

## Filings, disposals and pending cases

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 due to cases commenced in one case management list or Division which 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 Equity Division 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 extracted from the JusticeLink system and continue to be collated manually.

The figures for pending cases exclude cases that have been re-opened after judgment. Statistics are subject to change following audit and revision.

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

'-' – item not applicable

'0' – zero count

	2018	2019	2020	2021	2022
<b>COURT OF APPEAL<sup>1</sup></b>					
Filings (net new cases) <sup>2</sup>	355	366	346	341	354
Filings of appeals / applications for relief	228	235	214	223	236
Filings of applications for leave to appeal <sup>3</sup>	139	135	132	118	118
Disposals (final disposals) <sup>4</sup>	361	339	381	346	311
Disposals of appeals / applications for relief	249	213	232	229	207
Disposals of applications for leave to appeal	124	130	149	117	104
Pending cases at 31 December	178	205	170	165	208
Appeals / applications for relief	120	142	124	124	157
Applications for leave to appeal	58	63	46	41	51

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

<sup>2</sup> 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.

<sup>3</sup> This 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).

<sup>4</sup> 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.

**SUPREME COURT OF NEW SOUTH WALES**  
**Provisional statistics (as at 19 January 2023)**

	2018	2019	2020	2021	2022
<b>COURT OF CRIMINAL APPEAL <sup>5</sup></b>					
Filings	407	352	455	421	329
Disposals	366	368	416	401	356
Pending cases at 31 December	171	155	194	214	187
<b>COMMON LAW DIVISION – Criminal <sup>6</sup></b>					
<b>Criminal List</b>					
Filings (registrations) <sup>7</sup>	93	103	112	82	85
Disposals <sup>8</sup>	99	106	88	88	88
Pending cases at 31 December	113	110	134	128	125
<b>Bails List <sup>9</sup></b>					
Filings (applicants)	4,557	2,643	2,034	2,173	2,235
Disposals (applicants)	4,359	3,418	1,999	2,126	2,276
Pending applicants at 31 December	919	144	179	226	163

<sup>5</sup> These statistics exclude appeals from decisions of the NSW State Parole Authority.

<sup>6</sup> 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). 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.

<sup>7</sup> 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).

<sup>8</sup> Disposals are counted at sentence, acquittal or other final disposal. 'Other final disposal' includes referral to the Mental Health Tribunal, no bill, death of the accused, order for issue of a bench warrant and transfer to another court.

<sup>9</sup> The figures for Bails List cases 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. The statistics for 2019 are not directly comparable to previous years. Practice Note SC CL11 commenced on 3 June 2019 and set out new procedures for preparing and filing applications for hearing in the Bails List. Applications are now only accepted 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.

**SUPREME COURT OF NEW SOUTH WALES**  
**Provisional statistics (as at 19 January 2023)**

	2018	2019	2020	2021	2022
<b>COMMON LAW DIVISION – Civil</b>					
<b>Common Law General List</b>					
Filings	1,108	1,285	1,174	1,322	1,678
Contested claims	542	692	722	896	1,186
– personal injury	427	533	586	742	1,028
– other claims	155	159	136	154	158
Uncontested claims	214	237	113	93	147
Other summons cases <sup>10</sup>	352	356	339	333	345
Disposals	992	1,061	1,096	1,081	1,274
Contested claims	475	552	603	694	891
– personal injury	323	392	439	528	709
– other claims	152	160	164	166	182
Uncontested claims	151	177	121	64	60
Other summons cases	366	332	372	323	323
Pending cases at 31 December	1,147	1,345	1,410	1,648	1,982
Contested claims	913	1,083	1,254	1,488	1,763
– personal injury	677	828	979	1,188	1,438
– other claims	236	255	275	300	325
Uncontested claims	105	112	40	31	68
Other summons cases	129	150	116	129	151
<b>Administrative Law List</b>					
Filings	152	115	97	142	99
Disposals	132	141	129	102	121
Pending cases at 31 December	100	78	46	90	68
<b>Defamation List</b>					
Filings	39	11	14	11	7
Disposals	61	53	24	13	11
Pending cases at 31 December	65	24	14	11	8
<b>High Risk Offender List</b>					
Filings	48	54	47	52	50
Disposals	36	60	37	51	55
Pending cases at 31 December	29	22	32	33	28
<b>Possession List <sup>11</sup></b>					
Filings	1,235	1,501	616	710	1059
Disposals	1,207	1,292	1,088	664	858
Contested	46	68	70	82	54
Uncontested	1,161	1,224	1,018	582	805
Pending cases at 31 December	847	1,046	574	627	827
Contested	67	83	78	45	52
Uncontested	780	963	496	582	775

<sup>10</sup> Other summons cases include contested and non-contested matters.

<sup>11</sup> 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.

**SUPREME COURT OF NEW SOUTH WALES**  
**Provisional statistics (as at 19 January 2023)**

	2018	2019	2020	2021	2022
<b>COMMON LAW DIVISION – Civil</b>					
<b>Proceeds of Crime List <sup>12</sup></b>					
Filings	123	146	124	117	123
Disposals	110	108	112	95	81
Pending cases at 31 December	215	255	267	289	330
<b>Professional Negligence List</b>					
Filings	214	214	263	266	232
Disposals	173	199	244	217	249
Pending cases at 31 December	420	445	465	516	551
<b>Miscellaneous List <sup>13</sup></b>					
Filings	633	500	445	360	333
Disposals	540	564	401	404	373
Pending cases at 31 December	127	49	92	39	19
<b>COMMON LAW DIVISION TOTALS – Civil</b>					
<b>Filings</b>	<b>3,552</b>	<b>3,826</b>	<b>2,780</b>	<b>2,980</b>	<b>3,582</b>
<b>Disposals</b>	<b>3,251</b>	<b>3,478</b>	<b>3,131</b>	<b>2,627</b>	<b>3,022</b>
<b>Pending cases at 31 December</b>	<b>2,950</b>	<b>3,264</b>	<b>2,900</b>	<b>3,253</b>	<b>3,813</b>

<sup>12</sup> In previous versions of Provisional Statistics, statistics for Proceeds of Crime cases were recorded within the Common Law General List.

<sup>13</sup> The Miscellaneous List includes applications made 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.

**SUPREME COURT OF NEW SOUTH WALES**  
**Provisional statistics (as at 19 January 2023)**

	2018	2019	2020	2021	2022
<b>EQUITY DIVISION <sup>14</sup></b>					
<b>Admiralty List</b>					
Filings	0	3	2	0	0
Disposals	2	2	0	1	1
Pending cases at 31 December	0	1	4	2	1
<b>Adoptions List <sup>15</sup></b>					
Applications	242	224	185	178	157
Orders made	273	226	178	175	156
Pending cases at 31 December	63	60	67	70	71
<b>Commercial List</b>					
Filings	196	171	213	168	147
Disposals	184	180	189	166	171
Pending cases at 31 December	222	221	248	247	230
<b>Commercial Arbitration List</b>					
Filings	1	1	1	2	7
Disposals	6	1	1	3	4
Pending cases at 31 December	1	2	1	0	3
<b>Corporations List</b>					
Filings	860	1,211	651	769	699
Judges' list	172	205	232	215	185
Registrar's list	688	1,006	419	554	514
Disposals	883	1,188	759	762	641
Judges' list	184	251	231	262	211
Registrar's list	699	937	528	500	430
Pending cases at 31 December	338	372	260	272	346
Judges' list	154	148	171	157	165
Registrar's list	184	224	89	115	181
<b>Equity General List</b>					
Filings	1,815	1,636	1,711	1,608	1,642
Family provision cases	962	878	880	872	897
Other cases	853	758	831	736	745
Disposals	1,910	1,724	1,719	1,680	1,589
Family provision cases	1,044	914	886	895	866
Other cases	866	810	833	785	723
Pending cases at 31 December	1,417	1,315	1,337	1,266	1,276
Family provision cases	470	417	412	381	419
Other cases	947	898	925	885	857
<b>Protective List</b>					
Applications	102	123	87	85	93
Disposals	101	116	96	73	107
Pending applications at 31 December	46	51	42	54	40

<sup>14</sup> Statistics for the Equity Division have been extracted from the JusticeLink system, excluding the figures for the Adoptions List, Contentious Probate List and Protective List (statistics for these lists are obtained from manually collated data).

<sup>15</sup> All application types are counted in the Adoptions List, including information applications.

**SUPREME COURT OF NEW SOUTH WALES**  
**Provisional statistics (as at 19 January 2023)**

	2018	2019	2020	2021	2022
<b>EQUITY DIVISION</b>					
<b>Real Property List</b>					
Filings	409	382	404	403	314
Disposals	388	366	356	382	325
Pending cases at 31 December	310	333	369	385	397
<b>Revenue List</b>					
Filings	24	14	10	9	11
Disposals	27	22	16	13	8
Pending applications at 31 December	26	18	14	10	13
<b>Technology and Construction List</b>					
Filings	163	178	249	221	195
Disposals	130	145	134	155	161
Pending cases at 31 December	229	266	388	459	504
<b>Probate (Contentious Matters) List</b>					
Filings	317	310	291	296	337
Disposals	303	308	374	307	331
Pending cases at 31 December	255	257	174	167	169
<b>EQUITY DIVISION TOTALS</b>					
<b>Filings</b>	<b>4,128</b>	<b>4,253</b>	<b>3,804</b>	<b>3,739</b>	<b>3,602</b>
<b>Disposals</b>	<b>4,204</b>	<b>4,278</b>	<b>3,822</b>	<b>3,717</b>	<b>3,494</b>
<b>Pending cases at 31 December</b>	<b>2,909</b>	<b>2,896</b>	<b>2,904</b>	<b>2,932</b>	<b>3,050</b>

**UNCONTESTED PROBATE <sup>16</sup>**

<b>Probate (Grant Applications)</b>					
Filings	26,538	27,438	26,661	26,663	30,305
Disposals	27,121	25,411	27,845	25,250	25,945
Pending cases at 31 December	2,378	3,529	2,401	3,180	9,108

<sup>16</sup> These statistics include 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** <sup>17</sup>

<b>Number pending (and % of total)</b>	<b>National standard</b> <small><sup>18</sup></small>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>COURT OF APPEAL</b>						
Total number of cases pending		178	205	170	165	208
Cases within 12 months of age	90%	167 (94%)	191 (93%)	157 (92%)	152 (92%)	199 (96%)
Cases within 24 months of age	100%	177 (99%)	201 (98%)	168 (99%)	163 (99%)	207 (99%)
<b>COURT OF CRIMINAL APPEAL</b>						
Total number of cases pending		171	155	194	214	187
Cases within 12 months of age	90%	167 (98%)	150 (97%)	188 (97%)	208 (97%)	178 (95%)
Cases within 24 months of age	100%	171 (100%)	155 (100%)	193 (99%)	214 (100%)	187 (100%)
<b>COMMON LAW DIVISION – Criminal</b> <sup>19</sup>						
Total number of defendants pending		113	110	134	128	125
Cases within 12 months of age	90%	61 (54%)	74 (67%)	82 (61%)	68 (53%)	69 (55%)
Cases within 24 months of age	100%	107 (95%)	97 (88%)	119 (89%)	114 (89%)	103 (82%)

<sup>17</sup> 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. The age of cases is impacted by factors outside of the Court's control, 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.

<sup>18</sup> National standards are derived from the 'backlog' performance indicator within 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 example, while other supreme courts in Australia typically deal with a broad range of criminal 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.

<sup>19</sup> These figures exclude matters under Part 7 of the *Crimes (Appeal and Review) Act 2001* and applications for re-determination of a life sentence. 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).

**COMMON LAW DIVISION – Civil**

Total number of cases pending		2,950	3,264	2,900	3,253	3,813
Cases within 12 months of age	90%	2,055 (70%)	2,218 (68%)	1,638 (56%)	1,917 (59%)	2,435 (64%)
Cases within 24 months of age	100%	2,549 (86%)	2,793 (86%)	2,374 (82%)	2,643 (81%)	3,196 (84%)

**EQUITY DIVISION <sup>20</sup>**

Total number of cases pending		2,909	2,896	2,904	2,932	3,050
Cases within 12 months of age	90%	1,950 (67%)	1,871 (65%)	1,855 (64%)	1,745 (60%)	1,840 (60%)
Cases within 24 months of age	100%	2,531 (87%)	2,497 (86%)	2,439 (84%)	2,422 (83%)	2,478 (81%)

<sup>20</sup> Statistics exclude uncontested probate matters

**Timeliness – listing delays at the commencement of 2023 law term** <sup>21</sup>

	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>COURT OF APPEAL</b> <sup>22</sup>	1.7 months	1.8 months	2.0 months	1.9 months	2.2 months
<b>COURT OF CRIMINAL APPEAL</b> <sup>23</sup>	3.0 months	3.4 months	5.4 months	6.3 months	4 months
<b>COMMON LAW DIVISION</b>					
<b>Criminal List</b> <sup>24</sup>	6.5 months	5.0 months	4.2 months	4.6 months	4 months
<b>Civil lists</b> <sup>25</sup>	6.0 months	12.5 months	10.3 months	6.9 months	4 months
<b>Bails List</b> <sup>26</sup>	2 weeks	2 weeks	3 weeks	3 weeks	3 weeks
<b>EQUITY DIVISION</b> <sup>27</sup>	6.0 months	6.7 months	6.3 months	3.0 months	1.3 months

<sup>21</sup> Delays are measured by 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. The listing delays show the position at the start of the new law term (for example, for 2022 it is the position at the start of the 2023 law term). This removes the end-of-year impact of the law vacation.

<sup>22</sup> Delay for substantive appeals (including those heard concurrently with a leave application). The listing delay is usually shorter for a hearing of a leave application alone.

<sup>23</sup> Delay for appeals against conviction. The listing delay is usually shorter for interlocutory appeals and appeals against sentence only.

<sup>24</sup> Delay for matters requiring at least 4 weeks of trial time

<sup>25</sup> Delay for matters requiring up to 5 days of hearing time

<sup>26</sup> The delay refers to the time between lodgment of an application and the first group of available hearing dates. Prior to 2019, this statistic only captured applications for adults receiving public funding. From June 2019, it refers to all adult applications requiring a 30-minute hearing. Applications by juveniles are usually heard within 2 weeks.

<sup>27</sup> 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 <sup>28</sup>

	2018	2019	2020	2021	2022
<b>Court-annexed mediations listed</b> <sup>29</sup>					
Total	428	474	331	262	215
Common Law Division	29	27	26	31	31
Equity Division – not probate cases	344	366	269	219	177
Equity Division – probate cases	55	80	36	11	5
Court of Appeal	0	1	0	1	2
Percentage settled at mediation <sup>30</sup>	47%	42%	42%	39%	39%
Listing delay at the commencement of law term <sup>31</sup>	5 weeks	6 weeks	4 weeks	4 weeks	4 weeks
<b>Referrals to mediation</b>					
Total referrals recorded <sup>32</sup>	1,169	1,407	1,055	950	842
Mediation referral index <sup>33</sup>	24.7%	30.3%	22.2%	19.8%	12.4%

<sup>28</sup> Referral for arbitration is possible for Supreme Court cases but no referrals have been recorded since 2006

<sup>29</sup> Court-annexed mediation refers to mediations conducted by Registrars of the Court who are also qualified as mediators. It excludes settlement conferences conducted by judges and mediations conducted externally to the court. The statistics 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

<sup>30</sup> These statistics only capture cases that have settled, by either agreeing 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 2022, for example, in addition to the 39% of cases that settled at the close of their court-annexed mediation session, a further 26% of cases were continuing settlement negotiations. Settlement rates are limited to cases using court-annexed mediation. The registry does not collect settlement data for mediations external to the court.

<sup>31</sup> This refers to 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. Earlier sessions are often sporadically available. Urgent mediation sessions are provided without delay when ordered by the Court.

<sup>32</sup> Referrals include all cases in which 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.

<sup>33</sup> 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 would be eligible/appropriate for mediation. 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 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, Proceeds of Crime 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.