (paperless file) operation.

### **Contributions to the Court**

Thanks are given to the Court's Judges and Registrars and all the Court's staff for their hard work which enables the Court to achieve its aim of ensuring fair, expeditious and cost effective resolution of matters brought before it.

**Kevin Sleight**  
**Chief Judge**  
District Court of Western Australia

# THE DISTRICT COURT AT A GLANCE

## Our 2015 achievements

### The Court

- The median time to criminal trial for matters committed to the Court increased to 31 weeks however it remained within the Court's target of 32 weeks.
- Used video-conferencing facilities to prisons to deal with 312 persons in custody which equated to approximately 99 hours of courtroom usage. This results in savings in the Department of Corrective Services' costs of transportation and saves persons in custody from the inconvenience of unnecessary trips to court.
- Continued to finalise two thirds of all new civil cases within 12 months of lodgment, despite the continuing increase in new lodgments.
- The provision of running transcript for criminal trials to Broome, Bunbury, Busselton, Carnarvon, Derby, Geraldton and South Hedland.
- Upgraded five courtrooms improving and expanding the audio visual capacity of the courts. This provides for greater flexibility in listing trials and delivers potential savings due to reduced transport to, and detention at, the District Court Building.
- Delivered an eight to ten week program of Service Excellence to managers, front line leaders and customer support staff to support the delivery of consistent and professional service to Court registry users.

## Our 2016 priorities

- Implement an expanded eLodgment capability for law professionals and others.
- Commence the implementation of becoming a paperless court with the movement to an eFile environment for the civil jurisdiction.
- Complete the roll-out of the provision of running transcript to the remaining circuit locations for criminal trials.
- Identify areas of service improvement that will deliver a better court experience.

## Our jurisdiction

### Criminal:

All matters that must be tried before a jury, or Judge alone, except those for which the maximum term of imprisonment that can be imposed is a life sentence.

### Civil:

General claims for liquidated sums, debt or damages up to \$750,000 and unlimited jurisdiction for all personal injury claims.

### Appellate: Appeals from:

- Magistrates exercising civil jurisdiction;
- Criminal Injuries Compensation Assessors; and
- Arbitrators under Part XI of the *Workers' Compensation and Injury Management Act 1981*.

## Our area of operation

Perth	
Albany	389 km from Perth
Broome	1664 km
Bunbury	155 km
Busselton	193 km
Carnarvon	814 km
Derby	1770 km
Esperance	592 km
Geraldton	370 km
Kalgoorlie	544 km
Karratha	1275 km
Kununurra	2214 km
South Hedland	1304 km

## Our workload

- 414 criminal trials including 88 circuit trials
- 1,051 people committed for trial
- 1,159 people committed for sentence
- 51 civil trials
- 4,640 new actions commenced by writ
- 108 appeals determined
- 2,294 civil mediations and settlement conferences

## Our people

- 28 judges (4 serving in other jurisdictions)
- 6 registrars (5 full time positions)
- 40.6 registry staff
- 49.6 judicial support staff

## Our budget

An amount of \$22.6 M

# OUR JUDGES

The following were the Judges of the Court as at 31 December 2015:

## Chief Judge

His Honour Judge Kevin Frederick Sleight

## Judges

His Honour Judge Allan David Fenbury  
His Honour Judge Denis John Reynolds  
His Honour Judge Philip Richard Eaton  
His Honour Judge Philip Pierre McCann  
Her Honour Judge Julie Anne Wager  
His Honour Judge Andrew Steven Stavrianou  
Her Honour Judge Troy Denise Sweeney SC  
His Honour Judge Bruce James Hamilton Goetze  
His Honour Judge Richard Ellis Keen  
His Honour Judge Michael John Bowden  
Her Honour Judge Anette Margret Ilse Schoombee  
His Honour Judge Christopher Peter Stevenson  
His Honour Judge Stephen George Scott  
Her Honour Judge Felicity Davis  
His Honour Judge Patrick Brian O'Neal  
His Honour Judge Simon Elliot Stone  
His Honour Judge John Gerard Staude  
His Honour Judge Ronald Edward Birmingham QC  
His Honour Judge Anthony Samuel Derrick SC  
His Honour Judge Timothy Sharp  
Her Honour Judge Audrey Gillian Braddock SC  
His Honour Judge David Ronald Parry  
His Honour Judge Robert Enos Cock QC  
His Honour Judge Mark Edward Herron  
Her Honour Judge Vicki Laura Stewart  
His Honour Judge Laurence Mark Levy SC  
Her Honour Judge Linda Petrusa SC

## Other appointments held by judges of the District Court of Western Australia

The following District Court Judges are not available to the Court as they are engaged for the appointment indicated below:

His Honour Judge DJ Reynolds  
*President Children's Court of WA*

His Honour Judge T Sharp  
*Deputy President State Administrative Tribunal*

His Honour Judge DR Parry  
*Deputy President State Administrative Tribunal*

His Honour Judge RE Cock, QC  
*Chairperson, Prisoners Review Board*

## Judicial appointments since December 2014

His Honour Chief Judge Kevin Frederick Sleight was appointed on 20 April 2015

His Honour former Chief Judge Peter Dominic Martino was appointed as a Justice to the Supreme Court on 20 April 2015.

Her Honour Judge Linda Petrusa was appointed on 2 June 2015

## Registrars

Principal Registrar	Shane Melville
Registrar	George Augustus Kingsley
Registrar	Lyn Dorothy Wallace (Part time)
Deputy Registrar	Simon Peter Harman
Deputy Registrar	Richard John Hewitt
Deputy Registrar	Jacquie Kubacz (Part time)

# CRIMINAL JURISDICTION

The Court deals with all serious criminal offences that must be tried before a Judge and jury, or Judge sitting alone, except those for which the maximum term of imprisonment that can be imposed is life imprisonment. Prosecutions determined by the Court include serious assaults, sexual assaults, serious fraud, commercial theft, burglary and drug related offences.

## Counting Rule Correction

The anomaly in the criminal lodgment counting rules identified just prior to the publication of the 2014 Annual Review has been corrected. Prior year results have been recast to incorporate this change. The five years of comparative data in this review has been formulated under the same methodology.

## Lodgments

Criminal lodgments increased slightly in 2015 with 2,210 new accused matters lodged, a 3% (66 matters) increase when compared with 2,144 matters in the previous year.

An accused matter or criminal lodgment is recorded as one defendant with one or more charges having the same registration date. Secondary processes (e.g. breaches of penalty orders, bail, etc.) are not included as new accused matters.

Included in graph 1 below is the number of additional summary charges called in by accused persons pursuant to a section 32 Sentencing Act 1995 notice, to be dealt with by the Court when sentencing. This procedure allows an accused who is to be sentenced, following conviction in the District Court, to call in and be sentenced by the sentencing Judge on any outstanding summary charges to which they have pleaded guilty in the Magistrates Court.

In 2015 there were 1,770 Section 32 charges lodged, 282 or 19% more than in 2014.

Graph 2 below, illustrates the division in the Court's work between matters committed for trial and those committed for sentence. There were 64 more committals for trial lodged with the Court in 2015 than in the previous year. Committals for sentence were similar.

**GRAPH 1** Accused Matters and Section 32 Charges Lodged



**GRAPH 2** Accused Lodgments by Committal Reason



Graph 3 below, displays the spread of the Court’s criminal workload in relation to accused matters lodged, as between the metropolitan area and the 12 regional locations to which the Court circuits. It illustrates an increase in metropolitan (124) and a reduction in circuit (58) lodgments with an overall increase of 66 accused matters lodged.

**Finalisations**

There were 2,023 criminal matters finalised in 2015, 302 (17%) more than the 1,721 in 2014.

A greater number of matters were lodged (2,210) than were finalised (2,023) which resulted in the Court achieving a clearance index of 91.5%, an improvement on the revised clearance index of 77.5% achieved in 2014 and more in line with previous years.

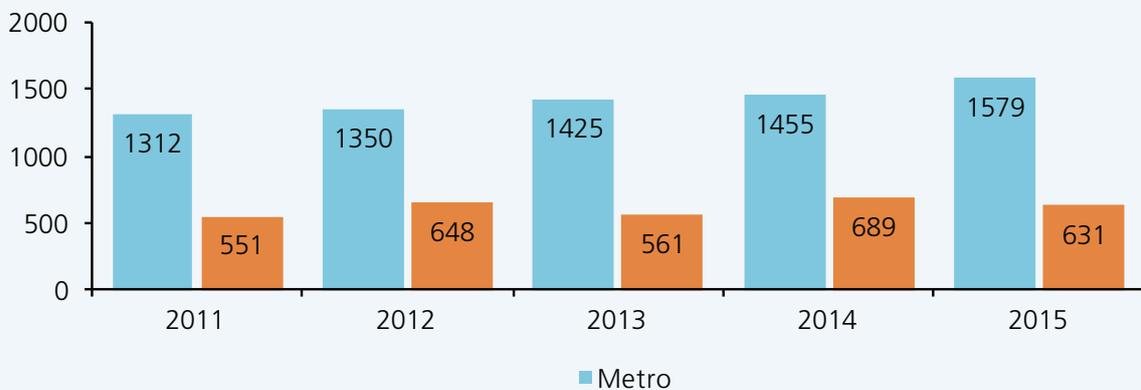
The majority of the Court’s judicial resource is concentrated in the criminal jurisdiction of the Court, undertaking activities associated with the conduct of criminal trials.

A total of 810 criminal matters were listed for trial state-wide, 10.5% more than the 733 listed in 2014. Of these matters 414 proceeded being 51% of the matters listed and 4% more than the 398 conducted in 2014.

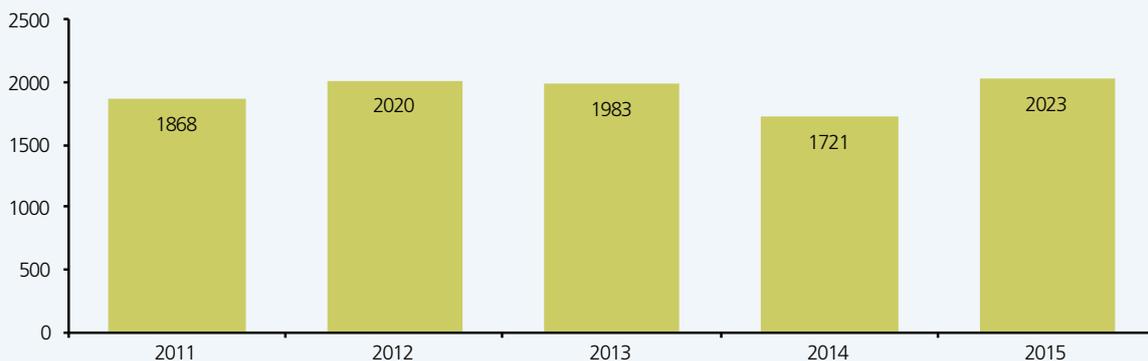
The major reason for trials not proceeding when listed are late pleas of guilty, discontinuances, or adjournments.

It is the Court’s practice to list more matters in a day than can actually be heard. This enables the Court to compensate for the high rate of trials that fall out for the reasons previously mentioned. Listing in this manner ensures the optimisation of judicial resources and the attendance of jurors is not wasted.

**Graph 3 Accused Lodgments by Region**



**Graph 4 Accused Matters Finalised**



**Graph 5 Criminal Trials Proceeding**



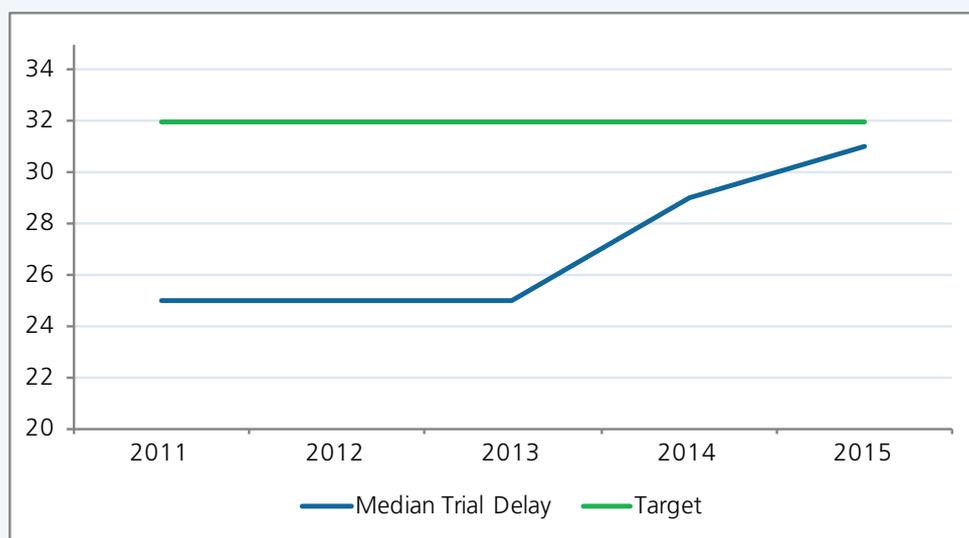
The average length of a trial is 3.21 days, very similar to the 3.26 days in 2014. The average length of the 326 criminal trials conducted in Perth during 2015 was 3.29 days, comparable to the 3.30 days in 2014. Refer to District Court on Circuit later in the document for circuit information.

In 2015, there were 110 trials conducted state-wide where the trial duration was five days or greater, 26 more than 2014. Accommodating lengthy trials can be a resource intensive exercise for the Court, with additional time being taken up with the case management of the many issues that arise in the period leading up to trial.

Graph 6 illustrates the Court’s median delay to criminal trial since 2011, with the 12 month moving average for 2015 recorded as 31 weeks in December 2015. Median trial delay measures the period in which an accused person waits for their first trial date in the District Court, following committal for trial by the Magistrates Court.

The criminal trial delay target is 32 weeks. Prior to 2014 the Court had consistently maintained a median delay to criminal trial at around 26 weeks. The increase to 29 weeks in 2014 was due primarily to the Court operating for 10 months of the year with two fewer judges. The increase to 31 weeks in 2015 is primarily due to the growth in committals for trial and an increase in the number of lengthy trials.

**Graph 6 Median Trial Delay Trend\***



\* the method of extracting data was updated during 2015. This has resulted in slight variations to earlier year results.

## CASE EXAMPLE

### A CRIMINAL MATTER PROCEEDING TO A TRIAL HEARING AT THE MEDIAN TIME OF 31 WEEKS FROM COMMITTAL

On 9 June 2014 police charged the accused with causing Grievous Bodily Harm.

The Magistrates Court, in September 2014, committed the accused for trial before the District Court.

The accused first appeared at a trial listing hearing in the District Court on 5 December 2014. The State applied for leave to introduce evidence of unrecorded admissions and the taking of a deposition of a witness, who was facing charges in the Magistrates Court. The two applications were listed for hearing on 12 February 2015 and the matter listed for trial commencing 21 April 2015. The State was ordered to file evidence in support of its two applications by 12 December 2014.

On 22 January 2015 the matter came back before the court to vary the terms of the accused's bail.

On 12 February 2015 the court gave the State leave to introduce evidence of the unrecorded admission but refused the State leave to take a deposition from the witness facing charges in the Magistrates Court.

The trial was listed to proceed for four days commencing on 21 April 2014. However the matter concluded on the third day with the accused being found not guilty by the jury and a judgment of acquittal was entered by the Judge.

## Sentencing

Of the 2,023 accused matters finalised in 2015, 1,577 resulted in a sentence being handed down. This is an increase of 210, or 18%, when compared with the 2014 figures of 1,367 being sentenced.

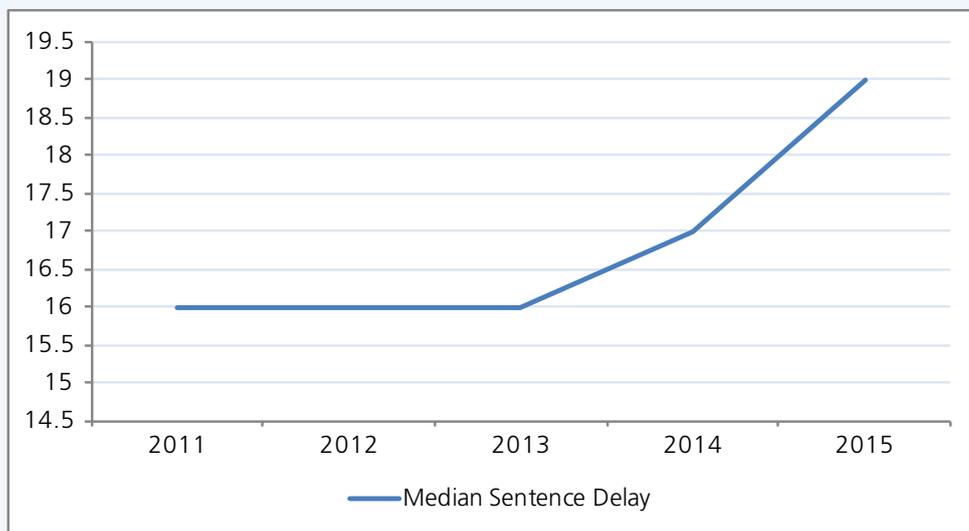
An accused person, who pleads guilty to an indictable offence/s in the Magistrates Court and is committed to the District Court for sentence, can expect to appear at a sentence mention hearing around eight weeks after the date of their committal. An appearance at a sentence mention hearing is before a Registrar who ensures that the Prosecutor has filed an indictment, that a pre-sentence report is available if required (or is in the process of being prepared) and that in all other respects the matter is ready to proceed to a sentencing hearing.

Sentencing matters are listed in dedicated lists before a Judge on Tuesdays, Thursdays and Fridays of each week.

The Court's median delay to sentence is illustrated in graph 8. It is the measurement in weeks between the date of committal from the Magistrates Court and the first planned sentencing hearing in the District Court.

The median delay for 2015 is 19 weeks, two week more than in December 2014. This increase represents the increased workload in the Court in both trials and sentencing.

Graph 7 Median Sentence Delay Trend\*



## CASE EXAMPLE

### A COMMITTAL FOR SENTENCE MATTER PROCEEDING TO A SENTENCING HEARING AT THE MEDIAN TIME OF AROUND 19 WEEKS FROM COMMITTAL

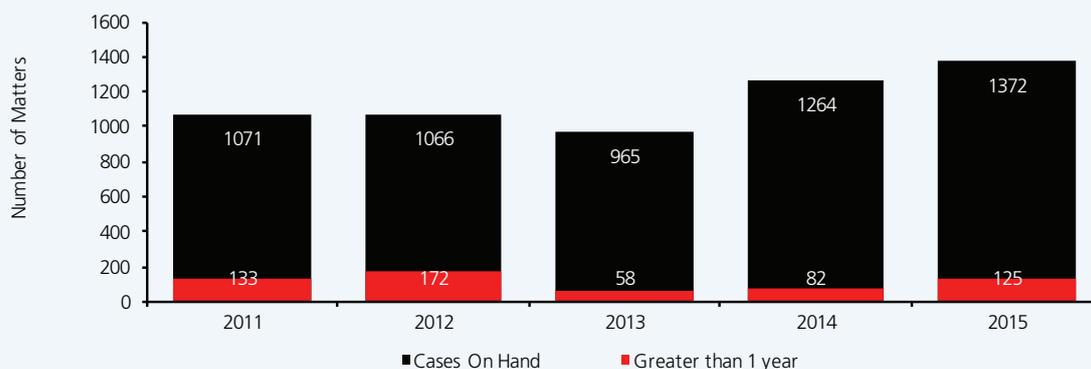
On 2 April 2015 the accused was charged with possession of a prohibited drug, namely methyl amphetamine, with intent to sell or supply it to another.

The accused first appeared before the Magistrates Court at a regional court on 4 April 2015 and was remanded in custody to reappear on 7 April 2015. Following a number of further appearances in the Magistrates Court, on the 19 May 2015 the accused pleaded guilty, was remanded in custody and committed to the District Court for sentencing.

On 17 July 2015, the accused appeared before the District Court at a sentence mention hearing and was further remanded in custody to appear on 29 September 2015 before a Judge for sentence.

On 29 September 2015, the presiding Judge sentenced the accused to a term of imprisonment of four years and three months back dated to commence on 2 April 2015. The accused was also made eligible for parole.

**Graph 8 Criminal Matters on Hand**



### Matters on Hand

There are 1,372 criminal matters on hand, 108 more than the 1,264 in 2014. Of the matters on hand as at 31 December 2014, 91% were less than or equal to 12 months in age, slightly fewer than the previous year.

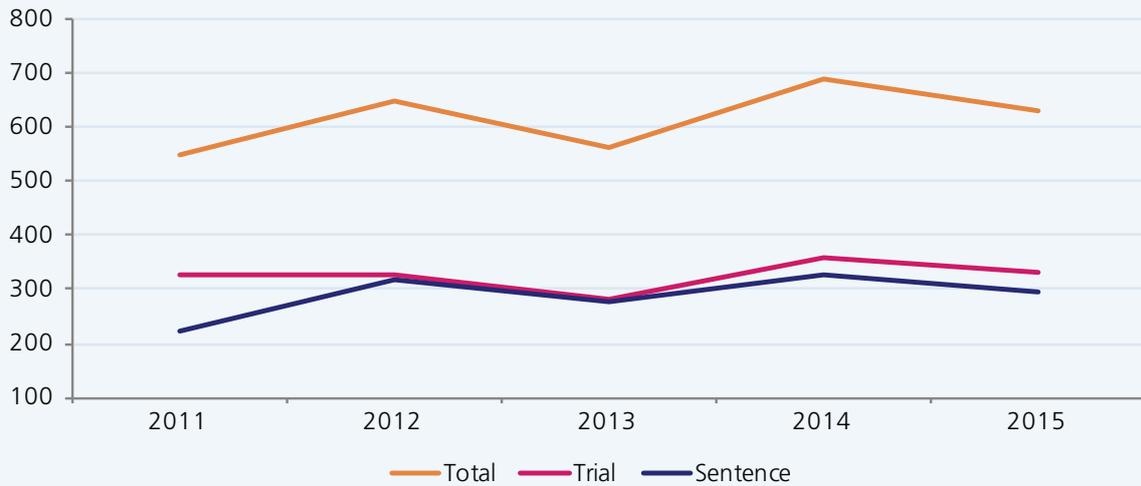
### The District Court on Circuit

The District Court is committed to the delivery of fair, equitable and accessible justice services for all citizens of Western Australia. Therefore, in addition to the main registry of the Court which is located within the Perth central business district, the Court conducts criminal circuits to the regional locations of Albany, Broome, Bunbury, Busselton, Carnarvon, Derby, Esperance, Geraldton, Kalgoorlie, Karratha, Kununurra and South Hedland.

Court facilities at these locations vary as to their suitability for the conduct of criminal trials by a judge and jury. Regional court buildings are regularly monitored on behalf of the Department of the Attorney General, as to their utility, by resident staff of the Magistrates Court.

The Carnarvon Police and Justice Complex was officially opened on 14 April 2015. This complex brings together courts, police and community and youth justice services into one facility. The new court facilities comprise a jury courtroom, a magistrates courtroom, court registry area, jury assembly and deliberation areas, mediation and pre-trial conference facilities, and separate spaces for witnesses, victims of crime and child witnesses.

**Graph 9 Circuit Criminal Lodgments**



Circuit Lodgments					
Year	2011	2012	2013	2014	2015
Sentence	225	319	278	329	297
Trial	326	329	283	360	333
<b>Total</b>	<b>551</b>	<b>648</b>	<b>561</b>	<b>689</b>	<b>630</b>

The assistance provided by Magistrates Court staff to Judges and their personal staff when on circuit throughout the State is acknowledged and appreciated by the District Court.

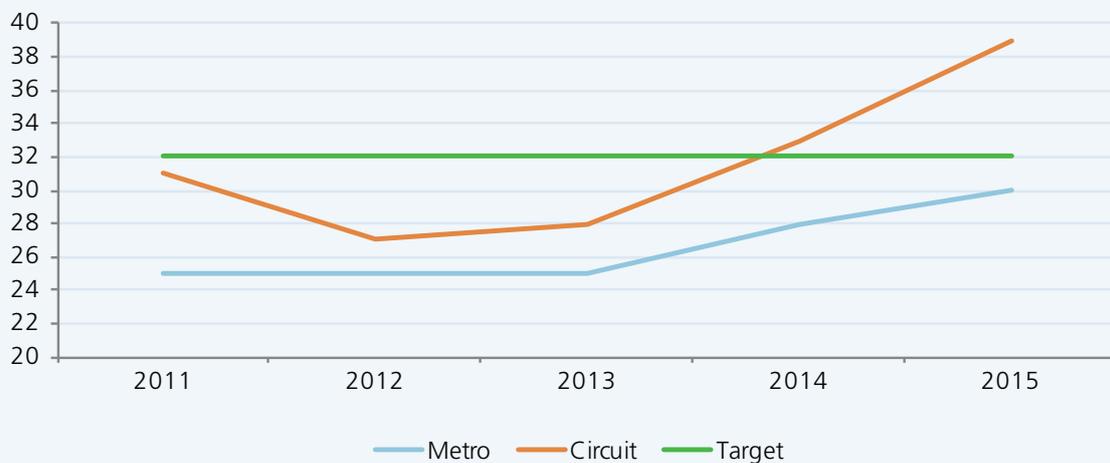
Graph 9 illustrates total circuit criminal lodgments.

The average length of a criminal trial at circuit locations visited by the Court during 2015 was 2.9 days. This was a slight decrease on the average of 3.1 days recorded for 2014.

Trial dates were allocated for 228 circuit trial matters during the year, 29% or 51 matters more than 2014. 88 of those matters, or 39%, proceeded to a trial. This was five matters more than last year.

The median delay to criminal trial at circuit locations is illustrated in graph 10 below. The 12 month moving average as at the end of December 2015 was 39 weeks. This is a six week increase on the 33 weeks recorded in December 2014. This is due primarily to the large number of committals for trial in the latter part of 2014. 76% of accused listed in 2015 were committed in 2014.

**Graph 10 Median Trial Delay Trend Metro -v- Circuit**



## Initiatives

The use of audio visual links for circuit trial listing hearings was expanded to include the Kimberley, Geraldton and Carnarvon circuits.

Upgrades to technology in a number of circuit locations allowed for the provision of running transcript for all criminal trials. These locations included Broome, Bunbury, Busselton, Carnarvon, Derby, Geraldton and South Hedland.

In the District Court building five courtrooms were upgraded providing significant benefits to the Court and its users. These include improved audio / visual capability which provides greater flexibility for the listing of trials, better utilisation of all courtrooms and substantial cost savings as there is greater capacity for witnesses and accused in custody to appear via video link from inside prison while in the metropolitan area. This reduces the need for transportation to, and detention at, the District Court.

A courtroom in Central Law Courts was fitted out to enable its use by District Court for trials requiring a jury. This was undertaken to ensure courtroom availability given the increasing demand for jury courtrooms.

# CIVIL JURISDICTION

The District Court’s civil jurisdiction is to hear and determine claims for liquidated sums up to \$750,000. The Court has unlimited jurisdiction in claims for damages for personal injury. In practice it hears all damages claims for injuries sustained in motor vehicle accidents as the Magistrates Court does not have jurisdiction to deal with those claims.

The Court’s civil caseload in 2015 continued to be heavily weighted in favour of personal injury claims with the majority arising from industrial accidents and motor vehicle accidents.

Most personal injuries cases settled at a pre-trial conference either following discussions between the parties or with the assistance of a Registrar, acting as a mediator. The Court’s aim is to set down a personal injuries action for a pre-trial conference within six months of the action commencing.

The remainder of the Court’s civil business comprises commercial cases that include debt recovery, disputes over the sale of businesses and the operation of leases. Commercial disputes are case managed by Registrars of the Court, who take responsibility for a number of actions, thereby convening directions hearings, making programming orders and progressing cases towards resolution. It is the Court’s aim to ensure that the parties to an action participate in a mediation conference, leading to settlement, at the earliest possible time after they come into possession of information that will allow for meaningful discussion.

The appellate jurisdiction of the Court caters for appeals from the decisions of other Courts and Tribunals, as follows:

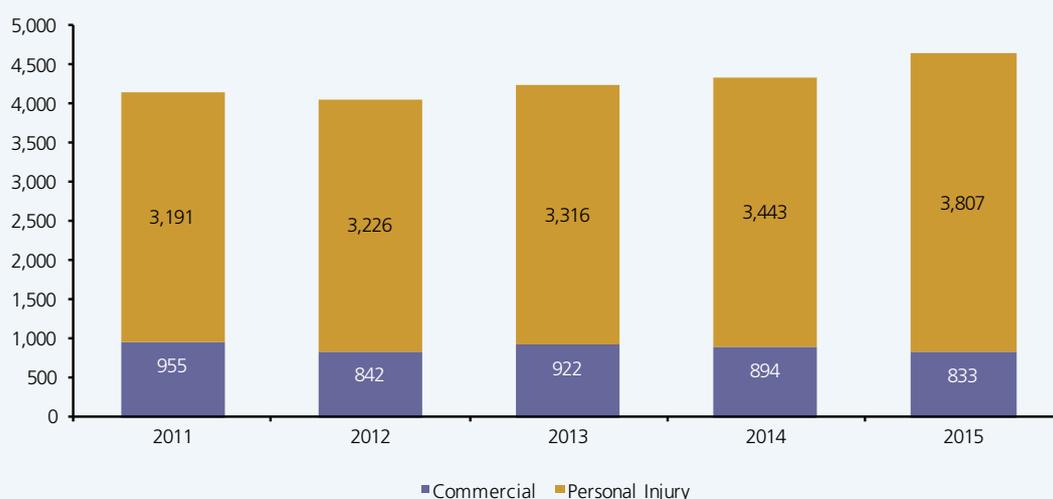
- Appeals from the decisions of Magistrates sitting in the civil jurisdiction of the Magistrates Court (includes appeals against restraining orders, either made or refused);
- Appeals against the decisions of Assessors of the Criminal Injuries Compensation Tribunal for awards or non-awards to victims of crime; and
- Appeals from the decisions of arbitrators made under Part XI of the *Workers’ Compensation and Injury Management Act 1981*.

## Lodgments

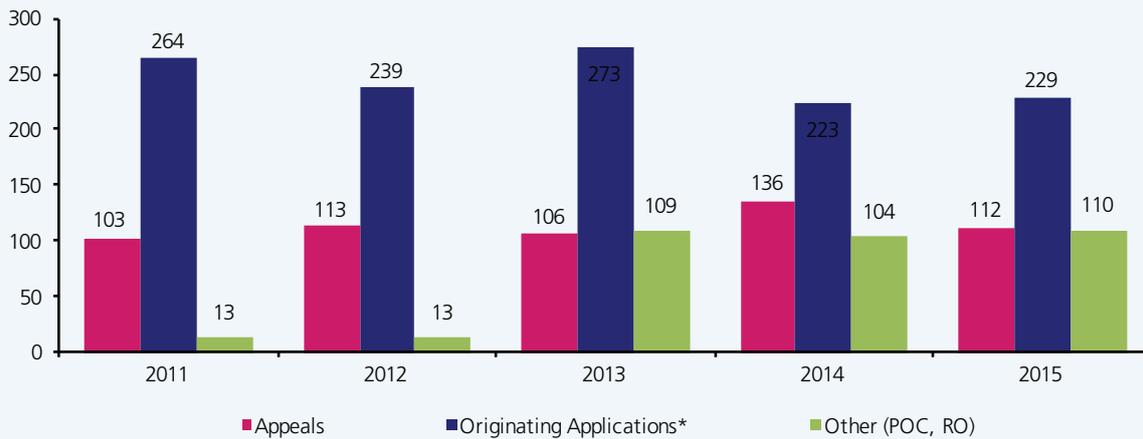
There were 5,091 new civil case lodgments, including appeals, in 2015, 291 or 6% more than in 2014.

New writs lodged increased by 7% in 2015 with 4,640 new writs lodged compared with 4,337 writs lodged in 2014 (See Graph 11). Personal injury claims accounted for 82% of all new writs lodged in 2015 with the remaining 18% made up of commercial claims. The percentage split between personal injuries and commercial claims in 2014 was 79% and 21% respectively.

**Graph 11: Civil Lodgments (Writs Only)**



**Graph 12: Civil Lodgments (Appeals and Originating Summons)**



**Please note:** In 2011, 2,473 Section 56, *Juries Act 1957* Originating Summons were lodged. This was a one off event due to legislative change and has been removed from the graph to enable like for like comparison of all other matters.

**Finalisations**

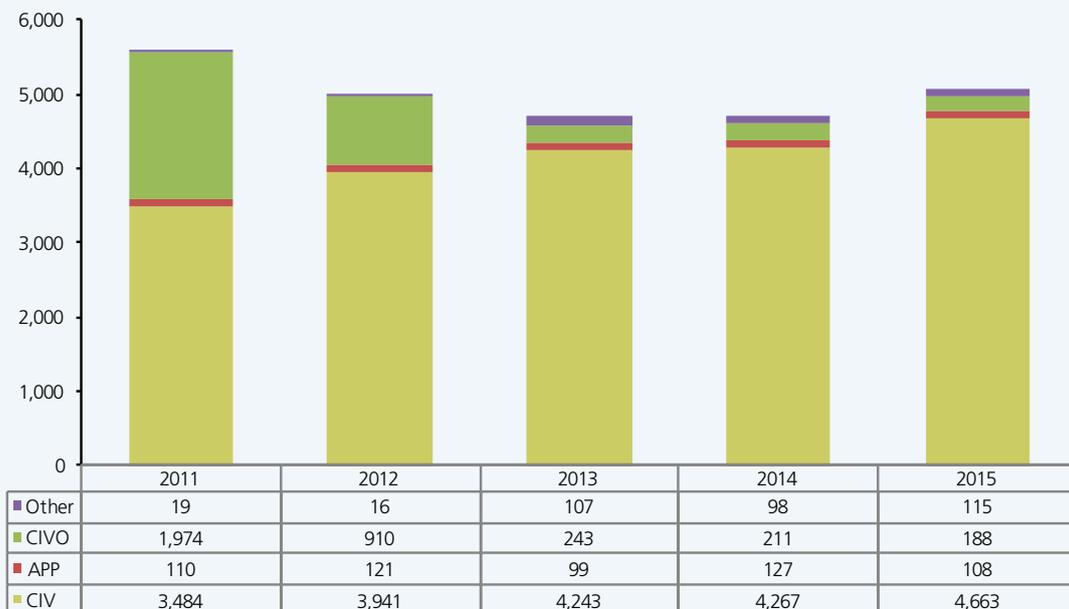
Civil litigation is managed through an extensive program of case management and alternative dispute resolution.

The success of the program is measured by the very few civil cases that actually proceed to a trial in the District Court. Of the 4,663 Writ of Summons civil cases finalised in 2015, 134 were listed for trial with 51, or 1.1% of the total, proceeding to trial.

A total of 2,294 pre-trial conferences and mediations were conducted by the registrars of the Court in 2015. This represents 96 fewer than 2014 and is likely to be the result of work undertaken by the legal profession to resolve the case before registrar involvement.

The Court has six registrars, all are experienced mediators. To ensure their mediation skills and practice remain in line with Australian best practice, they are required to undertake continuing professional development.

**Graph 13: Civil Finalisations**



Other: Proceeds of Crimes/Restraining Orders  
 CIVO: Originating Summons  
 APP: Appeals  
 CIV: Writ of Summons

The Court's aim is to finalise more cases than are commenced each year. The number of cases finalised in 2015 (5,074) compared favourably with the number of new cases commenced (5,091) resulting in a clearance index of 99.7%.

The median time to settle a case prior to trial is 19 weeks, six weeks less than the 25 weeks in 2014.

There were 51 civil trials conducted in 2015; 20 less than 2014. Of these cases, 14 proceeded to trial where the duration of the trial was greater than 5 days, 2 fewer than in 2014.

## CASE EXAMPLE

### MEDIAN CASE SETTLED WITHOUT TRIAL (19 WEEKS AFTER COMMENCEMENT)

A plaintiff commenced an action by writ of summons on 31 July 2015 claiming damages and interest as a result of a motor vehicle accident on 2 November 2012.

In the statement of claim the plaintiff claimed that the accident was caused by the negligence of the defendant and that he suffered residual disability and among other things, consequent loss of amenities of life and loss of past and future earning capacity.

The defendant entered an appearance on 11 August 2015 and filed a defence to the plaintiff's statement of claim on 20 August 2015.

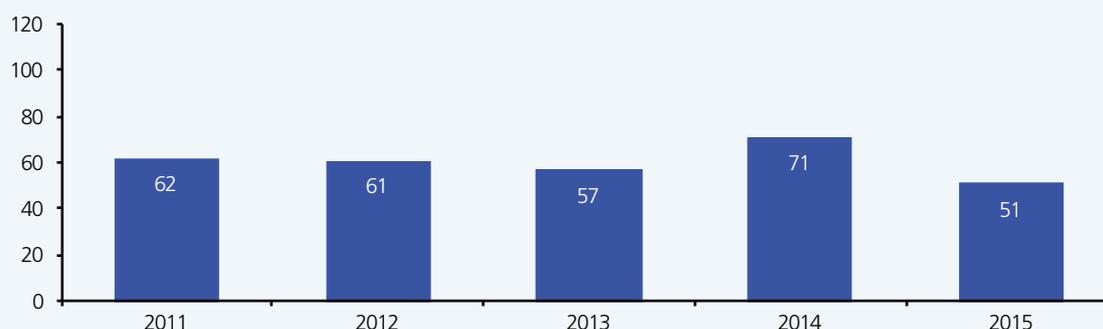
On 21 August 2015 the court issued a case management timetable requiring the plaintiff to enter the case for trial before 18 December 2015.

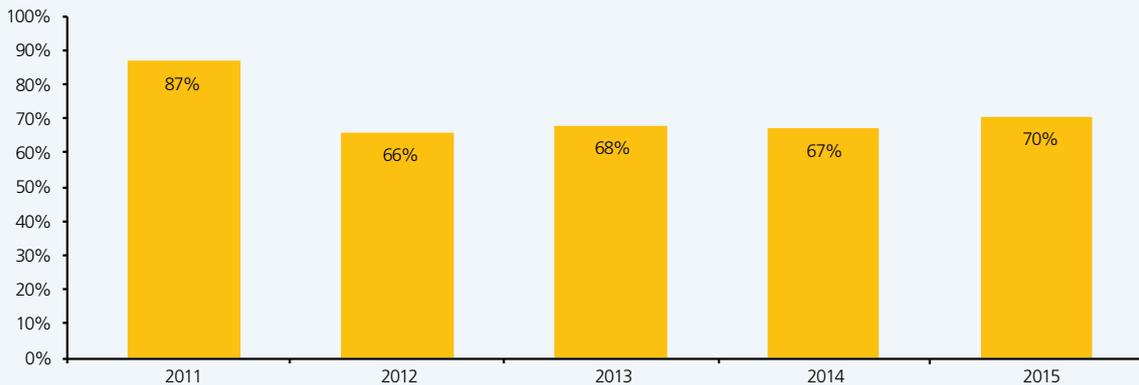
The plaintiff filed his particulars of damage on 16 September 2015 and on 2 October 2015 the plaintiff entered the case for trial. The case was listed for a pre-trial conference for the 24 November 2015.

Due to counsel for the defendant not being able to attend on the date of the pre-trial conference the Court adjourned the pre-trial hearing to 10 December 2015.

At the pre-trial conference on 10 December 2015 the parties settled the case and filed consent to judgment whereby damages were reduced by 20 percent for contributory negligence.

Graph 14: Civil Cases Proceeding to Trial



**Graph 15: Percentage of Civil Cases Finalised within 52 Weeks**

The average length of a civil trial in 2015 is 4.6 days. This is a 21% increase on the 2014 (3.8 days) figure. Success in mediation often means it is the more complex cases that proceed to trial and, by their nature, require more time to resolve.

Approximately two thirds of the Court's civil cases were finalised within a period of 52 weeks of their commencement in 2015, a similar result as in previous years.

The median time to finalise a civil case by trial increased significantly from 116 weeks in 2014 to 154 weeks in 2015. This was due to an increase, four times as many, of very old cases that were finalised in 2015.

## CASE EXAMPLE

### MEDIAN CASE DETERMINED AFTER A TRIAL WITHIN 154 WEEKS

By writ of summons issued on 10 August 2012 the plaintiff claimed \$120,000 for the defendant's breach of a partnership agreement and claimed damages, interest and costs.

The defendant entered an appearance on 10 October 2012 at which time the Court also received a notice of change of solicitor for the plaintiff.

The case was listed by the Court for a directions hearing on 21 November 2012. The directions hearing was adjourned a number of times before the plaintiff filed an application to amend its statement of claim.

On 31 January 2013 the Registrar made orders in terms of the plaintiff's application, ordered that the defendant file and serve any amended defence by 27 February 2013 and listed the case for a directions hearing on 6 March 2013.

An amended defence was filed on 27 February 2013 following which the court issued a case management time table requiring the plaintiff to enter the case for trial before 8 August 2013.

On 6 March 2013 a Registrar made several orders including listing the case for a mediation conference on 22 April 2013 and adjourning the directions hearing to 6 May 2013. The mediation was unsuccessful. On 16 May 2013 orders were made in respect of a request for further and better particulars.

An application by the defendant to strike out the action and to enter judgment due to the plaintiff's failure to comply with previous orders was subsequently filed by the

defendant on 12 June 2013. This application was heard on 27 June 2013. Orders were made extending the time for the plaintiff to comply with until 4 July 2013 and listing the case for a further directions hearing on 8 August 2013.

In December 2013 the Court issued a notice of default (entry for trial) due to the plaintiff not having entered the case for trial and on 10 January 2014 the case was put on the Inactive Cases List before finally being entered for trial on 14 February 2014.

Between August 2013 and July 2014 numerous directions hearings took place in which orders were made regarding the amendment of pleadings, the provision of particulars, the use of expert evidence and the entry of the case for trial.

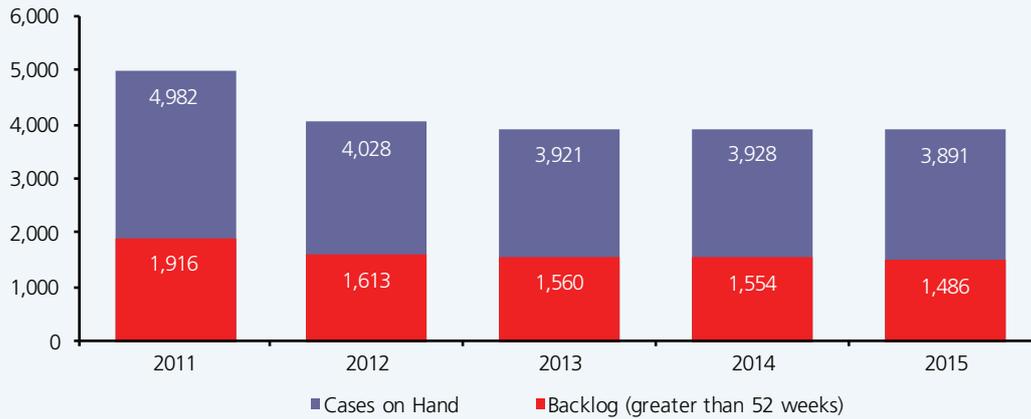
In July 2015 the plaintiff's solicitor lodged an application seeking leave to cease acting and orders were made in terms of the application on 24 July 2015.

At a directions hearing on 28 July 2014 the case was listed for trial on 15, 16 and 17 December 2014.

The case proceeded to trial on December 15, 16 and 17 and required an additional day on the 19 December 2014 before the decision was reserved.

On 2 April 2015 published reason for the decision were handed down by the judge who ordered that the partnership be dissolved. The parties were then given time to make further submissions on consequential matters before judgment was finally entered on 27 July 2015.

**Graph 16: Cases on Hand and Backlog**



### Cases on Hand

There were 3,891, cases on hand in December 2015, slightly less than the cases on hand in December 2014. 61.8% of cases on hand were less than 52 weeks of age, similar to the 2014 position.

### Appellate Jurisdiction

The appellate jurisdiction of the Court caters for appeals from the decisions of other jurisdictions of the Courts and Tribunals, as follows:

- Appeals from the decisions of Magistrates sitting in the civil jurisdiction of the Magistrates Court (includes appeals against restraining orders, either made or refused);
- Appeals against the decisions of Assessors of the Criminal Injuries Compensation Tribunal for awards or non-awards to victims of crime; and
- Appeals from the decisions of arbitrators made under Part XI of the *Workers' Compensation and Injury Management Act 1981*.

There were 112 civil appeals lodged with the court in 2015. Of these:

- 58 arose from the decisions of Magistrates exercising jurisdiction under the *Magistrates Court (Civil Proceedings) Act 2004* and the *Restraining Orders Act 1997*;
- 27 arose from the decisions of Criminal Injuries Compensation Assessors; and
- 25 arose from the decisions of arbitrators made under Part XI of the *Worker's Compensation and Injury Management Act 1981*.

The Court finalised 108 appeals in 2015 with 83% of the appeals being resolved within 12 months of their lodgment. The Court aims to resolve all appeals lodged with the Court within 12 months of their commencement.

Customer support staff members within the registry readily provide assistance on the appeal process to self-represented persons. Information on appeals and material to assist self-represented persons with the lodgment of an appeal is available on the District Court website.

# OTHER HIGHLIGHTS

## Professional Development for Members of the Judiciary

Thirteen judges attended the 23rd Biennial Conference of District and County Court Judges held in Melbourne in April 2015. Topics covered included judging in the media spotlight, the future of decision making – evidence-based law and judicial wellbeing and resilience.

In June 2015, Judge Stewart, Judge Levy and Judge Petrusa attended the National Judicial College of Australia Judicial Orientation Program in June 2015 on the Gold Coast.

In October 2015 Judge Fenbury attended the Judicial Conference of Australia Colloquium in Adelaide.

Registrars of the Court undertook professional development for the purpose of maintaining their accreditation with the Mediator Standards Board.

## Staff Learning and Development

Staff of the Court completed refresher training in a range of compulsory corporate on-line training modules in 2014.

New employees completed the Department’s induction procedures and on-line training modules covering such topics as:

- Introduction to courts and the justice system;
- Court conduct and ethics policy;
- Court counselling and support services;
- Security in Courts and Tribunals;
- Using department passwords;
- Confidentiality and information privacy;
- Occupational health and safety; and
- Record keeping awareness.

Work commenced on the District Court Civil Process Review with workshops being held to agree future requirements and to complete detailed procedural documentation on the current

processes. From this a plan to enhance and improve elodgment capabilities within the integrated court management system and for the delivery of full eFile capability was developed. Implementation is expected to commence in July 2016.

## The Court’s website

The District Court’s website continued to be a popular source for accessing case and general information about the operations of the District Court by members of the legal profession; self-represented persons and members of the general public. Information available through the website includes practice directions, circulars to practitioners, fee and form information, general updates on civil and criminal procedure and a procedure manual to assist for self-represented persons.

## Registry Customer Service

The District Court registry counter is a key point of customer service delivery for the Court, providing a range of services for members of the general public and law clerks that attend the Court daily with a facility to transact business on behalf of themselves or in the case of law clerks, their legal firm.

Customer service officers attending to the public at the registry counter assist the Court in meeting its customer service delivery objectives. A high standard of customer service was maintained throughout 2015 despite the number of customers served and the volume of documents lodged with the registry increasing.

Service Excellence training was completed by all managers, front line leaders and customer support staff. The eight to ten week courses were designed to introduce the principles and standards associated with Service Excellence and to improve and / or enhance the capabilities of our people to deliver it.

**Graph 17: Registry Customer Service**



# DISTRICT COURT COMMITTEES AS AT 31 DECEMBER 2015

## **Management Council Committee**

Chief Judge Sleight (Chair)  
Judge Fenbury  
Judge Eaton  
Judge Stavrianou  
Judge Davis  
Judge Derrick  
Principal Registrar Melville  
S Owen – Executive Manager

## **Civil Administration Committee**

Chief Judge Sleight (Chair)  
Judge Eaton  
Judge Stavrianou  
Judge O'Neal  
Judge Birmingham  
Principal Registrar Melville  
S Owen – Executive Manager  
J Petrovski – Manager Case Management  
G Drew – Manager Trials  
W Hawley – Manager Customer Support

## **Criminal Administration Committee**

Chief Judge Sleight (Chair)  
Judge Bowden  
Judge Scott  
Judge Derrick  
Judge Cock  
Principal Registrar Melville  
S Owen – Executive Manager  
J Petrovski – Manager Criminal Case Management  
G Drew – Manager Trials  
W Hawley – Manager Customer Support  
K Woods – Listing Coordinator  
J Howard – Senior Associate  
K Trenkovski – Criminal Listings (Circuits)

## **Library Committee**

Chief Judge Sleight (Chair)  
L Lyon – Manager Libraries (DotAG)  
W Lei – Librarian  
S Owen – Executive Manager

## **District Court Building Committee**

Chief Judge Sleight (Chair)  
Judge Eaton  
Judge Stevenson  
Principal Registrar Melville  
G Jones – Director, Higher Courts  
A Stevenson – Contract Management DCB  
S Owen – Executive Manager  
P Smith – Manager Audio Visual (DotAG)  
R Randall – Director Court Security Directorate  
M Shaw – Contract Manager, Western Liberty Group  
Alan Rankin, Facilities Manager BGIS  
P Bangs – Regional Manager, BTI  
Robyn Smart – Contract Manager G4S  
Technology Committee  
Judge Stavrianou (Chair)  
Judge Keen  
Judge Davis  
Judge Braddock  
Principal Registrar Melville  
S Owen – Executive Manager  
A Stevenson – Contract Management (DotAG)  
A Wong – Director, Information Directorate (DotAG)  
M Jackson – Manager Court Technology Group (DotAG)  
P Smith – Manager Audio Visual (DotAG)  
L Wood – IT Support  
J Howard – Senior Associate  
J Emerson – Technology Officer  
M Shaw – Contract Manager, Western Liberty Group  
Rob Myers – Contract Manager, BGIS

## **Judges' Continuing Legal Education Committee**

Chief Judge Sleight  
Judge Wager (Chair)  
Judge O'Neal  
Judge Staude

## **Judges' Legislation and Procedure Committee**

Judge Fenbury  
Judge Eaton

## **Judges' Benchbook Committee**

Judge McCann  
Judge Stavrianou  
Judge Bowden  
Judge Davis

**2017 District Court Judges' Conference Committee**

Chief Judge Sleight  
 Judge Wager (Chair)  
 Judge Schoombee  
 Judge Scott  
 Judge Staude  
 Judge Levy  
 C Gwilliam – Director General Department of the Attorney General  
 S Owen – Executive Manager

**EXTERNAL COMMITTEES****His Honour Chief Judge Sleight**

Member, Heads of Jurisdiction Committee  
 Member, Chief Justice's Senior Counsel Committee  
 Member, Standing Committee, Strategic Criminal Justice Forum  
 Member, Equality Before the Law Bench Book Committee  
 Chair, Inter-jurisdictional Education Committee

**His Honour Judge Fenbury**

Member, Executive Committee of the Governing Council,  
 Judicial Conference of Australia  
 President of Totius

**Her Honour Judge Wager**

Chair, Board of Management Palmerston Association  
 WA Inc.  
 Member, Interjurisdictional Education Committee  
 Member, National Judicial College of Australia Council  
 Member, National Judicial College of Australia Council,  
 National Judicial Orientation Program Committee

**Her Honour Judge Schoombee**

Board, Outcare Incorporated

**His Honour Judge Stevenson**

Member, Resolution Institute  
 Member, Schools Conflict Resolution and Mediation  
 Program (SCRAM)  
 Member, Western Australian Dispute Resolution Association  
 (WADRA)  
 Member, Courts Jury Advisory Committee  
 SQNLDR, RAAF Standby Reserve (Legal) (ADF)

**His Honour Judge Staude**

Member, Law School Advisory Board, University of Notre  
 Dame.

**Her Honour Judge Braddock**

Member, State Committee, Indigenous Justice Issues

**His Honour Judge Levy**

Member, Chief Justice's Non-Contentious Evidence  
 Sub-Committee

**Registrar Kingsley**

Member, Law Society Courts Committee  
 Member, Law Society Ethics Committee  
 Member, Law Society Family Court Delay Working Group  
 Legal Member, Curtin University Human Research Ethics  
 Committee  
 Chair, Community Arts Network Pty Ltd



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