



Filings, disposals and pending cases

NOTES:

The figures for pending cases 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 commenced in one case management list or Division may subsequently be transferred to another list or Division for further case management and disposal.

The statistics 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 collated manually and are subject to audit and revision.

'n/a' – figures not available or not separately reported

'-' – item not applicable

'0' – zero count

	2017	2018	2019	2020	2021
COURT OF APPEAL ^{1,2}					
Filings (net new cases) ³	354	355	366	346	340
Filings of appeals / applications for relief	241	228	235	214	222
Filings of applications for leave to appeal ⁴	121	139	135	132	118
Disposals (final disposals) ⁵	380	361	339	381	346
Disposals of appeals / applications for relief	257	249	213	232	229
Disposals of applications for leave to appeal	131	124	130	149	117
Pending cases at 31 December	184	178	205	170	164
Appeals / applications for relief	141	120	142	124	123
Applications for leave to appeal	43	58	63	46	41

¹ These statistics exclude notices of intention to appeal. A notice of intention to appeal does not commence a substantive appeal or application.

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 leave application and the appeal (if leave is granted).

⁵ Where an appeal is 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.

	2017	2018	2019	2020	2021
COURT OF CRIMINAL APPEAL ¹					
Filings	380	407	352	455	421
Disposals	395	366	368	416	399
Pending cases at 31 December	130	171	155	194	216

¹ These statistics exclude appeals from decisions of the NSW State Parole Authority. There were 2, 0, 2, 1 and 0 applications lodged in the Court of Criminal Appeal for the years 2017 to 2021, respectively, for review of Parole Board decisions.

	2017	2018	2019	2020	2021
COMMON LAW DIVISION – Criminal ^{1, 2}					
Criminal List					
Filings (registrations) ³	112	93	103	112	82
Disposals ⁴	105	99	106	88	88
Pending cases at 31 December	119	113	110	134	128

Bails List^{5, 6}

Filings (applicants)	3,953	4,545	2,648	2,037	2,180
Disposals (applicants)	3,984	4,353	3,433	2,001	2,150
Pending applicants at 31 December	707	893	122	159	201

¹ In all years, the figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act 2001*, applications for re-determination of a life sentence, and summary jurisdiction cases. Summary jurisdiction cases are included within the statistics for 'other summons cases' within the Common Law General List (where they are managed).

² The Court uses counting rules that align with national counting rules, except concerning referrals from and to the Mental Health Review Tribunal (MHRT). Whenever the Court determines that an accused person is unfit to plead, it refers that person to the MHRT – the Court records that event as a case disposal. If the MHRT subsequently determines that the person is fit to stand trial, the Court records that event as a new case commencement. If the MHRT determines that the accused person is unlikely to be fit to stand trial within the next 12 months it notifies the Court, which then obtains advice as to whether the Director of Public Prosecutions intends to take further proceedings against the accused. If the Director of Public Prosecutions advises that the proceedings are to be taken further, then the Court records a new case commencement.

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 (for example, 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. From 2016 onwards, reports have been used which extract data from the JusticeLink system – it is possible that these do not take into account some data entered retrospectively.

⁶ The statistics for 2019 are not directly comparable to previous years. Practice Note SC CL11 commenced on 3 June 2019 and set out a new practice and procedure for preparing and filing applications for hearing in the Bails List. Applications are now accepted only when they are accompanied by all material on which the applicant seeks to rely, and when the applicant's legal representation (or self-representation) is confirmed. Consequently, since June 2019 the operational figures are lower as they no longer include incomplete applications that would ultimately be withdrawn or dismissed.

	2017	2018	2019	2020	2021
COMMON LAW DIVISION – Civil					
Administrative Law List					
Filings	121	152	115	97	142
Disposals	114	132	141	129	102
Pending cases at 31 December	79	100	78	46	90
Defamation List					
Filings	54	39	11	14	11
Disposals	56	61	53	24	13
Pending cases at 31 December	85	65	24	14	11
Common Law General List (formerly the General Case Management List)					
Filings	1,109	1,231	1,431	1,298	1,439
Contested claims	442	542	692	722	896
– <i>personal injury</i>	347	427	533	586	742
– <i>other claims</i>	95	155	159	136	154
Uncontested claims	194	214	237	113	93
Proceeds of Crime cases	108	123	146	124	117
Other summons cases	365	352	356	339	333
Disposals	1,057	1,102	1,169	1,208	1,176
Contested claims	509	475	552	603	694
– <i>personal injury</i>	317	323	392	439	528
– <i>other claims</i>	192	152	160	164	166
Uncontested claims	114	151	177	121	64
Proceeds of Crime cases	85	110	108	112	95
Other summons cases	349	366	332	372	323
Pending cases at 31 December	1,274	1,362	1,600	1,677	1,937
Contested claims	819	913	1,083	1,254	1,488
– <i>personal injury</i>	575	677	828	979	1,188
– <i>other claims</i>	244	236	255	275	300
Uncontested claims	99	105	112	40	31
Proceeds of Crime cases	200	215	255	267	289
Other summons cases	156	129	150	116	129
Possession List					
Filings ¹	1,218	1,235	1,501	616	710
Disposals	1,250	1,207	1,292	1,088	664
Contested	76	46	68	70	82
Uncontested	1,174	1,161	1,224	1,018	582
Pending cases at 31 December	820	847	1,046	574	627
Contested	39	67	83	78	45
Uncontested	781	780	963	496	582
Professional Negligence List					
Filings	180	214	214	263	266
Disposals	131	173	199	244	217
Pending cases at 31 December	364	420	445	465	516
High Risk Offender List ²					
Filings	-	48	54	47	52
Disposals	-	36	60	37	51
Pending cases at 31 December	-	29	22	32	33

	2017	2018	2019	2020	2021
Miscellaneous applications ³					
Filings	481	633	500	445	360
Disposals	503	540	564	401	404
Pending cases at 31 December	33	127	49	92	39

COMMON LAW DIVISION TOTALS - Civil

Filings	3,163	3,552	3,826	2,780	2,980
Disposals	3,111	3,251	3,478	3,131	2,627
Pending cases at 31 December	2,655	2,950	3,264	2,900	3,253

¹ 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.

² The High Risk Offender List commenced during 2018. Some cases, commenced earlier in the Common Law General List, were transferred to this List for case management and final disposal.

³ These include applications under the *Mutual Recognition (New South Wales) Act 1992* or *Trans-Tasman Mutual Recognition (New South Wales) Act 1996*, 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.

	2017	2018	2019	2020	2021
EQUITY DIVISION ¹					
Admiralty List					
Filings	1	0	3	2	0
Disposals	0	2	2	0	1
Pending cases at 31 December	2	0	1	4	2
Adoptions List ²					
Applications	222	242	224	185	179
Orders made	195	273	226	178	172
Pending cases at 31 December	94	63	60	67	74
Commercial List					
Filings	155	196	171	213	168
Disposals	182	184	180	189	166
Pending cases at 31 December	200	222	221	248	247
Commercial Arbitration List					
Filings	5	1	1	1	2
Disposals	2	6	1	1	3
Pending cases at 31 December	4	1	2	1	0
Corporations List					
Filings	952	860	1,211	651	769
Judges' list	185	172	205	232	215
Registrar's list	767	688	1,006	419	554
Disposals	958	883	1,188	759	762
Judges' list	191	184	251	231	262
Registrar's list	767	699	937	528	500
Pending cases at 31 December	358	338	372	260	272
Judges' list	128	154	148	171	157
Registrar's list	230	184	224	89	115
Equity General List					
Filings	1,856	1,815	1,636	1,711	1,608
Family provision cases	973	962	878	880	872
Other cases	883	853	758	831	736
Disposals	1,774	1,910	1,724	1,719	1,680
Family provision cases	928	1,044	914	886	895
Other cases	846	866	810	833	785
Pending cases at 31 December	1,494	1,417	1,315	1,337	1,266
Family provision cases	544	470	417	412	381
Other cases	950	947	898	925	885
Probate (Contentious Matters) List					
Filings	294	316	310	291	296
Disposals	246	300	308	374	307
Pending cases at 31 December	241	257	257	174	163
Protective List ³					
Applications	110	102	123	87	85
Disposals	90	101	116	96	73
Pending applications at 31 December	45	46	51	42	54

	2017	2018	2019	2020	2021
Real Property List					
Filings	406	409	382	404	403
Disposals	357	388	366	356	383
Pending cases at 31 December	310	310	333	369	385
Revenue List					
Filings	8	24	14	10	9
Disposals	18	27	22	16	13
Pending applications at 31 December	27	26	18	14	10
Technology and Construction List					
Filings	138	163	178	249	221
Disposals	125	130	145	134	155
Pending cases at 31 December	195	229	266	388	459
EQUITY DIVISION TOTALS					
Filings	4,147	4,128	4,253	3,804	3,740
Disposals	3,947	4,204	4,278	3,822	3,715
Pending cases at 31 December	2,970	2,909	2,896	2,904	2,932

PROBATE – Applications lodged for grant of probate etc ⁴	27,294	26,538	27,438	26,661	26,663
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¹ The figures reported here 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 In this List, 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 *NSW Trustee and Guardian Act 2009*, it is possible that more than one application will be made in relation to that person. 'Disposals' refers to the number of disposed applications.

⁴ 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 transferred to the Probate (Contentious Matters) List and are counted additionally as filings there. The figures here do not include other 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}

Number pending (and % of total)	National standard ³	2017	2018	2019	2020	2021
COURT OF APPEAL						
Total number of cases pending		184	178	205	170	164
Cases within 12 months of age	90%	176 (96%)	167 (94%)	191 (93%)	157 (92%)	151 (92%)
Cases within 24 months of age	100%	183 (99%)	177 (99%)	201 (98%)	168 (99%)	162 (99%)
COURT OF CRIMINAL APPEAL						
Total number of cases pending		130	171	155	194	216
Cases within 12 months of age	90%	127 (98%)	167 (98%)	150 (97%)	188 (97%)	209 (97%)
Cases within 24 months of age	100%	130 (100%)	171 (100%)	155 (100%)	193 (99%)	216 (100%)
COMMON LAW DIVISION – Criminal ^{4, 5}						
Total number of defendants pending		119	113	110	134	128
Cases within 12 months of age	90%	89 (75%)	61 (54%)	74 (67%)	82 (61%)	68 (53%)
Cases within 24 months of age	100%	109 (92%)	107 (95%)	97 (88%)	119 (89%)	114 (89%)
COMMON LAW DIVISION - Civil						
Total number of cases pending		2,655	2,950	3,264	2,900	3,253
Cases within 12 months of age	90%	1,783 (67%)	2,055 (70%)	2,218 (68%)	1,638 (56%)	1,917 (59%)
Cases within 24 months of age	100%	2,243 (84%)	2,549 (86%)	2,793 (86%)	2,374 (82%)	2,643 (81%)
EQUITY DIVISION (excluding uncontested probate matters)						
Total number of cases pending		2,970	2,909	2,896	2,904	2,932
Cases within 12 months of age	90%	2,055 (69%)	1,950 (67%)	1,871 (65%)	1,855 (64%)	1,745 (60%)
Cases within 24 months of age	100%	2,629 (89%)	2,531 (87%)	2,497 (86%)	2,439 (84%)	2,422 (83%)

¹ 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.

² 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/tribunals or interlocutory appeals, time taken by external agencies/individuals to prepare essential reports, and time occupied by trials that result in a hung jury.

³ The national standards are taken from the 'backlog' performance indicator within the Courts chapter of the *Report on Government Services* (published annually by the Productivity Commission). Note that the national standards apply to district/county courts as well as to 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. For criminal cases, for example, while other supreme courts in Australia typically deal with a broad range of offences, this Court deals typically with cases involving homicide offences (other matters, generally involving the most serious criminality, may be brought only with the approval of the Chief Justice). For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards (see the 'Backlog' tables in the latest *Report on Government Services*).

- ⁴ The figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act 2001* and applications for re-determination of a life sentence.
- ⁵ 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).
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Timeliness – listing delays after the end of the year ^{1, 2}

	2017	2018	2019	2020	2021
COURT OF APPEAL ³	2.2 months	1.7 months	1.8 months	2.0 months	1.9 months
COURT OF CRIMINAL APPEAL ⁴	1.2 months	3.0 months	3.4 months	5.4 months	6.3 months
COMMON LAW DIVISION					
Criminal List ⁵	5.5 months	6.5 months	5.0 months	4.2 months	4.6 months
Civil lists ⁶	7.0 months	6.0 months	12.5 months	10.3 months	6.9 months
Bails List ⁷	7 weeks	2 weeks	2 weeks	3 weeks	3 weeks
EQUITY DIVISION ⁸	4.5 months	6.0 months	6.7 months	6.3 months	3.0 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 2021 it is the position at the start of the 2022 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 usually shorter for a hearing of a leave application alone.

⁴ This refers to appeals against conviction. The listing delay is usually shorter for interlocutory appeals and appeals against sentence only.

⁵ This refers to cases requiring at least 4 weeks of trial time.

⁶ This refers to cases requiring up to 5 days of hearing time.

⁷ This is the time between lodgment of an application and the first group of available hearing dates. Prior to 2019, this referred to applications by adults receiving public funding. From June 2019, it refers to all applications by adults for a 30-minute hearing. Applications by juveniles are usually heard within 2 weeks.

⁸ 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

	2017	2018	2019	2020	2021
Court-annexed mediations listed ^{1, 2}					
Total	571	428	474	331	262
Common Law Division	51	29	27	26	31
Equity Division – not probate cases	455	344	366	269	219
Equity Division – probate cases	64	55	80	36	11
Court of Appeal	1	0	1	0	1
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Percentage settling at mediation ^{3, 4}	46%	47%	42%	42%	39%
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Waiting time after the end of the year ⁵	2 weeks	5 weeks	6 weeks	4 weeks	4 weeks
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Referrals to mediation generally					
Total referrals recorded ⁶	943	1,169	1,407	1,055	950
Mediation referral index ⁷	20.8%	24.7%	30.3%	22.2%	19.8%
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Arbitrations listed ⁸					
Total	0	0	0	0	0

¹ 'Court-annexed mediation' refers to mediations conducted by those registrars of the Court who are also qualified as mediators. It excludes settlement conferences conducted by judges and 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 This refers only to cases that have settled and either agreed upon finalising orders or drafted heads of agreement *by the close of the court-annexed mediation session*. 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 2021, for example, in addition to the 39% of cases that settled at the close of their court-annexed mediation session, a further 30% of cases were continuing settlement negotiations.

⁴ This refers only to cases using court-annexed mediation. The registry does not collect settlement data for mediations conducted by private mediators.

⁵ This is the waiting time to the first-available extensive group of mediation sessions within the court-annexed mediation program, as reported at the start of the new law term (for example, for 2021 it is the position at the start of the 2022 law term). Earlier sessions are often sporadically available. Urgent mediation sessions are provided without delay when ordered by the Court.

⁶ This covers all cases in which, during the year, either a referral to mediation was made or directions were given that involved mediation, regardless of whether the mediation would be through the court-annexed mediation program or conducted 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 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, High Risk Offender List or Protective List, and 90% 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 individually that makes it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any individual cases on that basis.

⁸ Referral for arbitration is possible for Supreme Court cases but no referrals have been recorded since 2006.