

SUPREME COURT OF NSW

PROVISIONAL STATISTICS 2023

REPORTING AND ANALYSIS UNIT

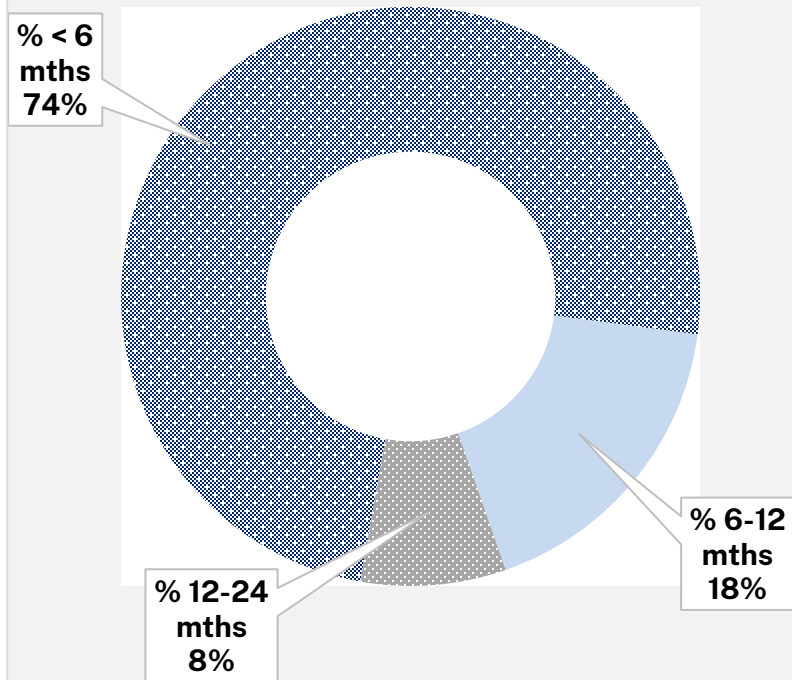
Statistics accurate as at 25th January 2024

| | |
|--------------------------------|-----------|
| Court of Appeal | <u>3</u> |
| Court of Criminal Appeal | <u>5</u> |
| Common Law: Crime | <u>7</u> |
| Common Law: Civil | <u>9</u> |
| Equity Division | <u>14</u> |
| Mediations | <u>19</u> |
| Footnotes | <u>20</u> |

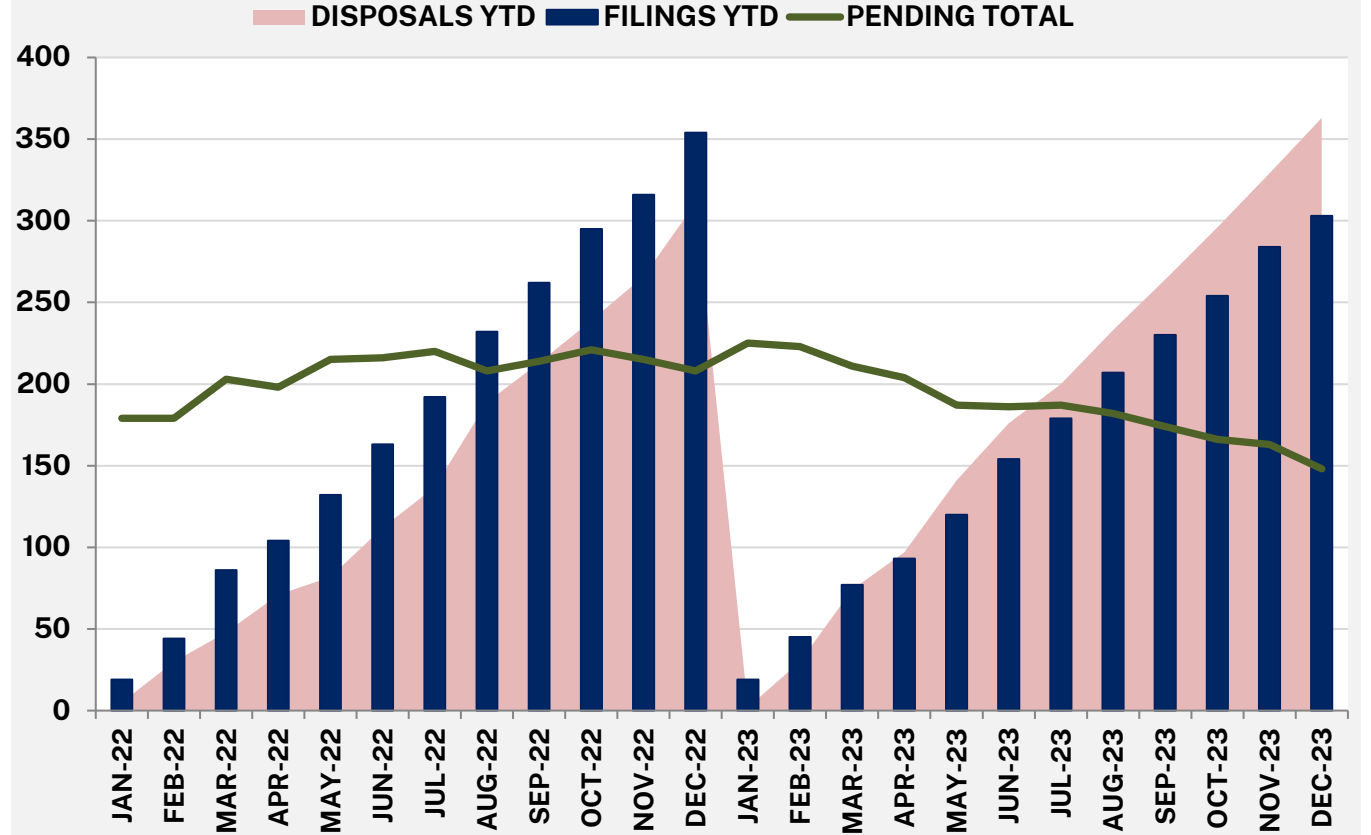
COURT OF APPEAL

| | 2022 | 2023 | % CHANGE |
|-----------|------|------|----------|
| FILINGS | 354 | 303 | -14% |
| PENDING | 208 | 148 | -29% |
| DISPOSALS | 311 | 363 | 17% |

**COURT OF APPEAL:
Age of pending cases**



COURT OF APPEAL- Filings, disposals and pending caseload counts



| | 2022 | 2023 | LISTING DELAY AT THE START OF LAW TERM (APPEALS) | |
|---|-----------|-------------|--|------------|
| CASES FINALISED WITHIN 12 MONTHS | 279 (90%) | 378 (91%) | 2022 | 2.2 months |
| CASES FINALISED WITHIN 24 MONTHS | 307 (99%) | 362 (99.5%) | 2023 | 1 month |

COURT OF APPEAL ¹

| | 2019 | 2020 | 2021 | 2022 | 2023 |
|--|------------|------------|------------|------------|------------|
| Filings | 366 | 346 | 341 | 354 | 303 |
| Filings of appeals / applications for relief | 231 | 214 | 223 | 236 | 202 |
| Filings of applications for leave to appeal ² | 135 | 132 | 118 | 118 | 101 |
| Disposals | 339 | 381 | 346 | 311 | 363 |
| Disposals of appeals / applications for relief | 213 | 232 | 231 | 207 | 247 |
| Disposals of applications for leave to appeal | 126 | 149 | 115 | 104 | 116 |
| Pending cases at 31 December | 205 | 170 | 165 | 208 | 148 |
| Appeals / applications for relief | 142 | 124 | 124 | 157 | 114 |
| Applications for leave to appeal | 63 | 46 | 41 | 51 | 34 |

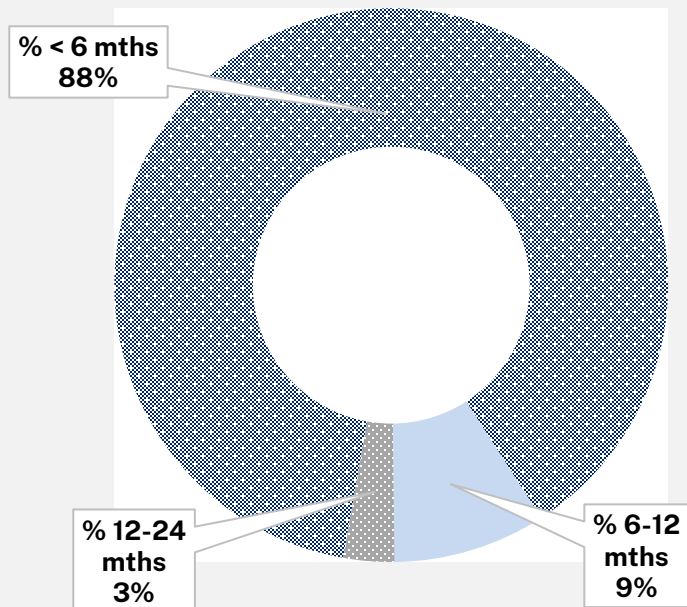
TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER *

| Number pending (% of total) | National standard | 2019 | 2020 | 2021 | 2022 | 2023 |
|--------------------------------|-------------------|--------------|--------------|--------------|--------------|---------------|
| Cases within 12 months of age | 90% | 191 (93%) | 157 (92%) | 152 (92%) | 199 (96%) | 136 (92%) |
| Cases within 24 months of age | 100% | 201 (98%) | 168 (99%) | 163 (99%) | 207 (99%) | 148 (100%) |

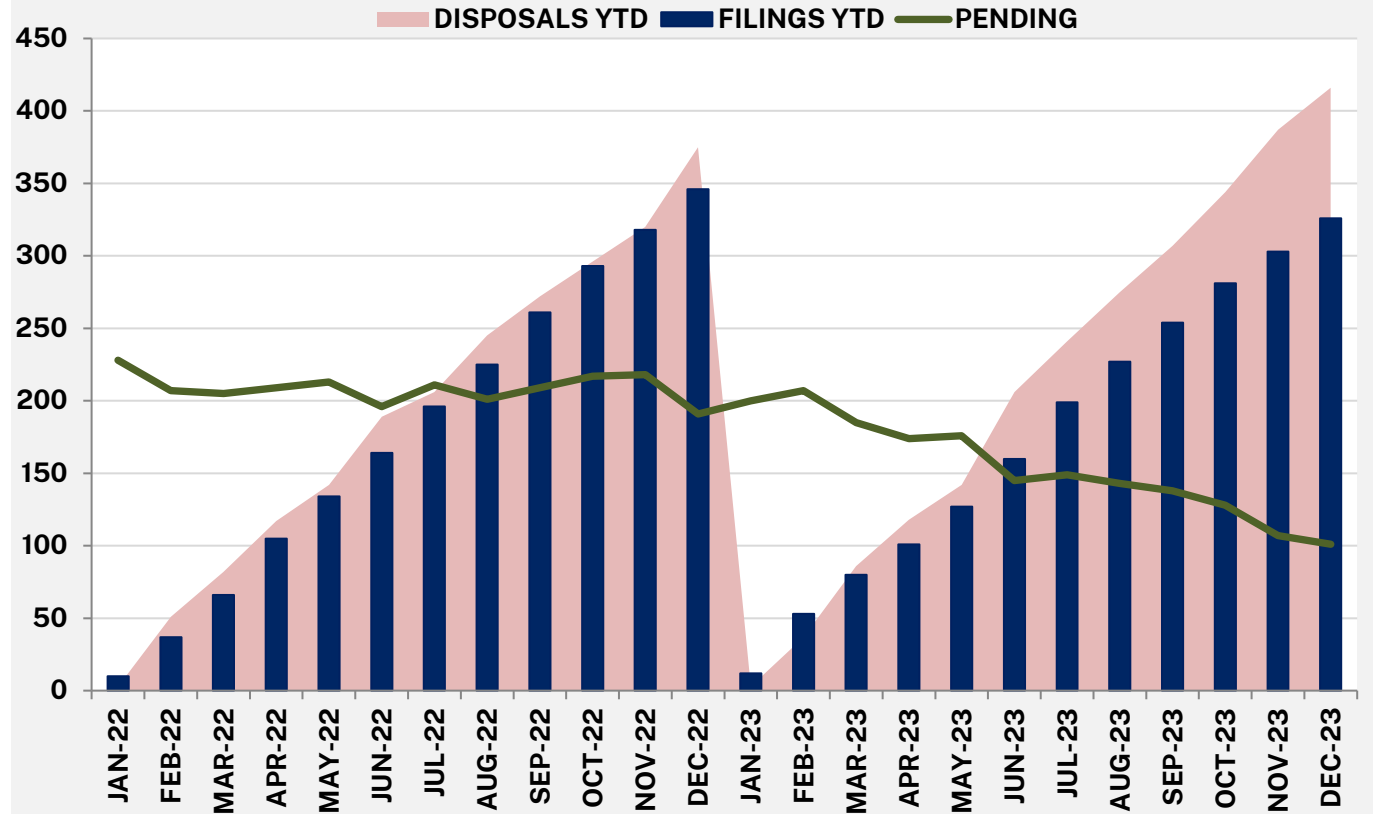
COURT OF CRIMINAL APPEAL

| | 2022 | 2023 | % CHANGE |
|-----------|------|------|----------|
| FILINGS | 346 | 326 | -6% |
| PENDING | 191 | 101 | -47% |
| DISPOSALS | 376 | 416 | 11% |

COURT OF CRIMINAL APPEAL:
Age of pending cases



COURT OF CRIMINAL APPEAL- Filings, disposals and pending caseload counts

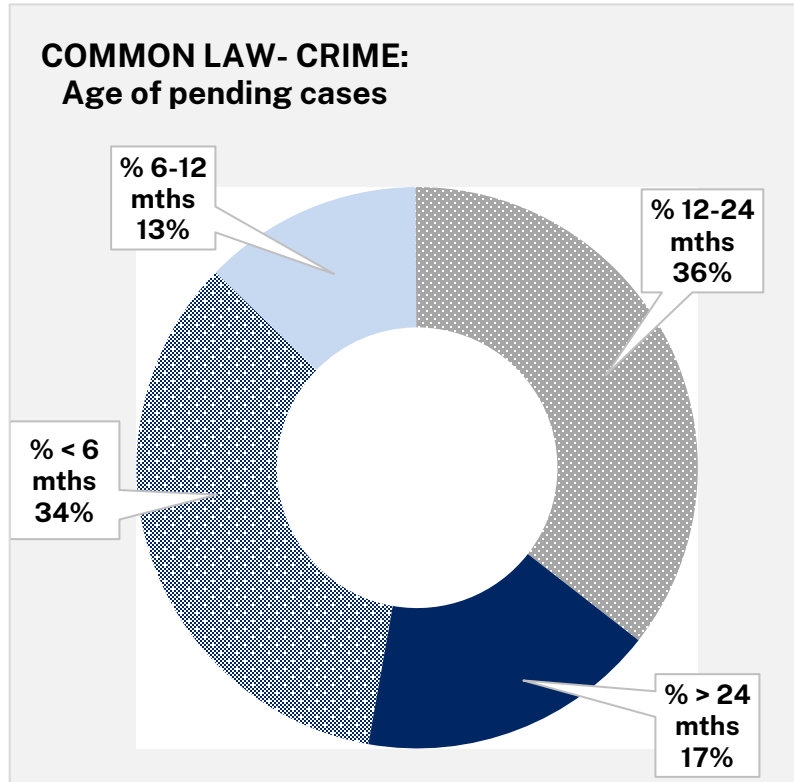
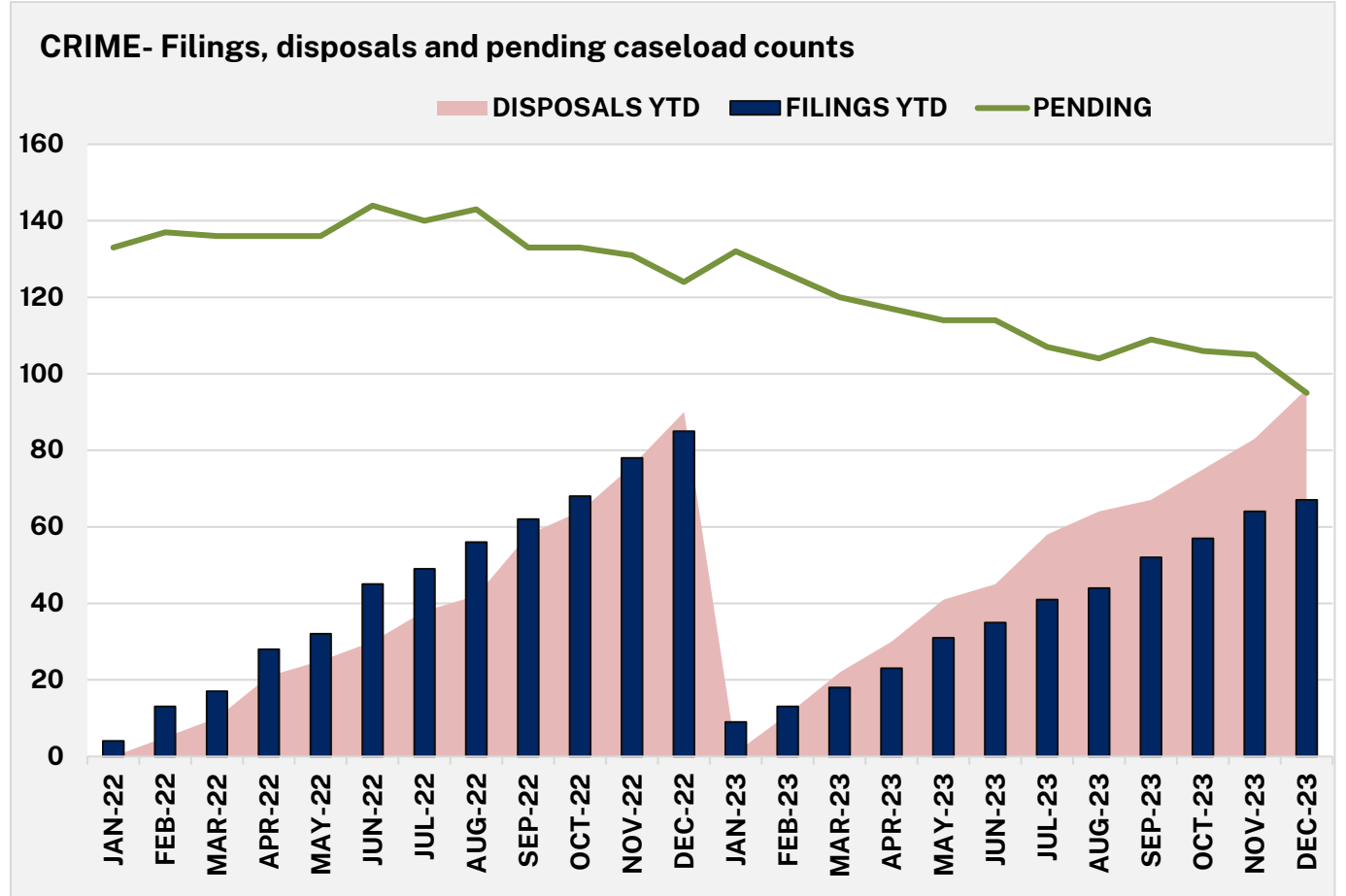


| | 2022 | 2023 | LISTING DELAY AT THE START OF LAW TERM (CONVICTION APPEALS) | |
|---|----------------------|----------------------|---|------------|
| CASES FINALISED WITHIN 12 MONTHS | 343 (92%) | 378 (91%) | 2022 | 4.0 months |
| CASES FINALISED WITHIN 24 MONTHS | 376 (100%) | 416 (100%) | 2023 | 0.2 months |

| COURT OF CRIMINAL APPEAL | | | | | | |
|--|--------------------------|---------------|--------------|---------------|---------------|---------------|
| | | 2019 | 2020 | 2021 | 2022 | 2023 |
| Filings ³ | | 355 | 457 | 442 | 346 | 326 |
| Appeals against conviction | | 101 | 126 | 114 | 116 | 86 |
| Appeals against sentence | | 206 | 289 | 253 | 157 | 146 |
| Other | | 48 | 42 | 75 | 73 | 94 |
| Disposals | | 373 | 417 | 416 | 376 | 416 |
| Appeals against conviction | | 100 | 109 | 118 | 105 | 138 |
| Appeals against sentence | | 231 | 266 | 232 | 197 | 191 |
| Other | | 42 | 42 | 66 | 75 | 87 |
| Pending cases at 31 December | | 155 | 195 | 221 | 191 | 101 |
| Appeals against conviction | | 61 | 78 | 75 | 87 | 35 |
| Appeals against sentence | | 84 | 108 | 129 | 86 | 46 |
| Other | | 10 | 9 | 17 | 18 | 20 |
| TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER * | | | | | | |
| Number pending (% of total) | National standard | 2019 | 2020 | 2021 | 2022 | 2023 |
| Cases within 12 months of age | 90% | 150 (97%) | 189 (97%) | 215 (97%) | 182 (95%) | 98 (97%) |
| Cases within 24 months of age | 100% | 155 (100%) | 194 (99%) | 221 (100%) | 191 (100%) | 101 (100%) |

COMMON LAW DIVISION- CRIME

| | 2022 | 2023 | % CHANGE |
|-----------|------|------|----------|
| FILINGS | 85 | 67 | -21% |
| PENDING | 124 | 95 | -24% |
| DISPOSALS | 90 | 96 | 7% |



| | 2022 | 2023 | LISTING DELAY AT THE START OF LAW TERM (4 WEEK TRIAL) | |
|----------------------------------|----------|----------|---|------------|
| CASES FINALISED WITHIN 12 MONTHS | 22 (24%) | 35 (37%) | 2022 | 3.0 months |
| CASES FINALISED WITHIN 24 MONTHS | 66 (73%) | 69 (72%) | 2023 | 3.2 months |

COMMON LAW DIVISION: CRIME ⁴

| | 2019 | 2020 | 2021 | 2022 | 2023 |
|-------------------------------|------|------|------|------|------|
| Filings ⁵ | 103 | 112 | 82 | 85 | 67 |
| Disposals ⁶ | 106 | 88 | 88 | 90 | 96 |
| Pending | 110 | 134 | 128 | 124 | 95 |

TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER *

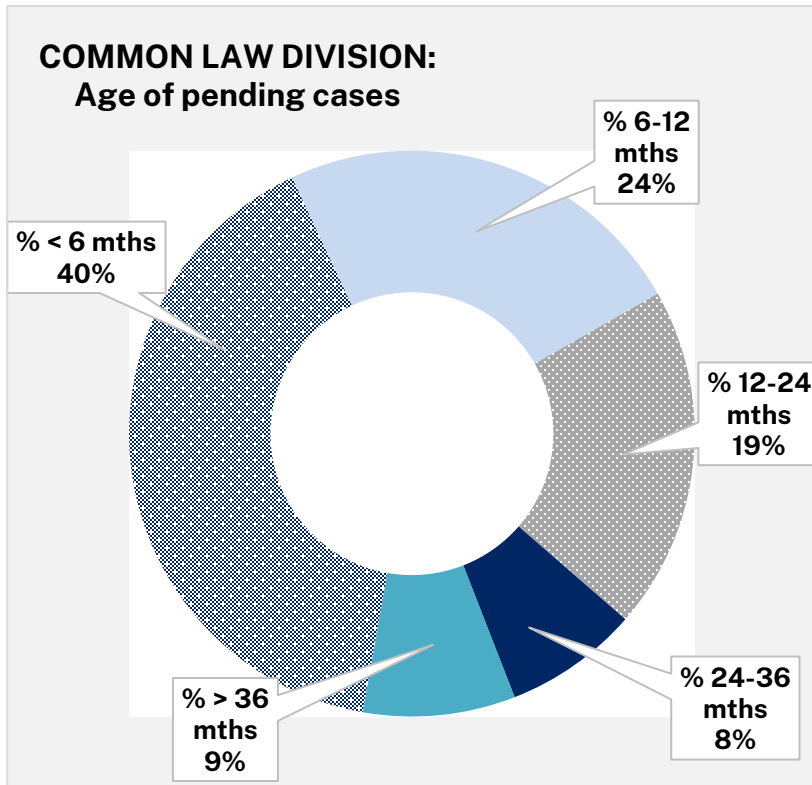
| Number pending (% of total) | National standard | 2019 | 2020 | 2021 | 2022 | 2023 |
|--------------------------------|-------------------|-------------|--------------|--------------|--------------|-------------|
| Cases within 12 months of age | 90% | 74 (67%) | 82 (61%) | 69 (54%) | 70 (56%) | 49 (52%) |
| Cases within 24 months of age | 100% | 97 (88%) | 119 (89%) | 115 (90%) | 104 (84%) | 80 (67%) |

BAILS LIST ⁷

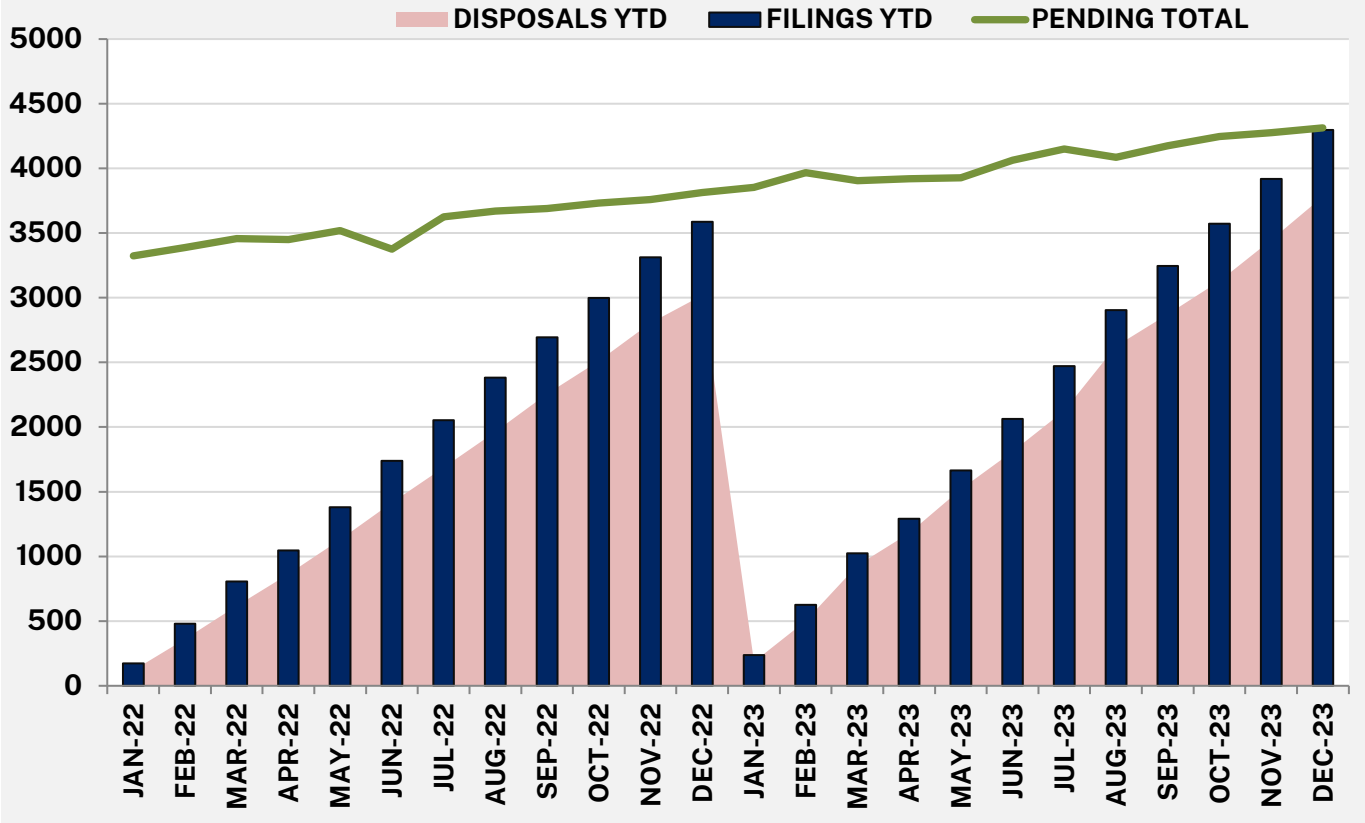
| | | | | | |
|------------------|-------|-------|-------|-------|-------|
| Filings | 2,643 | 2,034 | 2,173 | 2,235 | 2,536 |
| Disposals | 3,418 | 1,999 | 2,126 | 2,276 | 2,521 |
| Pending | 144 | 179 | 226 | 163 | 188 |

COMMON LAW DIVISION - CIVIL

| | 2022 | 2023 | % CHANGE |
|-----------|-------|-------|----------|
| FILINGS | 3,586 | 4,297 | 20% |
| PENDING | 3,813 | 4,314 | 13% |
| DISPOSALS | 3,018 | 3,783 | 25% |



COMMON LAW DIVISION: filings, disposals and pending caseload counts



| | 2022 | 2023 | LISTING DELAY AT THE START OF LAW TERM (5 DAY HEARING) | |
|----------------------------------|-------------|-------------|--|------------|
| CASES FINALISED WITHIN 12 MONTHS | 1,933 (64%) | 2,661 (70%) | 2022 | 3.5 months |
| CASES FINALISED WITHIN 24 MONTHS | 2,563 (85%) | 3,427 (91%) | 2023 | 7.1 months |

COMMON LAW DIVISION: CIVIL**2019****2020****2021****2022****2023****COMMON LAW GENERAL LIST****Filings****1,285****1,174****1,322****1,678****1,784**Contested claims ⁸

692

722

896

1,186

1,318

Personal injury

533

586

742

1,028

1,196

Other

159

136

154

158

122

Uncontested claims

237

113

93

147

173

Other summons cases

356

339

333

345

293

Disposals**1,061****1,096****1,081****1,274****1,483**

Contested claims

552

603

694

891

1,054

Personal injury

392

439

528

709

883

Other

160

164

166

182

171

Uncontested claims

177

121

64

60

121

Other summons cases

332

372

323

323

308

Pending cases at 31 December**1,345****1,410****1,648****1,986****2,231**

Contested claims

1,083

1,254

1,488

1,769

2,019

Personal injury

828

979

1,188

1,454

1,755

Other

255

275

300

315

264

Uncontested claims

112

40

31

68

79

Other summons cases

150

116

129

149

133

| COMMON LAW DIVISION: CIVIL | | | | | |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| | 2019 | 2020 | 2021 | 2022 | 2023 |
| ADMINISTRATIVE LAW LIST | | | | | |
| Filings | 115 | 97 | 142 | 99 | 108 |
| Disposals | 141 | 129 | 102 | 121 | 119 |
| Pending cases at 31 December | 78 | 46 | 90 | 68 | 63 |
| DEFAMATION LIST | | | | | |
| Filings | 11 | 14 | 11 | 7 | 6 |
| Disposals | 53 | 24 | 13 | 11 | 7 |
| Pending cases at 31 December | 24 | 14 | 11 | 8 | 10 |
| HIGH RISK OFFENDER LIST | | | | | |
| Filings | 54 | 47 | 52 | 50 | 41 |
| Disposals | 60 | 37 | 51 | 55 | 55 |
| Pending cases at 31 December | 22 | 32 | 33 | 28 | 15 |
| MISCELLANEOUS LIST | | | | | |
| Filings | 500 | 445 | 360 | 335 | 619 |
| Disposals | 564 | 401 | 404 | 371 | 615 |
| Pending cases at 31 December | 49 | 92 | 39 | 19 | 41 |

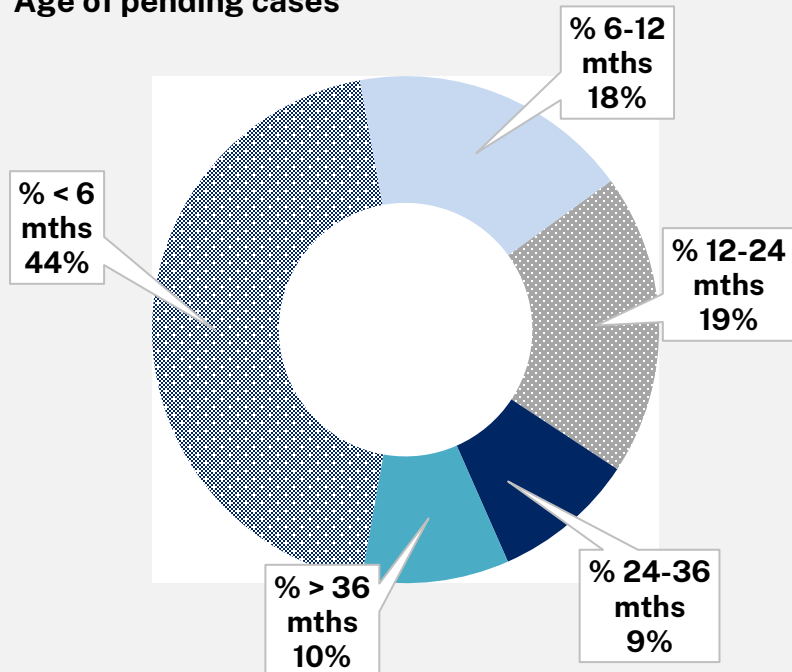
| COMMON LAW DIVISION: CIVIL | | | | | |
|-------------------------------------|--------------|--------------|-------------|--------------|--------------|
| | 2019 | 2020 | 2021 | 2022 | 2023 |
| POSSESSION LIST ⁹ | | | | | |
| Filings | 1,501 | 616 | 710 | 1,059 | 1,413 |
| Disposals | 1,292 | 1,088 | 664 | 859 | 1,169 |
| Contested | 68 | 70 | 82 | 54 | 61 |
| Uncontested | 1,224 | 1,018 | 582 | 805 | 1,108 |
| Pending cases at 31 December | 1,046 | 574 | 627 | 827 | 1,071 |
| Contested | 83 | 78 | 45 | 52 | 62 |
| Uncontested | 963 | 496 | 582 | 775 | 1,009 |
| PROCEEDS OF CRIME LIST | | | | | |
| Filings | 146 | 124 | 117 | 123 | 94 |
| Disposals | 108 | 112 | 95 | 81 | 71 |
| Pending cases at 31 December | 255 | 267 | 289 | 330 | 354 |
| PROFESSIONAL NEGLIGENCE LIST | | | | | |
| Filings | 214 | 263 | 266 | 232 | 232 |
| Disposals | 199 | 244 | 217 | 249 | 264 |
| Pending cases at 31 December | 445 | 465 | 516 | 551 | 529 |

| COMMON LAW DIVISION: CIVIL | | | | | | |
|--|--------------------------|----------------|----------------|----------------|----------------|----------------|
| | | 2019 | 2020 | 2021 | 2022 | 2023 |
| COMMON LAW DIVISION TOTALS | | | | | | |
| Filings | | 3,826 | 2,780 | 2,980 | 3,585 | 4,297 |
| Disposals | | 3,478 | 3,131 | 2,627 | 3,018 | 3,783 |
| Pending cases at 31 December | | 3,264 | 2,900 | 3,253 | 3,813 | 4,314 |
| TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER * | | | | | | |
| Number pending (% of total) | National standard | 2019 | 2020 | 2021 | 2022 | 2023 |
| Cases within 12 months of age | 90% | 2,218 (68%) | 1,638 (56%) | 1,917 (59%) | 2,435 (64%) | 2,760 (64%) |
| Cases within 24 months of age | 100% | 2,793 (86%) | 2,374 (82%) | 2,643 (81%) | 3,196 (84%) | 3,607 (84%) |

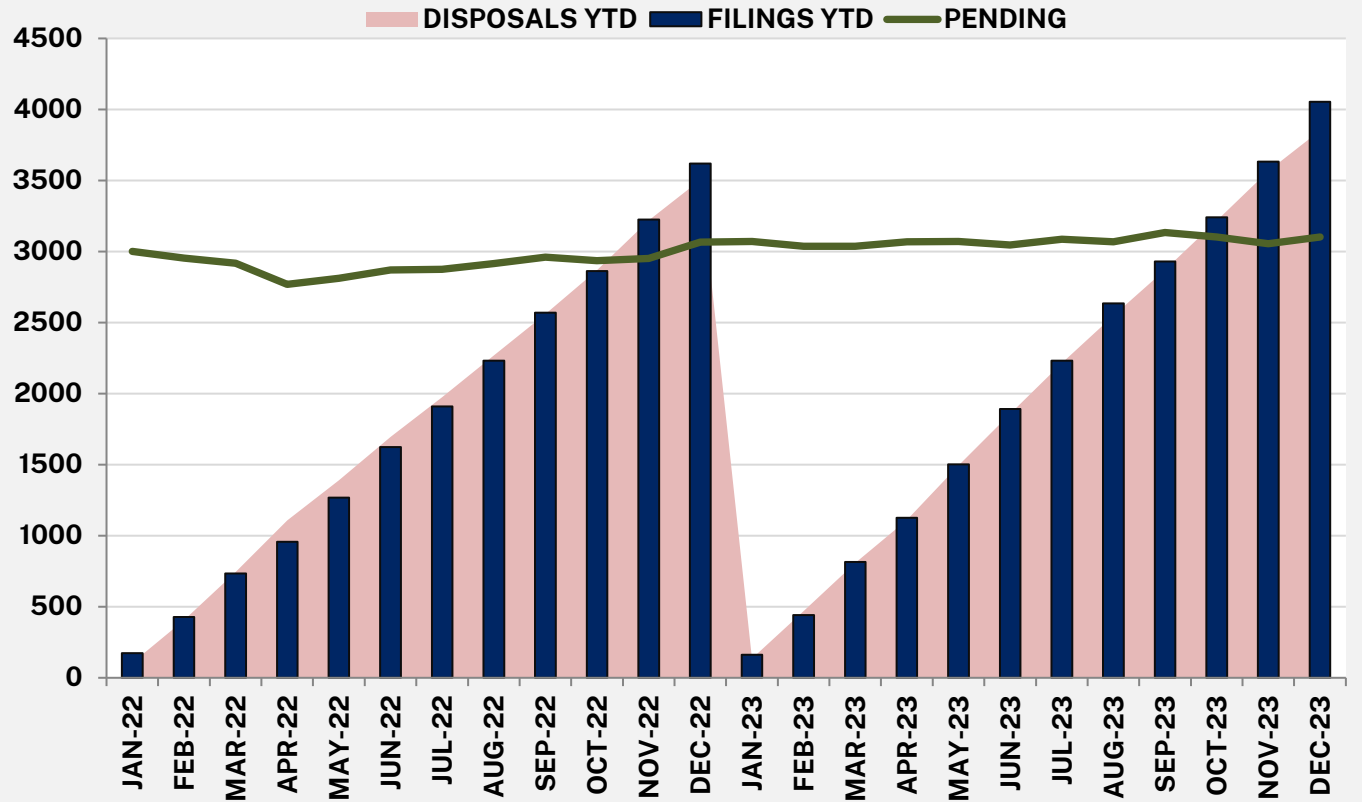
EQUITY DIVISION

| | 2022 | 2023 | % CHANGE |
|-----------|-------|-------|----------|
| FILINGS | 3,620 | 4,054 | 12% |
| PENDING | 3,066 | 3,103 | 1% |
| DISPOSALS | 3,505 | 3,852 | 10% |

**EQUITY DIVISION:
Age of pending cases**



EQUITY DIVISION: filings, disposals and pending caseload counts



| | 2022 | 2023 | LISTING DELAY AT THE START OF LAW TERM (2 DAY HEARING) | |
|----------------------------------|-------------|-------------|--|------------|
| CASES FINALISED WITHIN 12 MONTHS | 2,865 (82%) | 2,945 (76%) | 2022 | 1.3 months |
| CASES FINALISED WITHIN 24 MONTHS | 3,397 (97%) | 3,466 (90%) | 2023 | 4.0 months |

| EQUITY DIVISION | | | | | |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|
| | 2019 | 2020 | 2021 | 2022 | 2023 |
| ADMIRALTY LIST | | | | | |
| Filings | 3 | 3 | 0 | 0 | 0 |
| Disposals | 2 | 0 | 1 | 1 | 2 |
| Pending cases at 31 December | 1 | 5 | 3 | 2 | 0 |
| ADOPTIONS LIST ¹⁰ | | | | | |
| Filings | 224 | 185 | 178 | 159 | 167 |
| Disposals | 226 | 178 | 175 | 161 | 175 |
| Pending cases at 31 December | 60 | 67 | 70 | 68 | 60 |
| COMMERCIAL LIST | | | | | |
| Filings | 171 | 213 | 168 | 147 | 157 |
| Disposals | 180 | 189 | 166 | 171 | 160 |
| Pending cases at 31 December | 221 | 248 | 247 | 230 | 242 |
| COMMERCIAL ARBITRATION LIST | | | | | |
| Filings | 1 | 2 | 2 | 7 | 6 |
| Disposals | 1 | 1 | 3 | 4 | 8 |
| Pending cases at 31 December | 1 | 1 | 0 | 3 | 3 |

| EQUITY DIVISION | | | | | |
|-------------------------------------|--------------|-------------|-------------|-------------|-------------|
| | 2019 | 2020 | 2021 | 2022 | 2023 |
| CORPORATIONS LIST | | | | | |
| Filings | 1,211 | 651 | 769 | 699 | 766 |
| Judges' list | 205 | 232 | 215 | 185 | 165 |
| Registrar's list | 1,006 | 419 | 554 | 514 | 601 |
| Disposals | 1,188 | 759 | 762 | 641 | 913 |
| Judges' list | 251 | 231 | 262 | 211 | 252 |
| Registrar's list | 937 | 528 | 500 | 430 | 611 |
| Pending cases at 31 December | 372 | 260 | 272 | 346 | 298 |
| Judges' list | 148 | 171 | 157 | 165 | 129 |
| Registrar's list | 224 | 89 | 115 | 181 | 169 |
| EQUITY GENERAL LIST | | | | | |
| Filings | 750 | 829 | 736 | 741 | 653 |
| Disposals | 804 | 831 | 785 | 717 | 674 |
| Pending cases at 31 December | 897 | 923 | 883 | 862 | 801 |

| EQUITY DIVISION | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|
| | 2019 | 2020 | 2021 | 2022 | 2023 |
| PROTECTIVE LIST | | | | | |
| Filings | 153 | 91 | 88 | 102 | 101 |
| Disposals | 122 | 98 | 74 | 113 | 92 |
| Pending cases at 31 December | 55 | 48 | 62 | 47 | 60 |
| REAL PROPERTY LIST | | | | | |
| Filings | 382 | 404 | 403 | 314 | 300 |
| Disposals | 366 | 356 | 382 | 325 | 371 |
| Pending cases at 31 December | 333 | 369 | 385 | 397 | 386 |
| REVENUE LIST | | | | | |
| Filings | 14 | 10 | 9 | 11 | 7 |
| Disposals | 22 | 16 | 13 | 8 | 6 |
| Pending cases at 31 December | 18 | 14 | 10 | 13 | 22 |
| TECHNOLOGY AND CONSTRUCTION LIST | | | | | |
| Filings | 178 | 249 | 221 | 195 | 165 |
| Disposals | 145 | 134 | 155 | 161 | 192 |
| Pending cases at 31 December | 266 | 388 | 459 | 504 | 521 |

| EQUITY DIVISION | | | | | |
|-------------------------------------|--------------|--------------|--------------|--------------|--------------|
| | 2019 | 2020 | 2021 | 2022 | 2023 |
| SUCCESSION AND PROBATE LIST | | | | | |
| Filings | 1,188 | 1,171 | 1,168 | 1,245 | 1,478 |
| Family Provision | 878 | 880 | 872 | 897 | 968 |
| Contentious Probate | 310 | 291 | 296 | 348 | 414 |
| Disposals | 1,222 | 1,260 | 1,202 | 1,203 | 1,254 |
| Family Provision | 914 | 886 | 895 | 866 | 914 |
| Contentious Probate | 308 | 374 | 307 | 337 | 345 |
| Pending cases at 31 December | 674 | 587 | 545 | 595 | 836 |
| Family Provision | 417 | 412 | 381 | 419 | 592 |
| Contentious Probate | 257 | 175 | 164 | 176 | 244 |
| EQUITY GENERAL TOTALS | | | | | |
| Filings | 4,275 | 3,808 | 3,742 | 3,620 | 4,054 |
| Disposals | 4,278 | 3,822 | 3,718 | 3,505 | 3,852 |
| Pending cases at 31 December | 2,899 | 2,910 | 2,936 | 3,066 | 3,103 |

| EQUITY DIVISION | | | | | | |
|--|--------------------------|----------------|----------------|----------------|----------------|----------------|
| TIMELINESS- AGE OF PENDING CASES AT 31 DECEMBER | | | | | | |
| Number pending (% of total) | National standard | 2019 | 2020 | 2021 | 2022 | 2023 |
| Cases within 12 months of age | 90% | 1,872 (65%) | 1,859 (64%) | 1,742 (59%) | 1,848 (60%) | 2,022 (62%) |
| Cases within 24 months of age | 100% | 2499 (86%) | 2,444 (84%) | 2,415 (82%) | 2,493 (81%) | 2,647 (82%) |
| UNCONTESTED PROBATE ¹¹ | | | | | | |
| Filings | | 27,438 | 26,661 | 26,663 | 30,305 | 30,691 |
| Disposals | | 25,411 | 27,845 | 25,250 | 25,945 | 31,767 |
| Pending cases at 31 December | | 3,529 | 2,401 | 3,180 | 9,108 | 10,290 |
| MEDIATIONS ¹² | | | | | | |
| Total referrals to Mediation | | 1,698 | 1,520 | 1,543 | 1,751 | 2,729 |
| Mediation Referral Index | | 37.2% | 33.8% | 33.9% | 36.1% | 44.4% |
| Court-Annexed Mediations listed ¹³ | | 488 | 352 | 285 | 235 | 402 |
| Common Law Division | | 32 | 29 | 31 | 33 | 32 |
| Equity Division | | 187 | 156 | 149 | 121 | 126 |
| Succession & Probate List | | 268 | 167 | 104 | 79 | 244 |
| Court of Appeal | | 1 | 0 | 1 | 2 | 0 |
| Settlement rate | | 42% | 42% | 39% | 37% | 49% |

- 1: These statistics exclude notices of intention to appeal as a notice does not commence a substantive appeal or application. Statistics cover Court of Appeal cases only and 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 matters dealt with in Common Law and Equity Divisions)
- 2: Includes applications where parties have elected to have a concurrent hearing of both the leave application and the appeal (if leave is granted).
3. Statistics exclude appeals from decisions made by the NSW State Parole Authority
4. 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). The Court uses counting rules that align with national counting rules, except concerning referrals to and from the Mental Health Review Tribunal (MHRT). When 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.
5. Statistics 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).
6. 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.
7. 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 the same applicant.
8. Other summons cases may include contested matters.
9. 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.
10. All application types are counted In the Adoptions List, including information applications.
11. 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. If matters become contested, they are transferred to the Probate (Contentious Matters) List and are counted additionally as filings there. The figures do not include other probate-related matters handled by the registry, such as probate accounts matters, caveats, deposited wills, and elections to administer estates
12. An extensive retrospective audit of Mediations was conducted in 2023. As such, numbers published in earlier reports are inaccurate and should not be used.
13. Statistics exclude 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 in one year may result in *listings* in the following year
- *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 civil case types. For civil non-appeal cases, all supreme courts in Australia continue to have difficulty achieving the national standards.

NOTES:

- Pending caseload figures will not always reconcile with associated filing and disposal figures. This is due to cases commenced in one Division/List which may subsequently be transferred to another Division/List for further case management and disposal.
- Statistics for civil cases in Common Law and Equity Divisions have been extracted from the JusticeLink system. Statistics for the Court of Appeal, Court of Criminal Appeal, Criminal List, Bails List, Adoptions List, Protective List and contested Probate List matters 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.