

**MAGISTRATES COURT OF WESTERN AUSTRALIA  
CIVIL JURISDICTION  
FACT SHEET 25**

**MEANS INQUIRY  
INFORMATION FOR THE JUDGMENT DEBTOR**

**What is a means inquiry?**

An inquiry conducted in court to determine if you are able to pay the judgment debt.

The court will consider:

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

The judgment creditor will examine you.

**Being served with a means inquiry summons**

The means inquiry summons must be served on you, in person, no less than five days before the hearing.

You will also be served with Form 38: statement of financial affairs. This form must be completed and brought with you to the court on the day of the means inquiry.

**Location of means inquiry**

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

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

**See Fact Sheet:  
No 21. Application**

**What happens if I do not attend?**

The court can issue a warrant to have you arrested and brought before the court, if you do not attend.

**See Fact Sheet:  
No. 35 Warrant for arrest**

**What enforcement orders can be made at a means inquiry?**

If you do not have a reasonable excuse for not attending, and you do not obey the summons or refuse to be sworn or answer any lawful questions, you will be guilty of a contempt of court.

**See Fact Sheet:  
No. 37 Contempt of court**

If the judgment creditor fails to appear, you can seek an order for costs.

The following orders can be made:

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

**Time for payment order**

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

**Instalment order**

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

**Earnings appropriation order**

This requires your employer to pay a portion of your earnings direct to the judgment creditor.

Before an earnings appropriation order can be made, a previous instalment order (see above) must have been disobeyed and cancelled.

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

**Payments**

The judgment creditor will provide you with details of where the payment(s) can be made. The court cannot accept payment.

It is recommended you obtain a receipt for each payment and keep it as a record of your payments.

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.