



Supreme Court
of New South Wales

SUPREME COURT OF NEW SOUTH WALES PROVISIONAL STATISTICS (as at 27 February 2020)

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 2015 through to 2019 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

	2015	2016	2017	2018	2019
COURT OF APPEAL ^{1,2}					
Filings (net new cases) ³	379	397	354	355	366
Filings of appeals / applications for relief	255	261	241	228	235
Filings of applications for leave to appeal ⁴	134	144	121	139	135
Disposals (final disposals) ⁵	433	423	380	361	339
Disposals of appeals / applications for relief	312	277	257	249	213
Disposals of applications for leave to appeal	131	154	131	124	130
Pending cases at 31 December	236	210	184	178	205
Appeals / applications for relief	173	157	141	120	142
Applications for leave to appeal	63	53	43	58	63

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, in any year, 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, in any year, 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.

	2015	2016	2017	2018	2019
COURT OF CRIMINAL APPEAL ¹					
Filings	342	363	380	407	352
Disposals	400	386	395	366	368
Pending cases at 31 December	168	145	130	171	155

¹ These statistics exclude appeals from decisions of the NSW State Parole Authority. There were 7, 8, 2, 0 and 2 applications lodged in the Court of Criminal Appeal for the years 2015 to 2019, respectively, for review of Parole Board decisions.

	2015	2016	2017	2018	2019
COMMON LAW DIVISION – Criminal ^{1, 2}					
Criminal List					
Filings (registrations) ³	118	102	112	93	102
Disposals ⁴	88	105	105	99	106
Pending cases at 31 December	115	112	119	113	109

	2015	2016	2017	2018	2019
Bails List ^{5, 6}					
Filings (applicants)	4,401	3,996	3,953	4,545	2,648
Disposals (applicants)	4,201	3,991	3,984	4,353	3,433
Pending applicants at 31 December	761	742	707	893	122

¹ In all years, the figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act*, 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 (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. From 2016 onwards, new 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.

	2015	2016	2017	2018	2019
COMMON LAW DIVISION – Civil					
Administrative Law List					
Filings	134	127	121	152	115
Disposals	158	149	114	132	141
Pending cases at 31 December	91	70	79	100	78
Defamation List					
Filings	47	69	54	39	11
Disposals	65	52	56	61	53
Pending cases at 31 December	65	84	85	65	24
Common Law General List (formerly the General Case Management List)					
Filings	1,176	1,105	1,109	1,231	1,431
Contested claims	484	449	442	542	692
– personal injury	315	291	347	427	533
– other claims	169	158	95	155	159
Uncontested claims	169	185	194	214	237
Proceeds of Crime cases	120	93	108	123	146
Other summons cases	403	378	365	352	356
Disposals	1,149	1,134	1,057	1,102	1,169
Contested claims	525	495	509	475	552
– personal injury	299	291	317	323	392
– other claims	226	204	192	152	160
Uncontested claims	109	154	114	151	177
Proceeds of Crime cases	77	97	85	110	108
Other summons cases	438	388	349	366	332
Pending cases at 31 December	1,275	1,247	1,274	1,362	1,600
Contested claims	850	865	819	913	1,083
– personal injury	562	575	575	677	828
– other claims	288	290	244	236	255
Uncontested claims	94	69	99	105	112
Proceeds of Crime cases	176	173	200	215	255
Other summons cases	155	140	156	129	150
Possession List					
Filings ¹	1,600	1,312	1,218	1,235	1,501
Disposals	1,592	1,376	1,250	1,207	1,292
Contested	100	61	76	46	68
Uncontested	1,492	1,315	1,174	1,161	1,224
Pending cases at 31 December	903	838	820	847	1,046
Contested	56	60	39	67	83
Uncontested	847	778	781	780	963
Professional Negligence List					
Filings	127	150	180	214	214
Disposals	191	153	131	173	199
Pending cases at 31 December	301	301	364	420	445
High Risk Offender List ²					
Filings	-	-	-	48	54
Disposals	-	-	-	36	60
Pending cases at 31 December	-	-	-	29	22

	2015	2016	2017	2018	2019
Miscellaneous applications ³					
Filings	454	453	481	633	500
Disposals	435	437	503	540	564
Pending cases at 31 December	32	52	33	127	49

COMMON LAW DIVISION TOTALS - Civil

Filings	3,538	3,216	3,163	3,552	3,826
Disposals	3,590	3,301	3,111	3,251	3,478
Pending cases at 31 December	2,667	2,592	2,655	2,950	3,264

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 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.

	2015	2016	2017	2018	2019
EQUITY DIVISION ¹					
Admiralty List					
Filings	4	0	1	0	3
Disposals	1	4	0	2	2
Pending cases at 31 December	4	0	2	0	1
Adoptions List ²					
Applications	160	198	222	242	224
Orders made	168	179	195	273	226
Pending cases at 31 December	48	67	94	63	60
Commercial List					
Filings	155	147	155	196	171
Disposals	166	224	182	184	180
Pending cases at 31 December	282	223	200	222	221
Commercial Arbitration List					
Filings	2	1	5	1	1
Disposals	1	2	2	6	1
Pending cases at 31 December	1	0	4	1	2
Corporations List					
Filings	2,126	1,097	952	860	1,211
Judges' list	111	137	185	172	205
Registrar's list	2,015	960	767	688	1,006
Disposals	2,133	1,071	958	883	1,188
Judges' list	138	138	191	184	251
Registrar's list	1,995	933	767	699	937
Pending cases at 31 December	331	357	358	338	372
Judges' list	65	96	128	154	148
Registrar's list	266	261	230	184	224
Equity General List					
Filings	2,146	1,915	1,856	1,815	1,636
Family provision cases	972	1,018	973	962	878
Other cases	1,174	897	883	853	758
Disposals	2,207	2,058	1,774	1,910	1,724
Family provision cases	835	1,068	928	1,044	914
Other cases ³	1,372	990	846	866	810
Pending cases at 31 December	1,570	1,409	1,494	1,417	1,315
Family provision cases	554	492	544	470	417
Other cases	1,016	917	950	947	898
Probate (Contentious Matters) List					
Filings	207	265	294	316	310
Disposals	187	244	246	300	308
Pending cases at 31 December	173	194	241	257	257
Protective List ⁴					
Applications	107	83	110	102	123
Disposals	105	93	90	101	116
Pending applications at 31 December	35	25	45	46	51

	2015	2016	2017	2018	2019
Real Property List ⁵					
Filings	150	394	406	409	382
Disposals	37	248	357	388	366
Pending cases at 31 December	141	292	310	310	333
Revenue List					
Filings	22	26	8	24	14
Disposals	8	18	18	27	22
Pending applications at 31 December	29	36	27	26	18
Technology and Construction List					
Filings	89	108	138	163	178
Disposals	114	139	125	130	145
Pending cases at 31 December	200	174	195	229	266
EQUITY DIVISION TOTALS					
Filings	5,168	4,234	4,147	4,128	4,253
Disposals	5,127	4,280	3,947	4,204	4,278
Pending cases at 31 December	2,814	2,777	2,970	2,909	2,896

PROBATE – Applications lodged for grant of probate etc ⁶	26,408	26,243	27,294	26,538	27,432
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¹ The figures reported for 2015 through to 2019 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 During 2014 and 2015 a large number of inactive cases in this List were audited and, where appropriate, closed. Accordingly, in those years the disposals figures are unusually high.

⁴ 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*, it is possible that more than one application will be made in relation to that person. “Disposals” refers to the number of disposed applications.

⁵ The Real Property List commenced on 1 June 2015. Some cases commenced earlier in the Equity General List were transferred to this List for case management and disposal.

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 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	2015	2016	2017	2018	2019
COURT OF APPEAL						
Total number of cases pending		236	210	184	178	205
Cases within 12 months of age	90%	214 (91%)	192 (91%)	176 (96%)	167 (94%)	191 (93%)
Cases within 24 months of age	100%	234 (99%)	210 (100%)	183 (99%)	177 (99%)	201 (98%)
COURT OF CRIMINAL APPEAL						
Total number of cases pending		168	145	130	171	155
Cases within 12 months of age	90%	158 (94%)	144 (99%)	127 (98%)	167 (98%)	150 (97%)
Cases within 24 months of age	100%	166 (99%)	145 (100%)	130 (100%)	171 (100%)	155 (100%)
COMMON LAW DIVISION – Criminal ^{4,5}						
Total number of defendants pending		115	112	119	113	109
Cases within 12 months of age	90%	93 (81%)	80 (71%)	89 (75%)	61 (54%)	75 (69%)
Cases within 24 months of age	100%	109 (95%)	107 (96%)	109 (92%)	107 (95%)	96 (88%)
COMMON LAW DIVISION - Civil						
Total number of cases pending		2,667	2,592	2,655	2,950	3,264
Cases within 12 months of age	90%	1,834 (69%)	1,766 (68%)	1,783 (67%)	2,055 (70%)	2,218 (68%)
Cases within 24 months of age	100%	2,242 (84%)	2,204 (85%)	2,243 (84%)	2,549 (86%)	2,793 (86%)
EQUITY DIVISION (excluding uncontested probate matters)						
Total number of cases pending		2,814	2,777	2,970	2,909	2,896
Cases within 12 months of age	90%	2,001 (71%)	1,975 (71%)	2,055 (69%)	1,950 (67%)	1,871 (65%)
Cases within 24 months of age	100%	2,508 (89%)	2,471 (89%)	2,629 (89%)	2,531 (87%)	2,497 (86%)

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 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 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 (any 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 Chapter 7A in the latest *Report on Government Services*).

⁴ The figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act* 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).

Timeliness – listing delays after the end of the year ^{1, 2}					
	2015	2016	2017	2018	2019
COURT OF APPEAL ³	2.3 months	1 month	2.2 months	1.7 months	1.8 months
COURT OF CRIMINAL APPEAL	2.5 months	1.5 months	1.2 months	3.0 months	3.4 months
COMMON LAW DIVISION					
Criminal List ⁴	5.5 months	7.3 months	5.5 months	6.5 months	5.0 months
Civil lists ⁵	6.0 months	7.3 months	7.0 months	6.0 months	12.0 months
Bails List ⁶	10.5 weeks	9 weeks	7 weeks	2 weeks	2 weeks
EQUITY DIVISION ⁷	3.0 months	5.3 months	4.5 months	6.0 months	6.7 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 2019 it is the position at the start of the 2020 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 For years up to 2015, this refers to cases requiring at least 3 weeks of trial time. From 2016 onwards, it refers to cases requiring at least 4 weeks of trial time.

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

⁶ 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.

⁷ 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

	2015	2016	2017	2018	2019
Court-annexed mediations listed ^{1, 2, 3}					
Total	518	615	571	428	474
Common Law Division	32	38	51	29	27
Equity Division – not probate cases	447	528	455	344	366
Equity Division – probate cases	39	48	64	55	80
Court of Appeal	0	1	1	0	1
Percentage settling at mediation ^{4, 5}					
	51%	51%	46%	47%	42%
Waiting time after the end of the year ⁶					
	4 weeks	5 weeks	2 weeks	5 weeks	6 weeks
Referrals to mediation generally					
Total referrals recorded ⁷	1,071	806	943	1,169	1,407
Mediation referral index ⁸	23.1%	17.3%	20.8%	24.7%	30.3%
Arbitrations listed ⁹					
Total	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 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 Since 2014 there has been extensive use of judicial settlement conferences for family provision cases, particularly when jointly requested by the parties or where the estate is valued at less than \$500,000. This has resulted in a reduced use of court-annexed mediation (a more detailed explanation of the impact is given in the 2014 Annual Review).

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 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 2019, for example, in addition to the 42% of cases that settled at the close of their court-annexed mediation session, a further 31% of cases were continuing settlement negotiations.

⁵ This refers only to cases using court-annexed mediation. The registry does not collect settlement data for mediations conducted by private mediators.

⁶ 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 2019 it is the position at the start of the 2020 law term). Sporadic earlier sessions are often available. Urgent mediation sessions are provided without delay when ordered by the Court.

⁷ 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.

⁸ 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, High Risk Offender 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 individually that makes it inappropriate for mediation; however, the calculation of the mediation referral index does not exclude any individual cases on that basis.

⁹ Referral for arbitration is possible for Supreme Court cases but no referrals have been recorded since 2006.