



Supreme Court
of New South Wales

SUPREME COURT OF NEW SOUTH WALES PROVISIONAL STATISTICS (as at 29 May 2015)

Filings, disposals and pending cases

NOTES:

The figures for pending cases, from 2012 onwards, exclude cases that have been re-opened after judgment.

Pending caseload figures within the Common Law and Equity Divisions (or within case management lists within those Divisions) will not always reconcile with associated filing and disposal figures. This is because cases that are filed (commenced) in one case management list or Division may be subsequently transferred to another list or Division for further case management and disposal.

The statistics for 2010 through to 2014 for civil cases in the Common Law Division and for the Equity Division (other than the Adoptions List, Protective List and contested Probate List cases) have been extracted from the JusticeLink system.

The statistics for the Court of Appeal, Court of Criminal Appeal, Criminal List, Bails List, Adoptions List, Protective List and contested Probate List matters are not supplied through the JusticeLink system; they continue to be manually collated and are subject to audit and revision.

“n/a” – figures not available or not separately reported

“-“ – item not applicable

“0” – zero count

	2010	2011	2012	2013	2014
COURT OF APPEAL ^{1,2}					
Filings (net new cases) ³	501	490	493	502	461
Filings of appeals / applications for relief	353	320	333	334	310
Filings of applications for leave to appeal ⁴	166	182	169	183	166
Disposals (final disposals) ⁵	451	533	493	510	501
Disposals of appeals / applications for relief	313	365	319	337	330
Disposals of applications for leave to appeal	156	177	184	188	186
Pending cases at 31 December	384	338	338	330	290
Appeals / applications for relief	285	237	252	249	230
Applications for leave to appeal	99	101	86	81	60

¹ These statistics exclude holding notices of appeal, holding summonses for leave to appeal, and notices of intention to appeal because those forms do not commence substantive appeals or applications.

² These statistics cover Court of Appeal cases only. They are not comparable to “civil appeal” case statistics reported within the Productivity Commission’s *Report on Government Services*, which include all civil cases of an appellate nature, including appeals and reviews dealt with in the Common Law Division or Equity Division.

³ When a notice of appeal is filed after a successful application for leave to appeal, the appeal and the leave application are counted as one case (not two). For this reason, the figures for filings of notices of appeal (and applications for relief) and filings of applications for leave, combined, exceed the number of *net* new cases.

⁴ This item includes not only leave applications, but also applications where parties have elected to have a concurrent hearing of both the application for leave to appeal and the appeal (if leave is granted).

⁵ Where an appeal has been preceded by a grant of leave, this is counted as one continuous case, with a final disposal being counted only when the substantive appeal is finalised. For this reason, the figures for disposals of notices of appeal (and applications for relief) and disposals of applications for leave, combined, exceed the number of final disposals.

	2010	2011	2012	2013	2014
COURT OF CRIMINAL APPEAL ¹					
Filings	414	382	339	385	373
Disposals	417	340	336	381	376
Pending cases at 31 December	180	222	225	229	226

¹ These statistics exclude appeals from decisions of the NSW State Parole Authority. For the years 2010 to 2014, there were 1, 4, 0, 4 and 7 applications lodged for review of Parole Board decisions, respectively.

	2010	2011	2012	2013	2014
COMMON LAW DIVISION – Criminal ^{1,2}					
Criminal List					
Filings ³	112	138	130	110	72
Disposals ⁴	106	85	157	121	92
Pending cases at 31 December	90	143	116	105	85
Bails List ⁵					
Filings (applicants)	n/a	n/a	n/a	3,698 (est.)	3,780
Disposals (applicants)	n/a	n/a	n/a	3,742 (est.)	3,637
Pending applicants at 31 December	279	372	339	439	561

¹ In all years, the figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* (formerly s474D of the *Crimes Act*), applications for re-determination of a life sentence, and summary jurisdiction cases (which are included within the statistics for “other summons cases” within the Common Law General List, where they are managed).

² Since 2005, the Court has used counting rules that align with national counting rules. Therefore the figures reported now are not directly comparable with those reported before 2005.

³ The figures include committals for trial/sentence, ex officio indictments, re-trials ordered by the Court of Criminal Appeal or High Court, matters referred from the Mental Health Review Tribunal, transfers from the District Court, and re-activated matters (eg where a bench warrant is executed).

⁴ Disposals are counted at sentence, acquittal or other final disposal. Previously disposals were counted at verdict, plea of guilty, or other final disposal. (“Other final disposal” includes referral to the Mental Health Tribunal, no bill, death of the accused, order for a bench warrant to issue, transfer to another court, and other final orders.)

⁵ The figures for Bails List cases now count the number of applicants, not the number of applications. At a Bails List hearing, the Court may deal concurrently with multiple applications for any one applicant. Because the change in counting was implemented in mid-2013 and was not retrospective, an estimate has been made for the filings and disposals for 2013.

	2010 ¹	2011 ¹	2012 ¹	2013	2014
COMMON LAW DIVISION – Civil					
Administrative Law List					
Filings	186	183	206	122	144
Disposals	218	156	119	148	136
Pending cases at 31 December	180	222	110	86	109
Defamation List					
Filings	72	59	46	67	58
Disposals	65	63	55	76	65
Pending cases at 31 December	99	100	90	84	81
Common Law General List (formerly the General Case Management List)					
Filings	939	1,012	982	1,177	1,056
Contested claims	472	462	496	503	454
– <i>personal injury</i>	275	230	251	213	266
– <i>other claims</i>	197	232	245	290	188
Uncontested claims	65	100	52	161	133
Proceeds of Crime cases	114	125	93	104	94
Other summons cases	288	325	341	409	375
Disposals	778	863	1,041	1,556	1,408
Contested claims	337	422	533	616	572
– <i>personal injury</i>	219	188	248	365	283
– <i>other claims</i>	118	234	285	251	289
Uncontested claims	135	105	32	317	185
Proceeds of Crime cases	95	74	97	100	116
Other summons cases	211	262	379	523	535
Pending cases at 31 December	1,342	1,648	1,891	1,656	1,286
Contested claims	843	923	1,104	999	886
– <i>personal injury</i>	483	550	554	418	531
– <i>other claims</i>	360	373	550	581	355
Uncontested claims	192	243	162	139	70
Proceeds of Crime cases	157	216	145	148	134
Other summons cases	150	266	480	370	196
Possession List					
Filings ²	3,658	3,994	3,259	2,447	1,844
Disposals	2,827	2,239	4,439	3,647	2,641
Contested	n/a	n/a	207	155	136
Uncontested	n/a	n/a	4,232	3,492	2,505
Pending cases at 31 December	2,679	4,319	2,922	1,711	914
Contested	n/a	n/a	178	136	92
Uncontested	n/a	n/a	2,744	1,575	822
Professional Negligence List					
Filings	202	150	161	194	162
Disposals	167	189	138	204	193
Pending cases at 31 December	406	394	409	402	370

	2010 ¹	2011 ¹	2012 ¹	2013	2014
Miscellaneous applications ³					
Filings	339	525	458	566	415
Disposals	319	490	465	608	436
Pending cases at 31 December	45	85	77	26	11

COMMON LAW DIVISION TOTALS - Civil

Filings	5,396	5,923	5,112	4,573	3,679
Disposals	4,374	4,000	6,257	6,239	4,879
Pending cases at 31 December	4,751	6,768	5,499	3,965	2,771

¹ The figures reported for 2010, 2011 and 2012 are affected by errors in classification of some case types – particularly, the distribution of cases between the Administrative Law List and the Common Law General List is considered to be inaccurate. Those errors were addressed at the end of 2012 when the Court implemented a new set of case-type descriptors.

² All Possession List cases are assumed to be uncontested at the time of filing. If a subsequent defence or cross-claim is filed, the case is listed for case-management and counted as a contested case.

³ These include applications under the Mutual Recognition Act, Trans-Tasman Mutual Recognition Act, applications for production orders, requests for service within NSW of documents related to civil proceedings being conducted outside NSW, and applications to enforce judgments given outside Australia.

	2010	2011	2012	2013	2014
EQUITY DIVISION ¹					
Admiralty List					
Filings	11	4	2	0	1
Disposals	16	10	10	2	1
Pending cases at 31 December	17	11	3	1	1
Adoptions List ²					
Applications	212	189	234	206	208
Orders made	199	194	203	218	214
Pending cases at 31 December	48	43	74	62	56
Commercial List					
Filings	172	178	148	175	195
Disposals	173	188	178	190	232
Pending cases at 31 December	308	328	283	278	277
Commercial Arbitration List					
Filings	5	7	6	3	3
Disposals	3	5	9	8	4
Pending cases at 31 December	3	8	7	2	1
Corporations List					
Filings	2,149	1,837	1,648	1,353	1,601
Disposals ³	2,198	1,767	1,602	1,617	1,714
Pending cases at 31 December	672	838	759	465	336
Equity General List					
Filings	2,250	2,101	2,037	1,994	1,998
Family provision cases	858	803	792	790	774
Other cases	1,392	1,298	1,245	1,204	1,224
Disposals	2,031	1,944	2,089	2,098	2,595
Family provision cases	719	738	811	919	855
Other cases	1,312	1,206	1,278	1,179	1,740
Pending cases at 31 December	2,111	2,410	2,317	2,235	1,629
Family provision cases	646	760	649	513	419
Other cases ⁴	1,465	1,650	1,668	1,722	1,210
Probate (Contentious Matters) List					
Filings	172	142	137	191	212
Disposals	160	145	116	172	200
Pending cases at 31 December	104	101	122	141	153
Protective List ⁵					
Applications	80	72	106	95	110
Disposals	58	96	85	99	109
Pending applications at 31 December	39	15	36	32	33
Revenue List					
Filings	21	17	45	56	13
Disposals	3	8	15	35	39
Pending applications at 31 December	22	32	54	40	15

	2010	2011	2012	2013	2014
Technology and Construction List					
Filings	100	147	137	129	98
Disposals	91	119	115	95	180
Pending cases at 31 December	178	221	244	283	212

EQUITY DIVISION TOTALS					
Filings	5,172	4,694	4,500	4,202	4,439
Disposals	4,932	4,476	4,422	4,534	5,288
Pending cases at 31 December	3,502	4,007	3,899	3,539	2,713

PROBATE – Applications lodged for grant of probate etc ⁶	22,324	22,449	23,790	23,607	24,526
--	---------------	---------------	---------------	---------------	---------------

¹ The figures reported for 2010 through to 2013 have been extracted from the JusticeLink system, except for the figures for the Adoptions List, Probate (Contentious Matters) List and Protective List (the data for those lists are obtained from manually collated data).

² In this List, all applications types are counted, including information applications.

³ Typically, registrars finalise about 90 per cent of Corporations List cases.

⁴ As foreshadowed, during 2014 a large number of inactive cases in this List were audited and, where appropriate, closed. Accordingly, the disposals figures are aberrantly high.

⁵ Applications are counted instead of “cases” because cases in this List can be of a perpetual nature. During the period when a person’s affairs or property are managed under the *Protected Estates Act*, it is possible that more than one application will be made in relation to that person. “Disposals” refers to the number of disposed applications.

⁶ This includes all probate applications that are lodged as uncontested applications for a grant of probate or letters of administration, or for reseal of a probate grant. Registrars deal with uncontested applications. Only a small proportion of these applications become contested. Contested applications are then transferred to the Probate (Contentious Matters) List and are counted additionally as filings there. The figures here do not include probate-related matters handled by the registry, such as probate accounts matters, caveats, deposited wills, and elections to administer estates.

Timeliness – age of pending cases at 31 December ^{1, 2, 3}

Number pending (and % of total)	National standard ⁴	2010	2011	2012	2013	2014
COURT OF APPEAL						
Total number of cases pending		384	338	338	330	290
Cases within 12 months of age	90%	328 (85%)	296 (88%)	307 (91%)	297 (90%)	270 (93%)
Cases within 24 months of age	100%	373 (97%)	323 (96%)	332 (98%)	328 (99%)	288 (99%)
COURT OF CRIMINAL APPEAL						
Total number of cases pending		180	222	225	229	226
Cases within 12 months of age	90%	170 (94%)	205 (92%)	187 (83%)	206 (90%)	194 (86%)
Cases within 24 months of age	100%	176 (98%)	219 (99%)	211 (94%)	220 (96%)	222 (98%)
COMMON LAW DIVISION – Criminal ^{5, 6}						
Total number of defendants pending		90	143	116	105	85
Cases within 12 months of age	90%	81 (90%)	108 (76%)	95 (82%)	85 (81%)	56 (66%)
Cases within 24 months of age	100%	90 (100%)	140 (98%)	114 (98%)	101 (96%)	77 (91%)
COMMON LAW DIVISION - Civil						
Total number of cases pending		4,751	6,768	5,499	3,965	2,771
Cases within 12 months of age	90%	3,513 (74%)	3,689 (55%)	3,178 (58%)	2,674 (67%)	1,799 (65%)
Cases within 24 months of age	100%	4,193 (88%)	5,938 (88%)	4,474 (81%)	3,365 (85%)	2,299 (83%)
EQUITY DIVISION (excluding uncontested probate matters)						
Total number of cases pending		3,502	4,007	3,899	3,539	2,713
Cases within 12 months of age	90%	2,340 (67%)	2,356 (59%)	2,208 (57%)	2,059 (58%)	1,865 (69%)
Cases within 24 months of age	100%	2,960 (85%)	3,302 (82%)	3,027 (78%)	2,751 (78%)	2,369 (87%)

¹ For Equity Division cases and the civil cases of the Common Law Division, the information is based on data from the JusticeLink system, which was not fully reliable until the end of 2012 because many finalised cases remained open in the JusticeLink system and were improperly contributing to the data for the age of pending cases. During 2013 and 2014, with improved JusticeLink reports, the Registry was able to reliably identify inactive cases in these Divisions – those cases were audited and, where appropriate, closed. The changes in percentages for the civil cases in these Divisions during 2013 and 2014 are affected by those audits.

- ² For cases in the Court of Appeal and the Court of Criminal Appeal, the age of cases includes time taken to deal with any associated application for leave to appeal.
- ³ These figures include the effect of factors outside the control of the Court, such as the time taken to complete relevant cases in other courts or interlocutory appeals, time taken to prepare essential reports, and time occupied by trials that result in a hung jury.
- ⁴ The national standards are taken from the “backlog” performance indicator within the Courts chapter of the *Report on Government Services* (published by the Productivity Commission). Note that the national standards apply to district/county courts as well as supreme courts; consequently the national standards apply to a large range of indictments, criminality and civil case types. The case-mix of any court can influence that court’s capacity to achieve the standards. This Court’s Criminal List deals with a narrow range of offences: most indictments presented are for homicide offences; other matters may be brought, but only with the approval of the Chief Justice and generally involve the most serious criminality. In contrast, most other supreme courts in Australia regularly deal with a broader range of criminal cases. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards (see table 7A.21 of the latest *Report on Government Services*).
- ⁵ The figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* (formerly s474D of the *Crimes Act*) and applications for re-determination of a life sentence.
- ⁶ The figures are comparable from year to year: the counting unit is defendants. Cases are considered to be pending until the time of sentence/acquittal or other final disposal. Where a trial collapses and a new trial is ordered, the counting of the age of the case is calculated from the date of committal (not from the date of the order for a new trial).
-

Timeliness – listing delays after the end of the year ^{1, 2}					
	2010	2011	2012	2013	2014
COURT OF APPEAL ³	3 months	4 months	4 months	4 months	3.8 months
COURT OF CRIMINAL APPEAL	2 months	4 months	2.5 months	3 months	3 months
COMMON LAW DIVISION					
Criminal List ⁴	1.5 months	5 months	5 months	6.5 months	2.8 months
Civil lists ⁵	1.5 months	7 months	9.5 months	5 months	6.8 months
Bails List	4 weeks	2.5 weeks	4 weeks	4 weeks	3 weeks
EQUITY DIVISION ⁶	3.3 months	2.5 months	2.5 months	3.8 months	2.8 months

¹ This is the time between the establishment of readiness for hearing and the first group of available hearing dates that the Court offers for criminal and civil trial cases, criminal and civil appeals and Bails List cases. These delays do not apply if the Court orders an expedited hearing.

² The listing delays show the position at the start of the new law term (for example, for 2014 it is the position at the start of the 2015 law term). This removes the end-of-year impact of the law vacation.

³ This refers to substantive appeals (including those heard concurrently with a leave application). The listing delay is significantly shorter for a hearing of a leave application alone.

⁴ This refers to cases requiring at least 3 weeks of hearing time.

⁵ This refers to cases requiring up to 5 days of hearing time.

⁶ This refers only to General List and Probate (Contentious Matters) List cases requiring 2 or more days of hearing time before a judge.

Alternative dispute resolution

	2010	2011	2012	2013	2014
Court-annexed mediations listed ^{1, 2}					
Total	719	698	711	671	486 ³
Common Law Division	55	57	34	44	28
Equity Division – not probate cases	651	623	660	605	432
Equity Division – probate cases	12	18	16	21	25
Court of Appeal	1	0	1	1	1
Percentage settling at mediation ⁴	51%	50%	54%	55%	54%
Waiting time after the end of the year ⁵	7-8 weeks	5 weeks	6 weeks	3 weeks	6 weeks

Referrals to mediation generally					
Total referrals recorded ⁶	1,144	902	1,092	1,088	839 ⁸
Mediation referral index ⁷	23.5%	19.4%	23.9%	23.7%	19.0% ⁸

Arbitrations listed					
Common Law Division	0	0	0	0	0

¹ “Court-annexed mediation” refers to mediations conducted by the registrars of the Court who are also qualified as mediators. It excludes mediations conducted by private mediators.

² This section refers to court-annexed mediation listings for the year – note that *referrals* to court-annexed mediation that are made late in one year may result in *listings* early in the following year.

³ Throughout 2014, the Court piloted informal settlement conferences for family provision cases where the estate was valued under \$500,000. This pilot has reduced the number of cases being referred to the court-annexed mediation program. In this pilot, for 159 cases Justice Hallen conducted conferences at an early stage of case management with a view to achieving settlement as soon as possible so as to reduce the costs of the litigation. Of the 159 cases, 35% were settled and closed on the day of the informal settlement conference, and a further 13% settled and closed within 3 weeks following their conference. So far, only 2 of the cases that did not settle at their conference have been referred to the court-annexed mediation program. If the Court had not conducted the pilot of informal settlement conferences, it is likely that up to 157 more cases would have been referred to the court-annexed mediation program, and that the number of court-annexed mediation listings for 2014 would have been closer to the number reported for 2013.

⁴ This refers only to cases that have settled and either agreed upon finalising orders or drafted heads of agreement *by the close of the mediation procedure*. It does not include cases that advise a settlement at any later time (even though the mediation may have contributed significantly to reaching that settlement). In 2014, a further 24% of cases were still negotiating settlement at the close of their court-annexed mediation session. The registry does not collect settlement data for mediations conducted by private mediators.

⁵ This is the waiting time to the first available group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2014 it is the position at the start of the 2015 law term). The waiting time will be less if an urgent mediation session is ordered by the Court.

⁶ This covers all occasions when the Court refers a case to mediation, regardless of whether the mediation is to be conducted through the court-annexed mediation program or by a private mediator

⁷ The “mediation referral index” is the number of cases referred to mediation during the year, divided by the number of cases lodged (in that year) that are of a type for which mediation is considered to be applicable. For the purpose of calculating the mediation referral index, mediation is considered to be applicable for all civil cases types (including appeal cases) except for proceeds of crime cases, cases that have a high likelihood of proceeding to default judgment or have no defendant element, all cases in the Adoptions List or Protective List, and 90 per cent of cases in the Corporations List. While a case may be of a type for which mediation is considered to be applicable, there may be a particular aspect of that case that makes it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any cases on that basis.

⁸ Reduced usage of court-annexed mediation, as a result of the pilot of informal settlement conferences (see footnote 3), impacts these figures. Without the pilot it is possible that an overall total of up to 996 referrals would have been recorded for 2014, producing a mediation referral index of up to 22.5%.

