

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 24**

**MEANS INQUIRY
INFORMATION FOR THE JUDGMENT CREDITOR**

What is a means inquiry?

An inquiry conducted in court to determine if the judgment debtor is able to pay the judgment debt.

The court considers:

- (i.) the judgment debtor's income, assets and liabilities and, if applicable, the income, assets and liabilities of their spouse, de facto partner and dependants.
- (ii.) whether there are, or will be, any earnings that can be appropriated from an employer.
- (iii.) whether there is, or will be, a debt owing to the judgment debtor by another person.
- (iv.) the existence, location and value of any property that can be seized and sold.

How do I apply for a means inquiry?

Complete and file **Form 6: application to court for enforcement order** and lodge with the prescribed application fee (if not previously paid).

On the application, you should indicate if you need the judgment debtor to bring any records to court that will be used at the means inquiry.

The court will fix a date, time and place for hearing the application and will notify you of this.

How is a means inquiry summons served?

It must be served to the judgment debtor, in person, no less than five days before the hearing.

It can be served by the bailiff for a pre-paid the service fee. The bailiff operates state-wide.

Alternatively, you can make arrangements to serve the means inquiry summons yourself.

**See Fact Sheet:
No. 8 Serving a court document**

Location of means inquiry

A means inquiry is held at the court registry where the judgment was given.

You can apply for the inquiry to be held at another court that has a registry. Complete and lodge **Form No. 7**.

See Fact Sheet:
No. 21 Application

Failure to attend a means inquiry hearing

As the judgment creditor, you must attend the means inquiry.

If you do not, the court has the power to award costs against you.

If the judgment debtor does not attend the hearing, the court may issue a warrant to have the judgment debtor arrested and brought before the court.

See Fact Sheet:
No. 35 Warrant for Arrest

A person who has been summoned to attend court and:

- a) does not obey the summons; or
- b) refuses to be sworn or answer any lawful questions;

is guilty of a contempt of court.

See Fact Sheet:
No. 37 Contempt of court

At the means inquiry hearing, you are responsible for examining the judgment debtor to determine if they are able to pay the judgment debt.

To help you do this, an **examination statement** is attached.

What enforcement orders can be made at or after a means inquiry?

The following enforcement orders can be made:

- ❖ time for payment order;
- ❖ instalment order; or
- ❖ earnings appropriation order.

Time for payment order

This requires the judgment debtor to pay the debt in full immediately or on, or before, a date set by the court..

Instalment order

This requires the judgment debtor to pay the debt by regular amounts set by the court.

Payments

Earnings appropriation order

This requires an employer, who pays the judgment debtor, to pay a portion of those earnings to you.

Before an earnings appropriation order can be issued an instalment order (see above) must have been disobeyed and cancelled.

**See Fact Sheet:
No. 34 Earnings appropriation order**

You must provide the judgment debtor with details of where payments can be made. The court cannot accept payments on your behalf.

It is recommended that you provide a receipt for each payment to reduce disputes about payment.

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.

EXAMINATION STATEMENT

GENERAL INFORMATION

1.

Occupation	
Employed by	
Business address	
Telephone number(s)	

2. tick [✓] appropriate box

Unemployed	
Pensioner	
Registered at Centre Link:	

3. tick [✓] appropriate box

Single		Married		Separated	
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4. tick [✓] appropriate box

Have a dependant *wife/husband/de facto spousedependant children	
Do not have a dependant *wife/husband/de facto spousedependant children	

5. tick [✓] appropriate box

Paid weekly	
Paid fortnightly	
Paid monthly	

INCOME

Wages/salary/benefit (net)

Judgment debtor	\$
Spouse	\$
De facto	\$
Total	\$

Money in bank, building society, credit union and other

Judgment debtor	\$
Spouse	\$
De facto	\$
Total	\$
Income from investments	\$
Other income	\$
Money owed to the judgment debtor	\$

TOTAL OF INCOME	\$
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EXPENDITURE

When obtaining the following information it is advisable that you obtain details of the debt.

tick [✓] appropriate box

		Weekly	Fortnightly	Monthly
Rent	\$			
Board	\$			
Mortgage payment	\$			
Maintenance for dependants	\$			
Food	\$			
Electricity	\$			
Gas	\$			
Telephone	\$			
Water	\$			
Rates and taxes	\$			
Clothing	\$			
Medical	\$			
Vehicle expenses	\$			
School expenses	\$			
Day care	\$			
Bus / Train / Taxi fares	\$			
Other Court Orders	\$			
Credit Cards	\$			
Hire purchase	\$			
Other debts owing	\$			
TOTAL OF EXPENDITURE	\$			

ASSETSHouse / unit / other real property
(give addresses)

	\$
	\$
	\$

Motor vehicles (car, utility, motor cycle, trucks etc)

Make & model		Reg. No.		\$
Make & model		Reg. No.		\$
Make & model		Reg. No.		\$

Home contents

 tick [✓] appropriate box

Television		\$
Video recorder		\$
DVD player		\$
Furniture		\$
Dishwasher		\$
Microwave		\$
Fridge		\$
Washing Machine		\$
Collection of coins, stamps etc		\$
Other collectables		\$
Interest in business or company		\$

Other assets
(give details)

	\$
	\$
	\$
TOTAL OF ASSETS	\$

LIABILITIES

Debt	Owed to	Balance
Mortgage		\$
Court orders		\$
Credit card (1)		\$
Credit card (2)		\$
Personal loan (1)		\$
Personal loan (2)		\$
Other		\$
TOTAL OF LIABILITIES		\$