

The statistics in this appendix provide comparative historical information on the work of the Court, including in certain areas of the Court's jurisdiction.

When considering the statistics it is important to note that matters vary according to the nature and complexity of the issues in dispute.

It should also be noted that the figures reported in this report may differ from figures reported in previous years. The variations have occurred through refinements or enhancements to the Casetrack database which necessitated the checking or verification and possible variation of data previously entered.

Casetrack records matters in the Court classified according to sixteen main categories, described as 'causes of action' (CoA). A cause of action is used to characterise proceedings. The Court presently reports on filings by major CoA. This is an under representation of the workload as it does not include filings of supplementary CoAs (cross appeals and cross claims), interlocutory applications or Native Title joinder of party applications. In 2007–08 the Court started to count and report on interlocutory applications (including interim applications and notices of motion) in appellate proceedings in order to provide the most accurate possible picture of the Court's appellate workload. From 2008–09 the Court has counted all forms of this additional workload in both its original and appellate jurisdictions.

Table A5.4 on page 142 provides a breakdown of these matters. At this stage it is not possible to obtain information about finalisations of interlocutory applications (because they are recorded in the Court's case management system as a document filed rather than a specific CoA). Because of this, detailed reporting of these matters has been restricted to the information about appeals in Part 3 and Table A5.4. Most tables and figures from A5.1 to A5.16 in this Appendix and throughout the report are based on major CoA.

In 2015, the National Court Framework reforms were introduced. The Court will begin to report on matters by seven main National Practice Areas (NPAs). This information can be found in Figure A5.17 onwards. A NPA for Criminal Cartel Trials has been identified in readiness for the Court's first filing in this area. From 2015–16, the Court will end reporting by CoA for Federal Court matters excluding Migration filings.

Table A5.1 – Summary of Workload Statistics – Original and Appellate Jurisdictions Filings of Major CoAs (including Appellate and Related Actions)

CAUSE OF ACTION	2010-11	2011-12	2012-13	2013-14	2014-15
Total CoAs (including Appeals & Related Actions)					
Filed	4942	5280	5803	5009	4355
Finalised	4593	5754	5518	5590	3916
Current	3193	2719	3004	2423	2862
Corporations (including Appeals & Related Actions)					
Filed	2839	3327	3897	2905	2211
Finalised	2526	3754	3503	3399	1858
Current	1069	642	1036	542	895
Bankruptcy (including Appeals & Related Actions)					
Filed	217	185	216	281	260
Finalised	206	191	214	258	244
Current	111	105	107	130	146
Native Title (including. Appeals & Related Actions)					
Filed	83	98	61	58	64
Finalised	77	99	82	117	77
Current	480	479	458	399	386
Total CoAs (including Appeals & Related Actions & excluding Corporations, Bankruptcy & Native Title)					
Filed	1803	1670	1629	1765	1820
Finalised	1784	1710	1719	1816	1737
Current	1533	1493	1403	1352	1435

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Table A5.2 – Summary of Workload Statistics – Filings of Major CoAs excluding Appeals and Related Actions

CAUSE OF ACTION	2010-11	2011-12	2012-13	2013-14	2014-15
Total CoAs (excluding Appeals & Related Actions)					
Filed	4304	4664	5169	4281	3445
Finalised	3989	5083	4889	4900	3150
Current	2851	2432	2712	2093	2388
Corporations (excluding Appeals & Related Actions)					
Filed	2798	3284	3849	2876	2186
Finalised	2485	3702	3463	3360	1836
Current	1043	625	1011	527	877
Bankruptcy (excluding Appeals & Related Actions)					
Filed	144	131	174	219	205
Finalised	133	131	165	198	182
Current	72	72	81	102	125
Native Title (excluding Appeals & Related Actions)					
Filed	73	87	50	44	55
Finalised	68	85	75	106	71
Current	474	476	451	389	373
Total CoAs (including Appeals & Related Actions & excluding Corporations, Bankruptcy & Native Title)					
Filed	1289	1162	1096	1142	999
Finalised	1303	1165	1186	1236	1061
Current	1262	1259	1169	1075	1013

Table A5.3 – Summary of Workload Statistics – Appeals and Related Actions only
Filings of Appeals and Related Actions

CAUSE OF ACTION	2010-11	2011-12	2012-13	2013-14	2014-15
Total Appeals & Related Actions					
Filed	638	616	634	728	910
Finalised	604	671	629	690	766
Current	342	287	292	330	474
Corporations Appeals & Related Actions					
Filed	41	43	48	29	25
Finalised	41	52	40	39	22
Current	26	17	25	15	18
Migration Appeals & Related Actions					
Filed	253	243	278	370	647
Finalised	266	240	255	355	464
Current	83	86	109	124	307
Native Title Appeals & Related Actions					
Filed	10	11	11	14	9
Finalised	9	14	7	11	6
Current	6	3	7	10	13
Total Appeals & Related Actions (excluding Corporations, Migration & Native Title Appeals & Related Actions)					
Filed	334	319	297	315	229
Finalised	288	365	327	285	274
Current	227	181	151	181	136

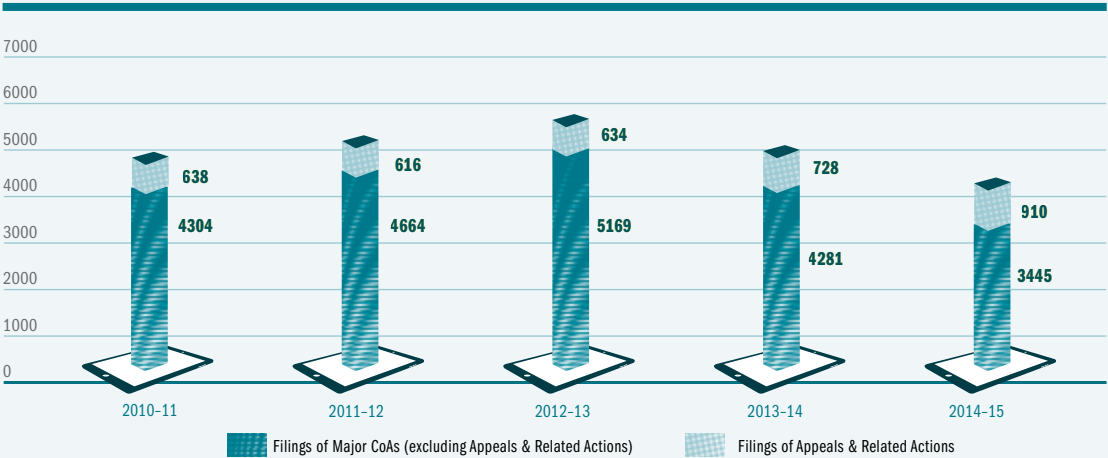
Table A5.4 – Summary of supplementary workload statistics-fillings of supplementary CoAs (cross appeals and cross claims), interlocutory applications or Native Title joinder of party applications

FILINGS OF SUPPLEMENTARY ACTIONS	2010-11	2011-12	2012-13	2013-14	2014-15
Total Actions (excluding Appeals & Related Actions)					
Cross Appeals (original jurisdiction)	3	0	0	0	0
Cross Claims	242	186	165	177	134
Interlocutory Applications	1892	1693	1673	1541	1495
Native Title (NT) Joinder of party applications	628	405	982	781	346
Appeals & Related Actions					
Cross Appeals	38	11	16	25	25
Interlocutory Applications	247	179	138	135	172
Total Actions (including Appeals & Related Actions)					
Cross Appeals	41	11	16	25	25
Cross Claims	242	186	165	177	134
Interlocutory Applications	2139	1872	1811	1676	1667
NT Joinder of party applications	628	405	982	781	346
Totals	3050	2474	2974	2659	2172
FINALISATIONS OF SUPPLEMENTARY ACTIONS	2010-11	2011-12	2012-13	2013-14	2014-15
Total Actions (excluding Appeals & Related Actions)					
Cross Appeals (original jurisdiction)	7	1	2	1	0
Cross Claims	193	165	216	134	164
NT Joinder of party applications	628	405	982	781	346
Appeals & Related Actions					
Cross Appeals	26	35	6	23	17
Total Actions (including Appeals & Related Actions)					
Cross Appeals	33	36	8	24	17
Cross Claims	193	165	216	134	164
NT Joinder of party applications	628	405	982	781	346
Totals	854	606	1206	939	527

Table A5.4 continued

CURRENT CROSS APPEALS & CROSS CLAIMS AS AT 30 JUN 2015	
Appeals & Related Actions	
Cross Appeals	28
Total Supplementary Actions (excluding Appeals & Related Actions)	
Cross Appeals (original jurisdiction)	0
Cross Claims	288
Total Supplementary Actions (including Appeals & Related Actions)	
Cross Appeals	28
Cross Claims	288
Totals	316

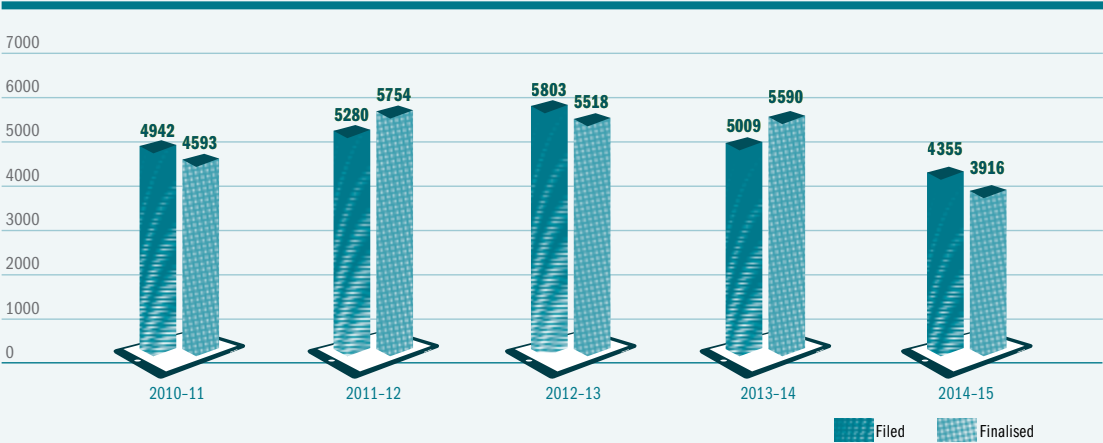
Figure A5.1 – Matters filed over the last five years



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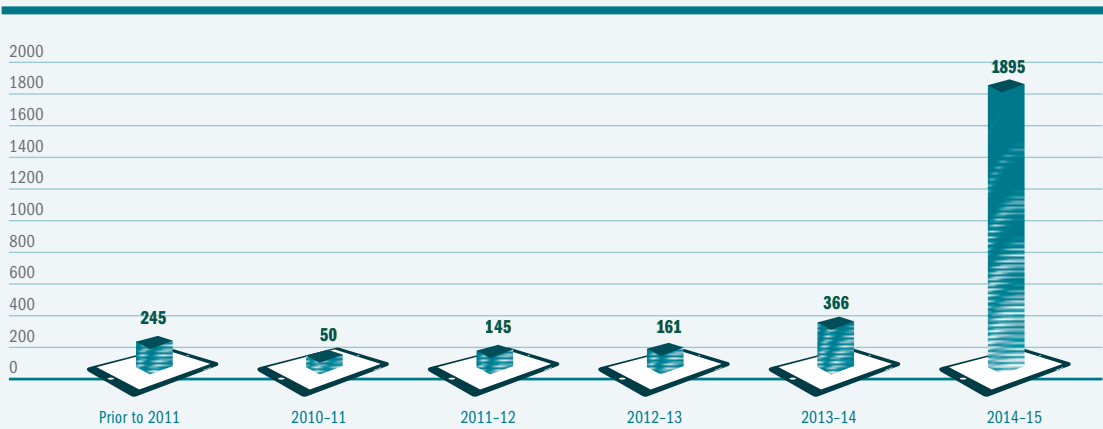
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Figure A5.2 – Matters filed and finalised over the last five years



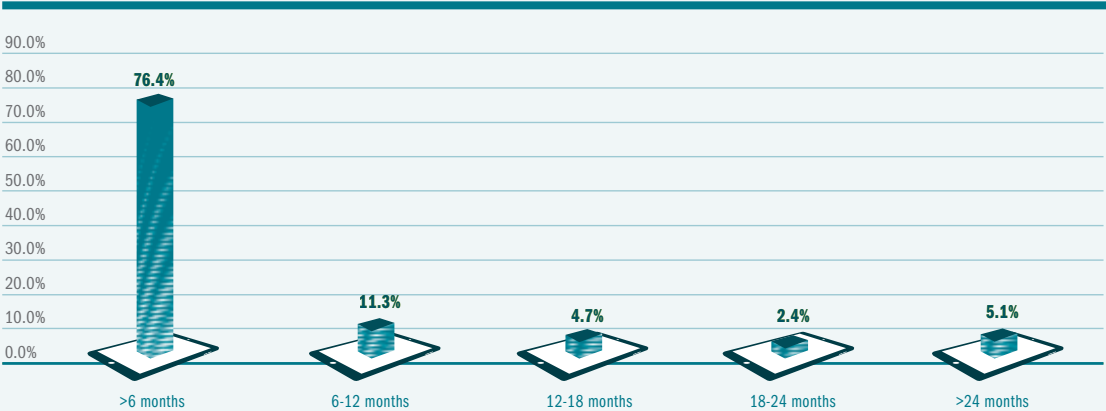
The number finalised refers to those matters finalised in the relevant financial year, regardless of when they were originally filed.

Figure A5.3 – Age and numbers of current matters at 30 June 2015



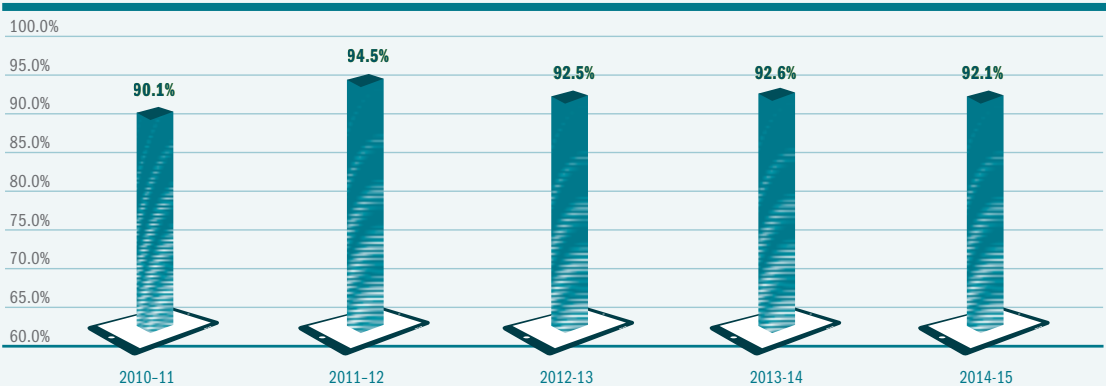
A total of 2862 matters remain current at 30 June 2015. There were 245 applications still current relating to periods before those shown in Figure A5.3. 84 per cent of cases prior to 2011 are native title matters.

Figure A5.4 – Time span to complete – Matters completed (excluding native title) over the last five years



A total of 24 966 matters were completed during the five-year period ending 30 June 2015, excluding native title matters. The time span, from filing to disposition of these matters, is shown in Figure A5.4 above.

Figure A5.5 – Time span to complete against the 85% benchmark (excluding native title) over the last five years



The Court has a benchmark of eighty-five per cent of cases (excluding native title) being completed within eighteen months of commencement. Figure A5.5 sets out the Court’s performance against this time goal over the last five years. The total number of matters (including appeals but excluding Native Title) completed for each of the last five years and the time span for completion are shown below in Table A5.5.

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Table A5.5 – Finalisation of major CoAs in accordance with 85% benchmark (including Appeals and Related Actions and excluding native title matters)

PERCENTAGE COMPLETED	2010-11	2011-12	2012-13	2013-14	2014-15
Under 18 months	4076	5357	5036	5079	3540
% of Total	90.10%	94.50%	92.50%	92.60%	92.10%
Over 18 months	449	312	407	405	305
% of Total	9.90%	5.50%	7.50%	7.40%	7.90%
Total CoAs	4525	5669	5443	5484	3845

Figure A5.6 – Bankruptcy Act matters (excluding appeals) filed over the last five years

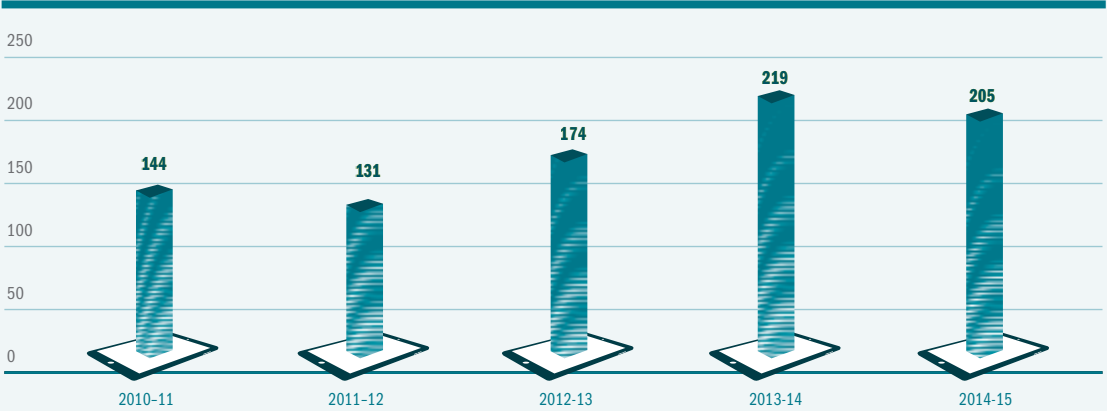
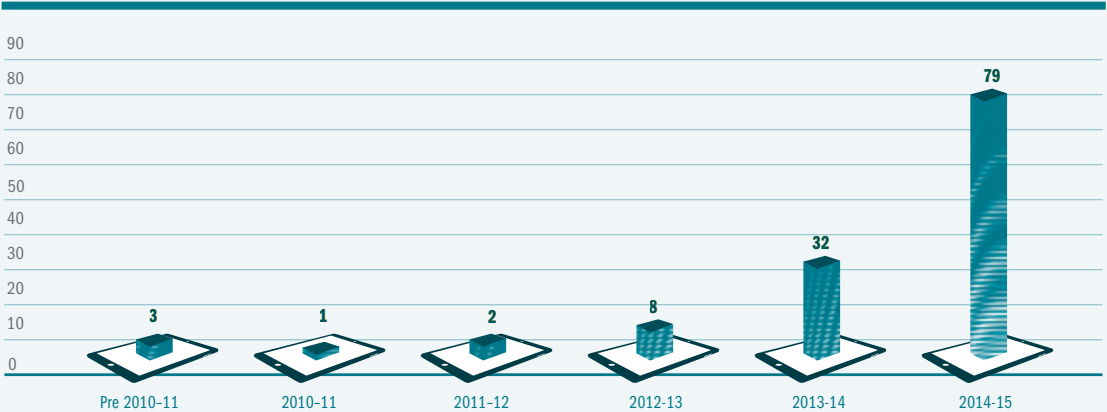


Figure A5.6.1 – Current Bankruptcy Act matters (excluding appeals) by year of filing



A total of 125 Bankruptcy Act matters remain current as at 30 June 2015.

Figure A5.7 – Corporations Act matters (excluding appeals) filed over the last five years

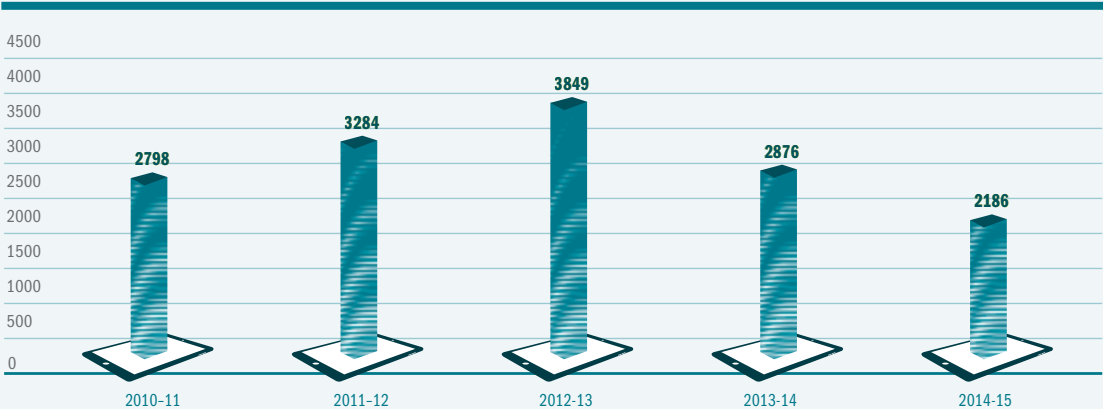
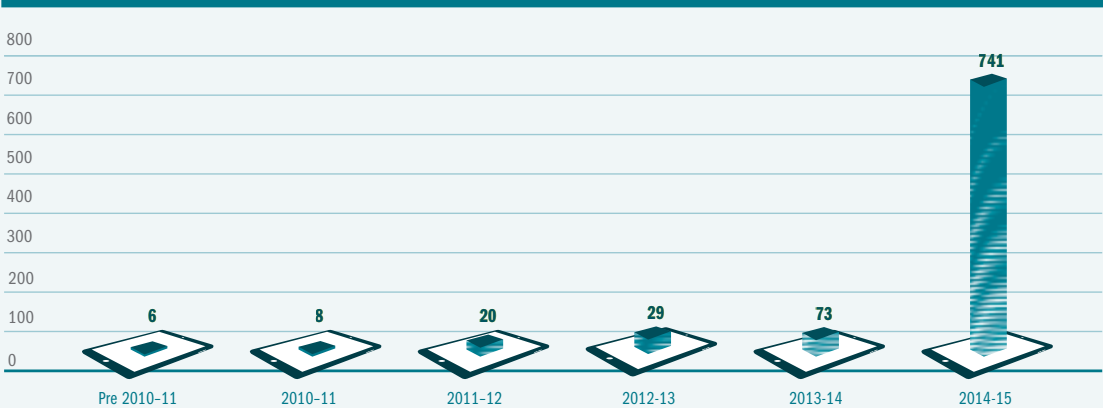


Figure A5.7.1 – Current Corporations Act matters (excluding appeals) by year of filing



A total of 877 Corporations Act matters remain current as at 30 June 2015.

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Figure A5.8 – Consumer Law matters (excluding competition law and appeals) filed over the last five years

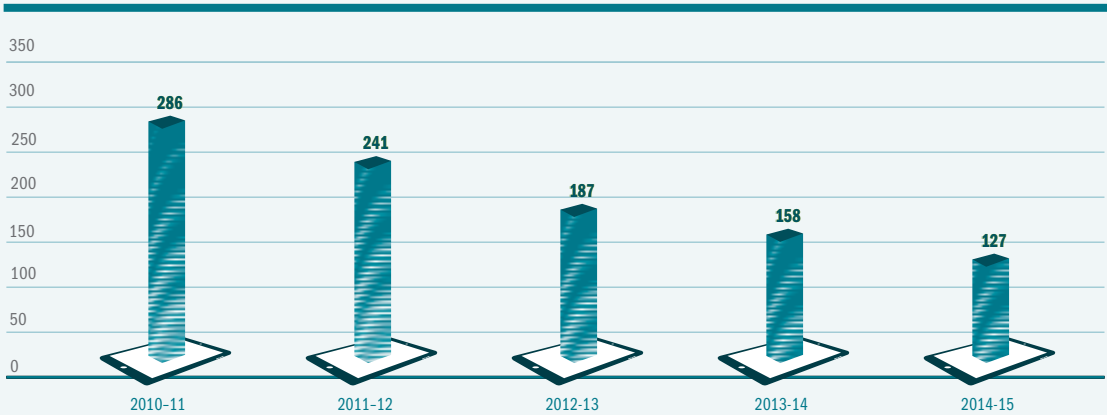
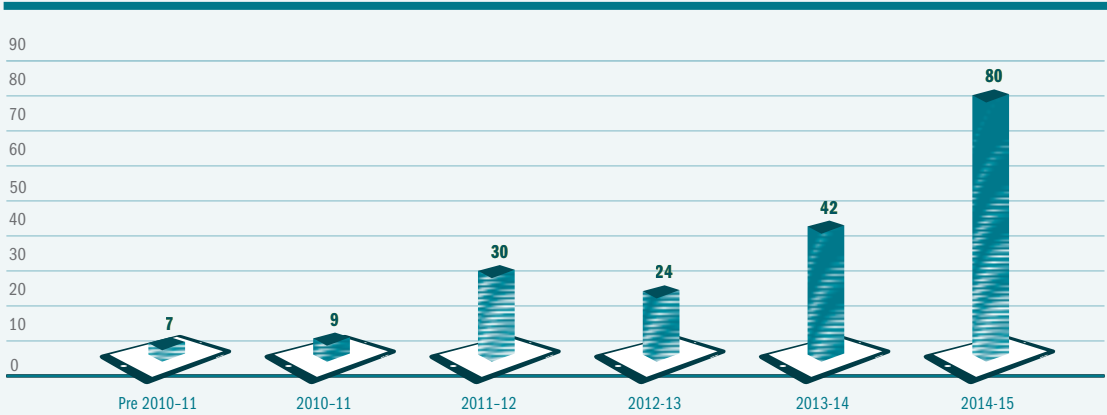
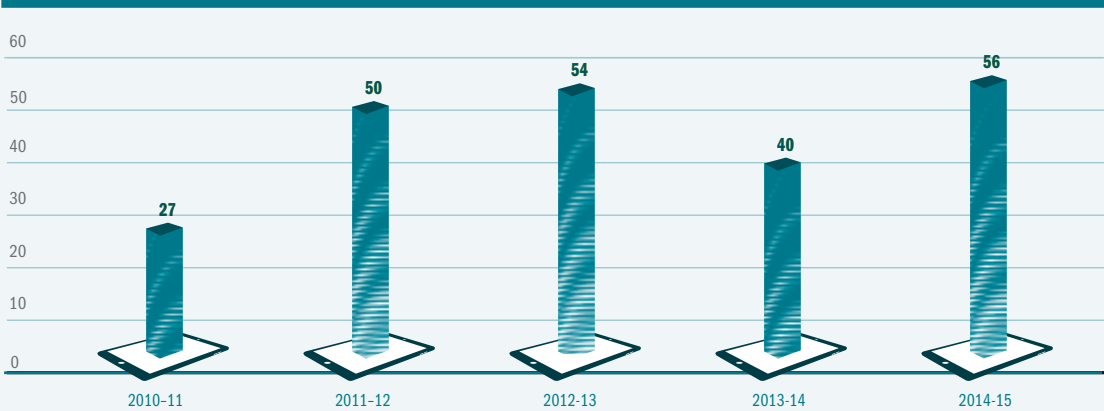


Figure A5.8.1 – Current Consumer Law matters (excluding competition law and appeals) by year of filing



A total of 192 Consumer Law matters remain current as at 30 June 2015.

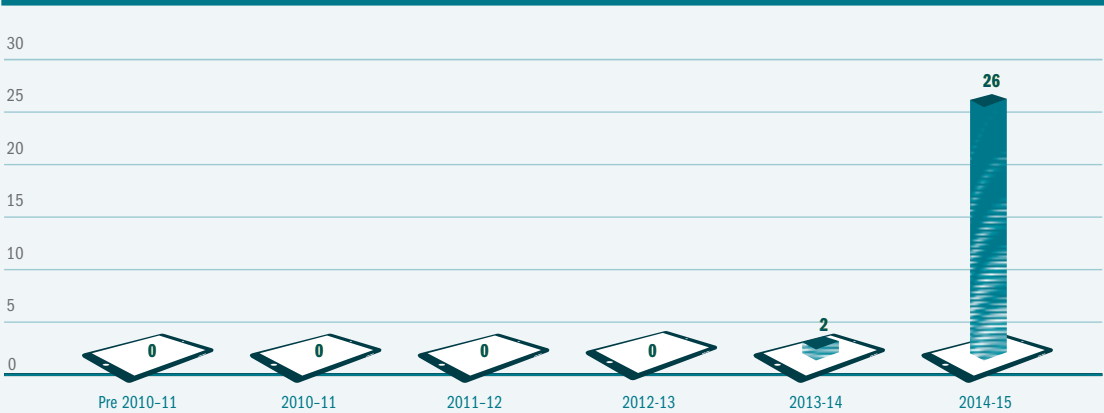
Figure A5.9 – Migration Act matters (excluding appeals) filed over the last five years



These figures include migration applications filed under the Judiciary Act, Administrative Decisions (Judicial Review) Act and Migration Act.

Since 1 December 2005, when the Migration Litigation Reform Act commenced, almost all first instance migration cases have been filed in the Federal Circuit Court.

Figure A5.9.1 – Current Migration Act matters (excluding appeals) by year of filing



A total of 28 Migration Act matters remain current as at 30 June 2015.

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Figure A5.10 – Admiralty Act matters (excluding appeals) filed over the last five years

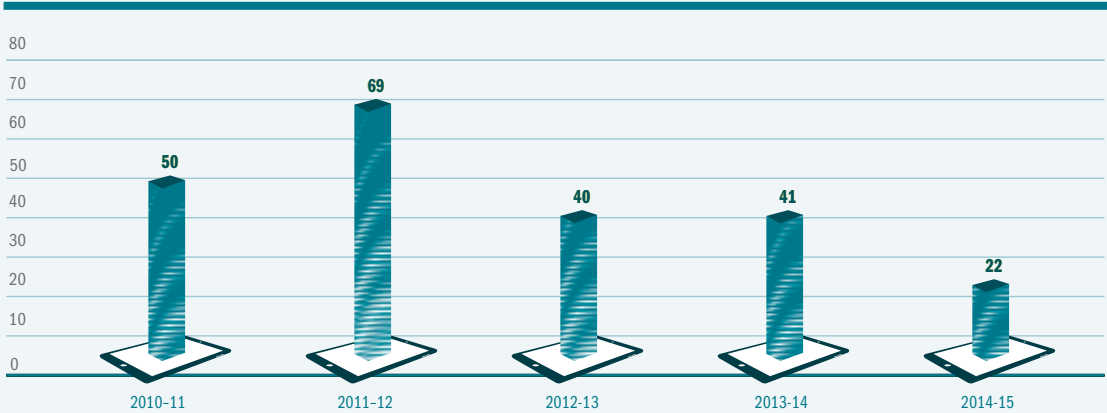
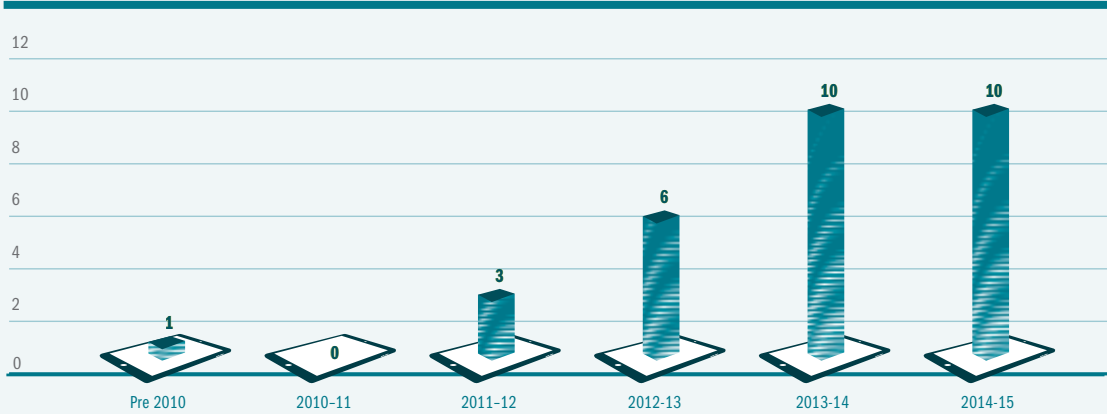


Figure A5.10.1 – Current Admiralty Act matters (excluding appeals) by year of filing



A total of 30 Admiralty Act matters remain current as at 30 June 2015.

Figure A5.11 – Native Title Act matters (excluding appeals) filed over the last five years

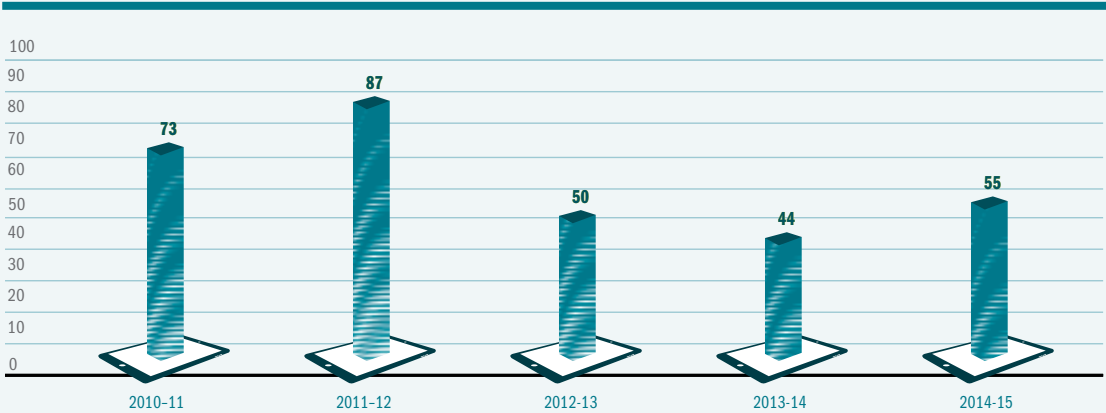
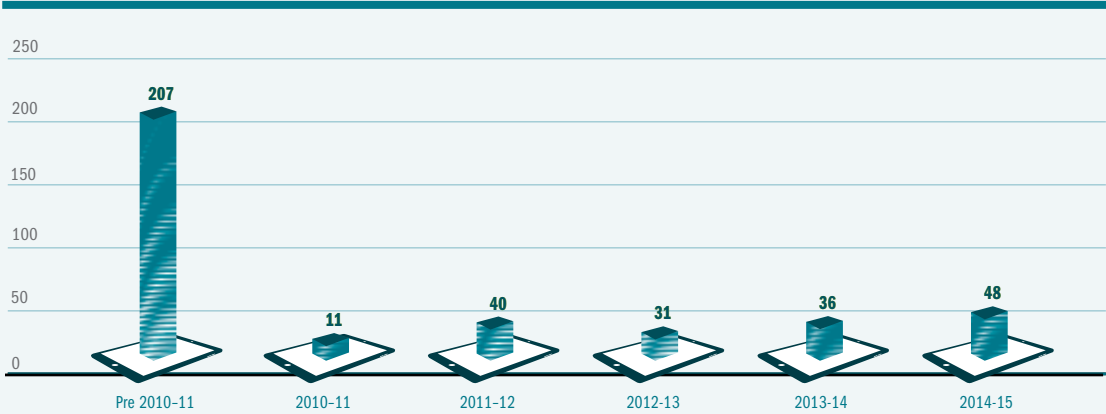


Figure A5.11.1 – Current Native Title Act matters (excluding appeals) by year of filing



A total of 373 Native Title matters remain current as at 30 June 2015.

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Figure A5.12 – Workplace Relations/Fair Work matters (excluding appeals) filed over the last five years

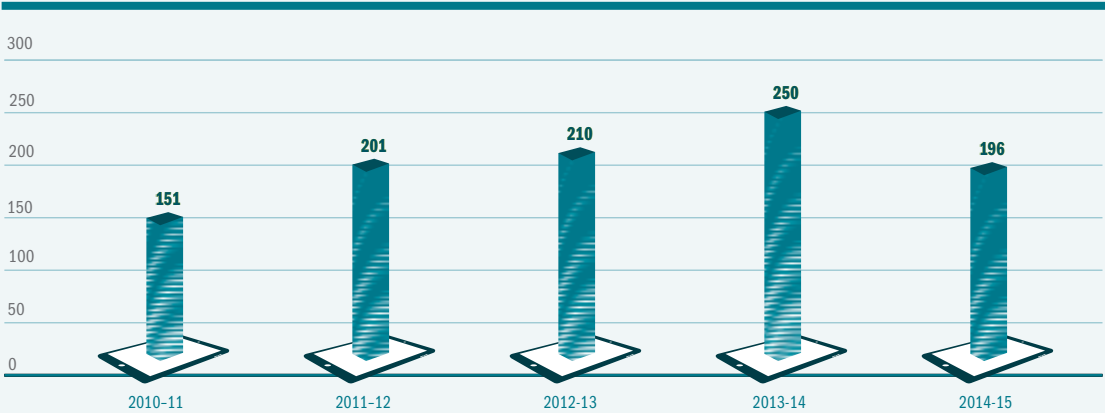
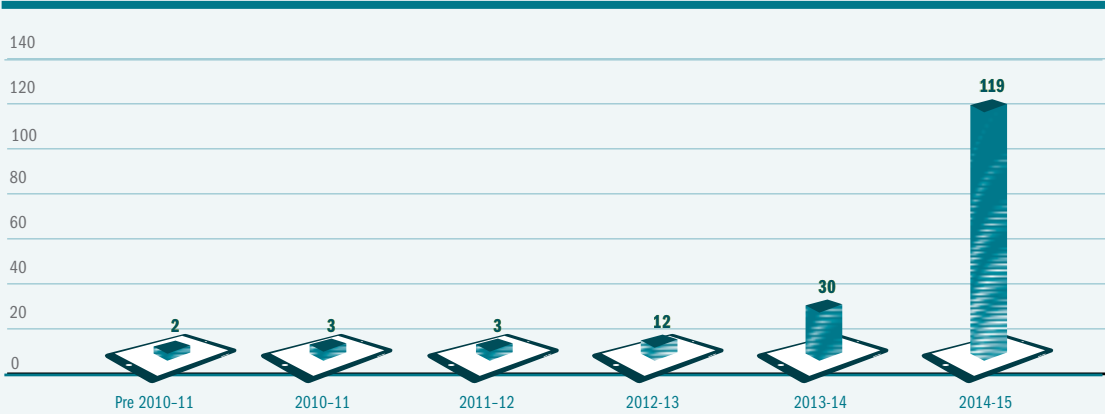


Figure A5.12.1 – Current Workplace Relations/Fair Work matters (excluding appeals) by year of filing



A total of 169 Workplace Relations/Fair Work cases remain current as at 30 June 2015.

Figure A5.13 – Taxation matters (excluding appeals) filed over the last five years

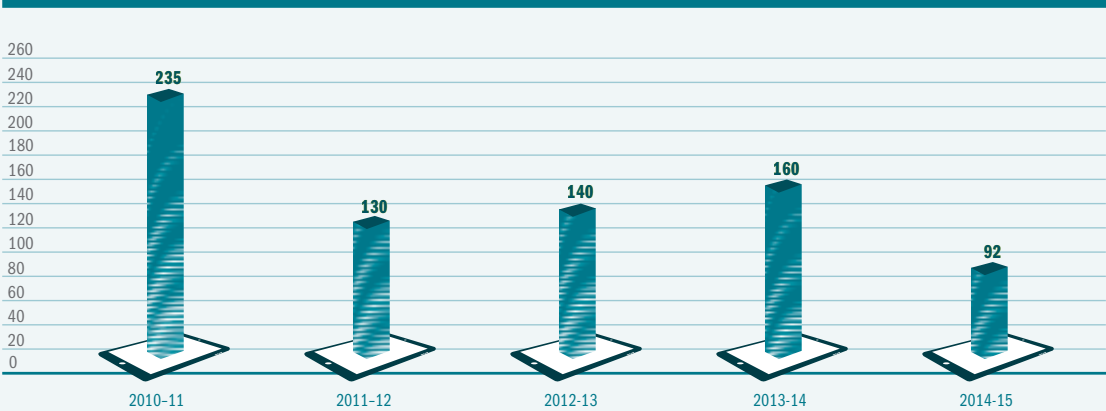
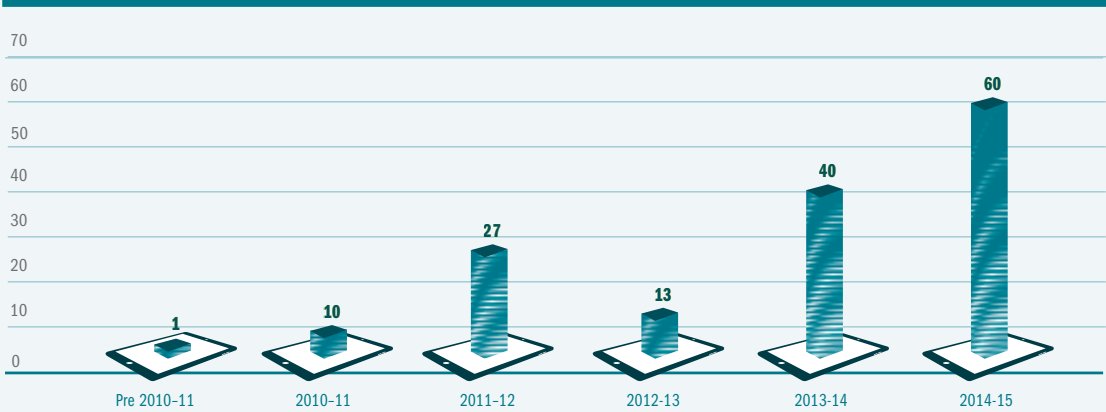


Figure A5.13.1 – Current Taxation matters (excluding appeals) by year of filing



A total of 151 Taxation cases remain current as at 30 June 2015.

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Figure A5.14 – Intellectual Property matters (excluding appeals) filed over the last five years

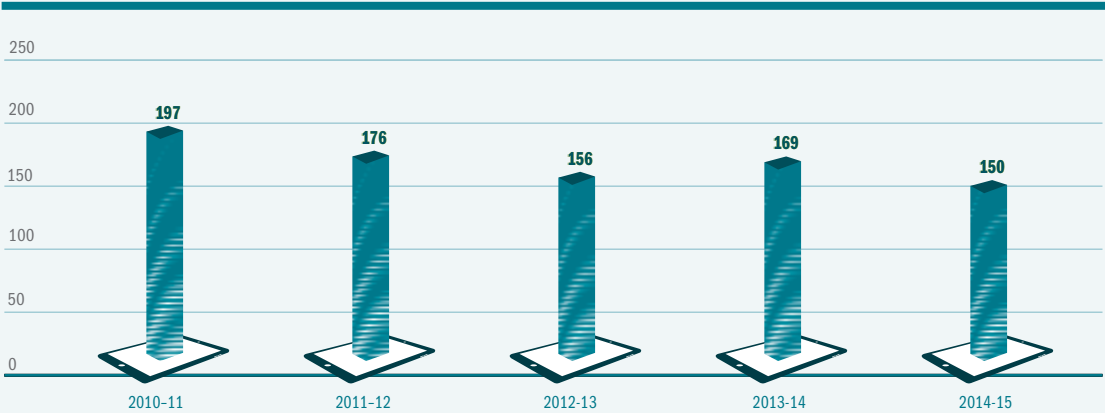
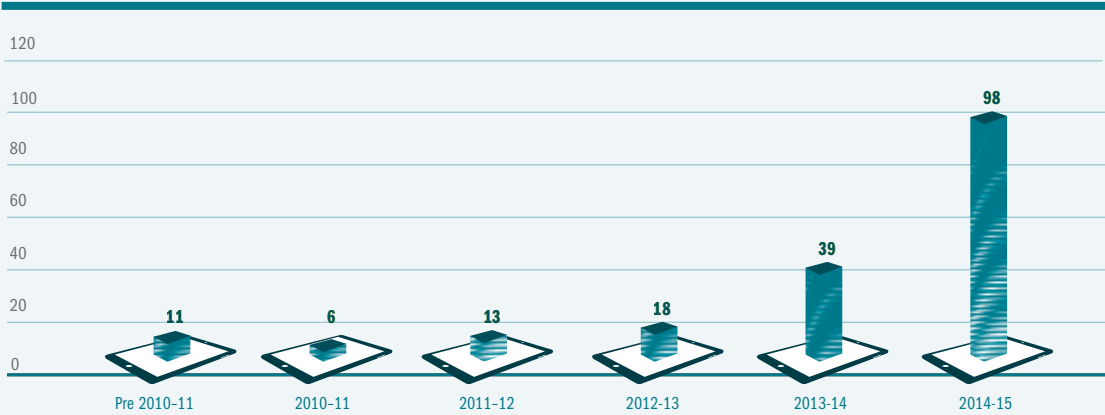


Figure A5.14.1 – Current Intellectual Property matters (excluding appeals) by year of filing



A total of 185 Intellectual Property cases remain current as at 30 June 2015.

Figure A5.15 – Appeals and Related Actions filed over the last five years

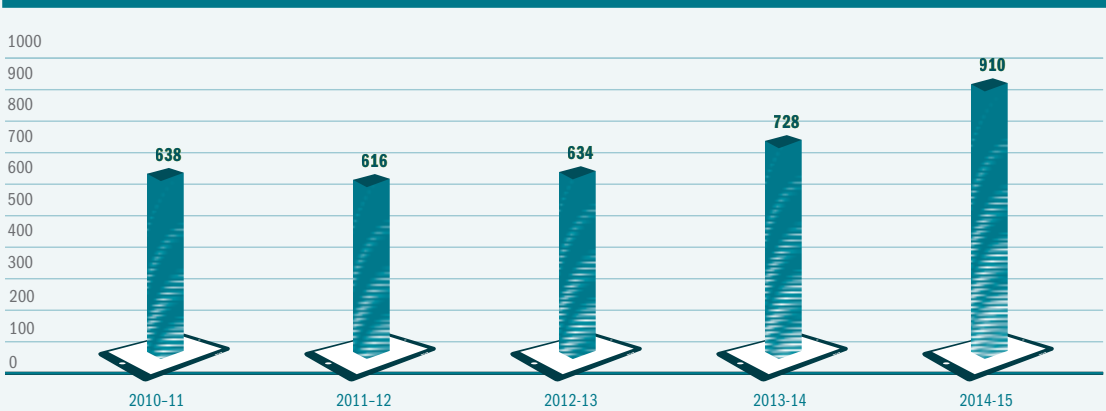
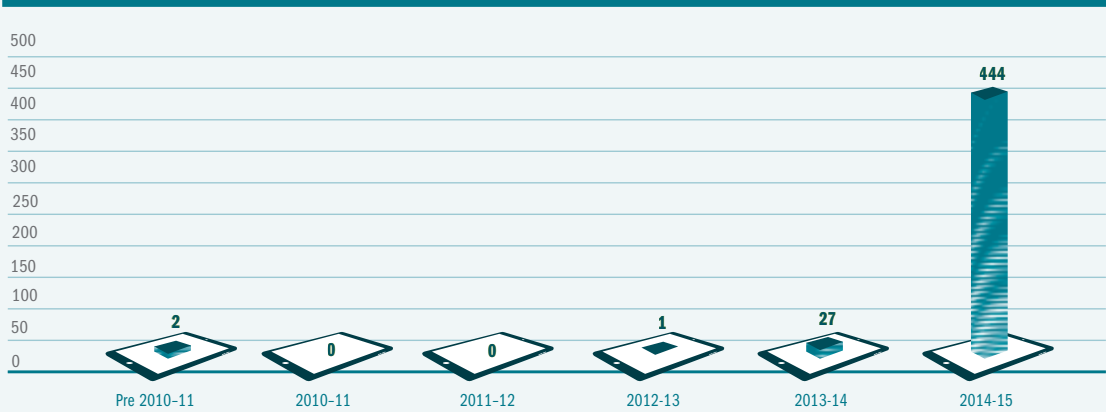


Figure A5.15.1 – Current Appeals and Related Actions by date filed



A total of 474 Appeals and Related Actions remain current as at 30 June 2015.

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Figure A5.16 – Source of Appeals and Related Actions over the last five years

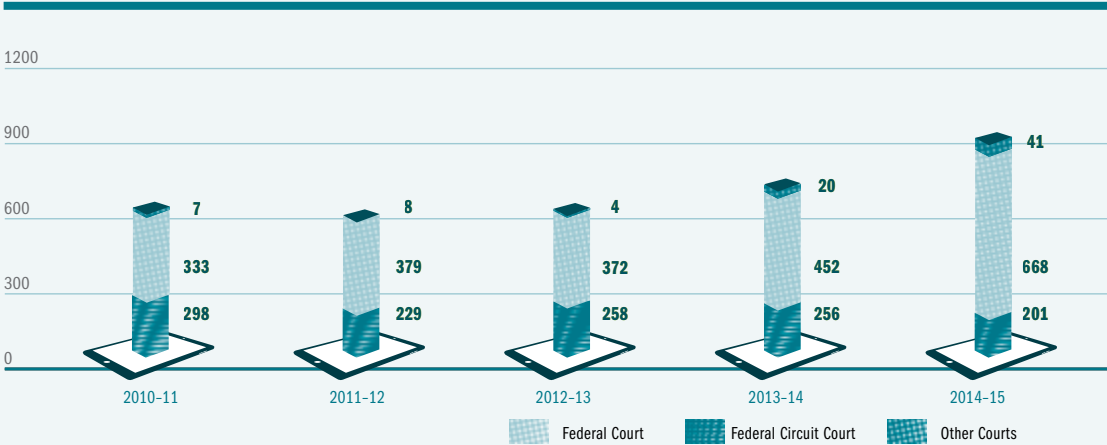


Table A5.6 – Appeals and Related Actions (excluding interlocutory applications)

SOURCE	2010-11		2011-12		2012-13		2013-14		2014-15	
Federal Court	298	46.7%	229	37.2%	258	40.7%	256	35.2%	201	22.1%
Federal Circuit Court	333	52.2%	379	61.5%	372	58.7%	452	62.1%	668	73.4%
Other	7	1.1%	8	1.3%	4	0.6%	20	2.7%	41	4.5%
Total by Period	638		616		634		728		910	

Note: The National Practice Area graphs (Figure A5.17 to Figure A5.17.7) represent the quarters of Fiscal years 2014 and 2015

Figure A5.17 – All filings, finalisation and pending by quarter by All National Practice Areas (NPAs)

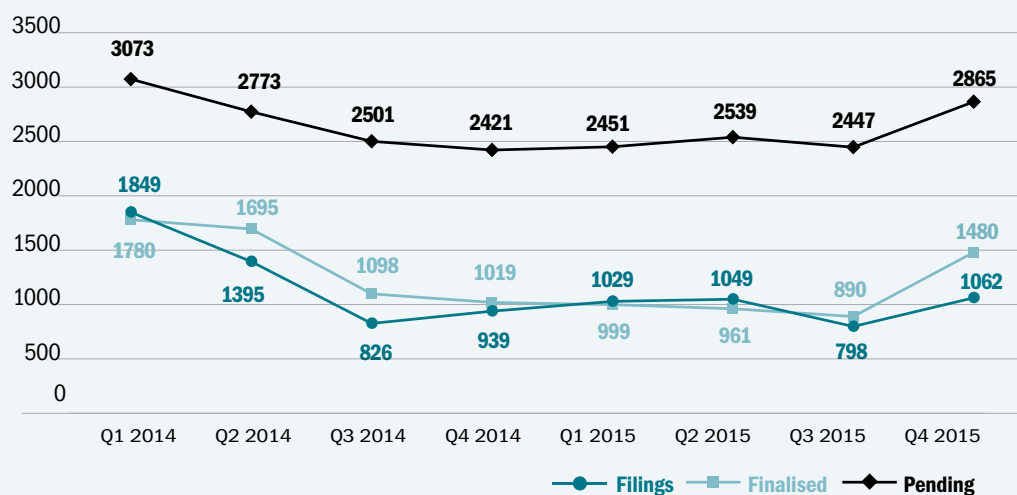
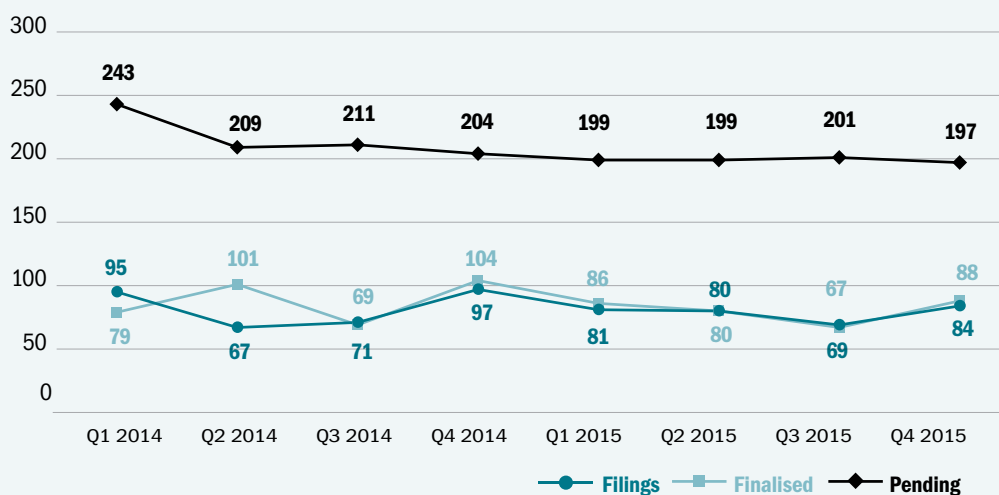


Figure A5.17.1 – All filings, finalisation and pending by quarter by Administrative and Constitutional Law and Human Rights NPA



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Note: The National Practice Area graphs (Figure A5.17 to Figure A5.17.7) represent the quarters of Fiscal years 2014 and 2015

Figure A5.17.2 – All filings, finalisation and pending by quarter by Admiralty and Maritime NPA

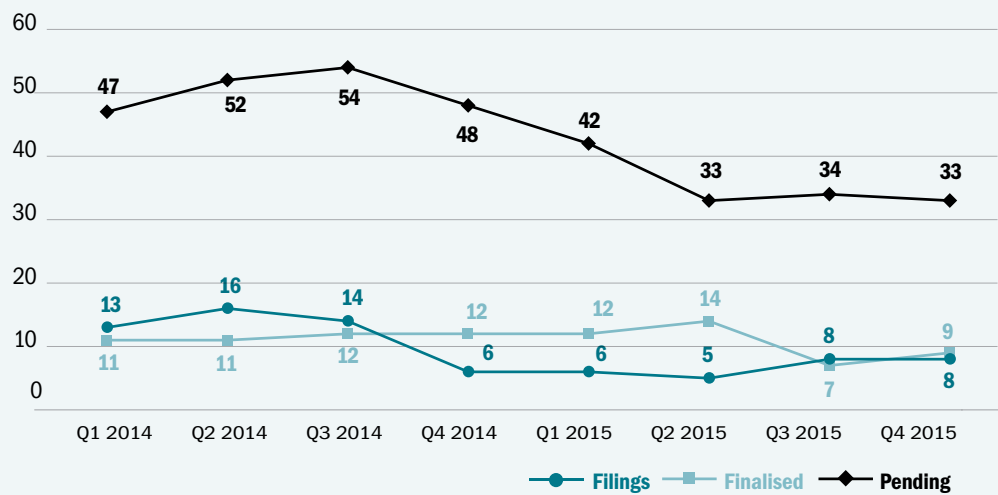
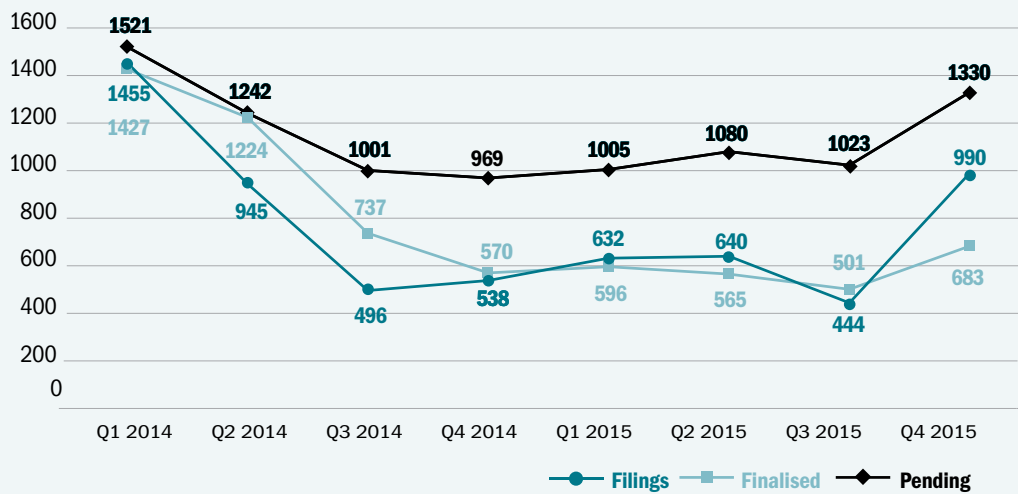


Figure A5.17.3 – All filings, finalisation and pending by quarter by Commercial and Corporations NPA



Note: The National Practice Area graphs (Figure A5.17 to Figure A5.17.7) represent the quarters of Fiscal years 2014 and 2015

Figure A5.17.4 – All filings, finalisation and pending by quarter by Employment and Industrial Relations NPA

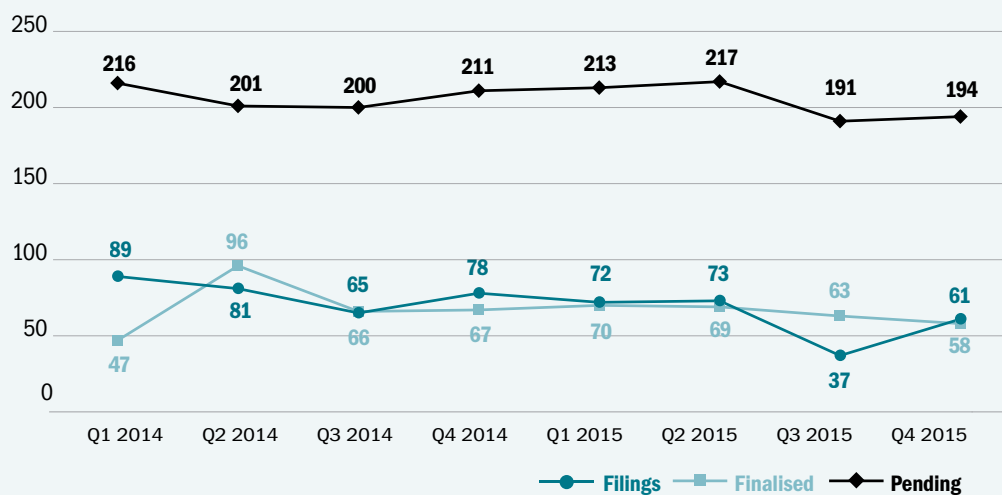
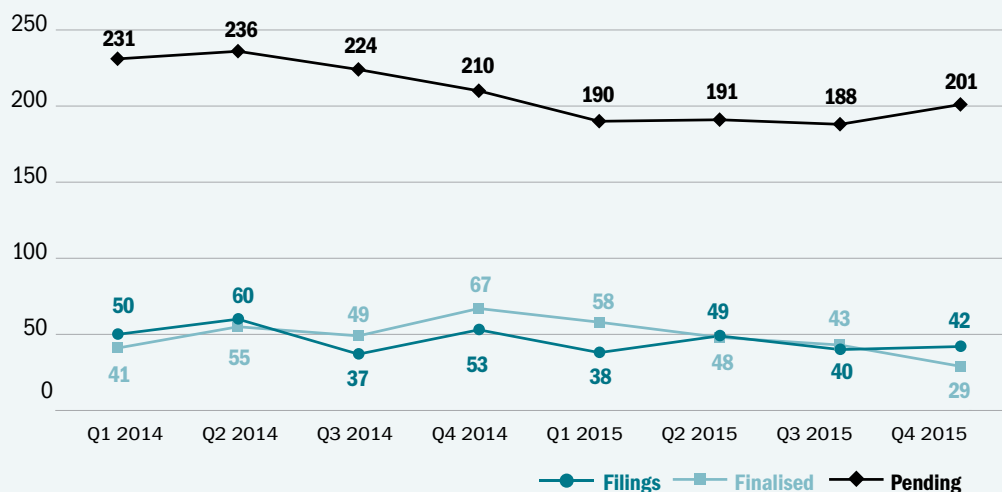


Figure A5.17.5 – All filings, finalisation and pending by quarter by Intellectual Property NPA



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Note: The National Practice Area graphs (Figure A5.17 to Figure A5.17.7) represent the quarters of Fiscal years 2014 and 2015

Figure A5.17.6 – All filings, finalisation and pending by quarter by Taxation NPA

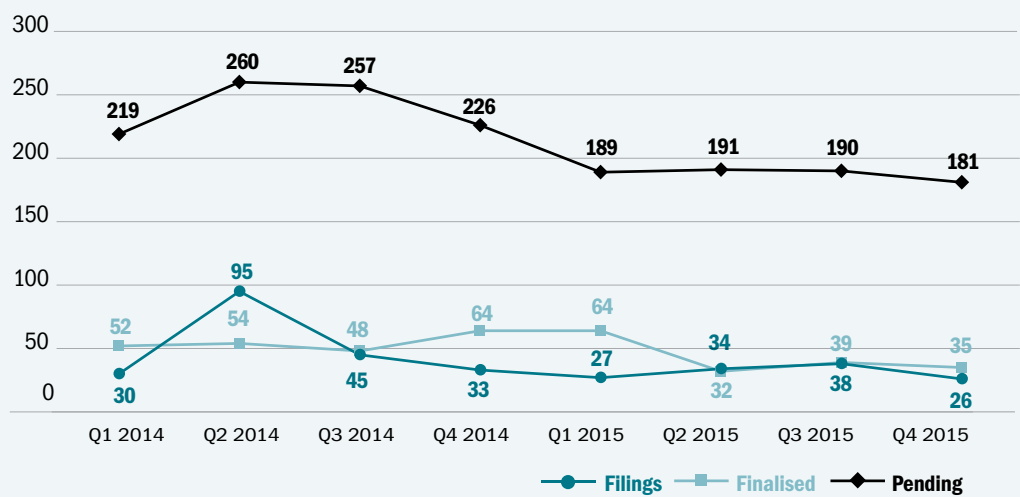
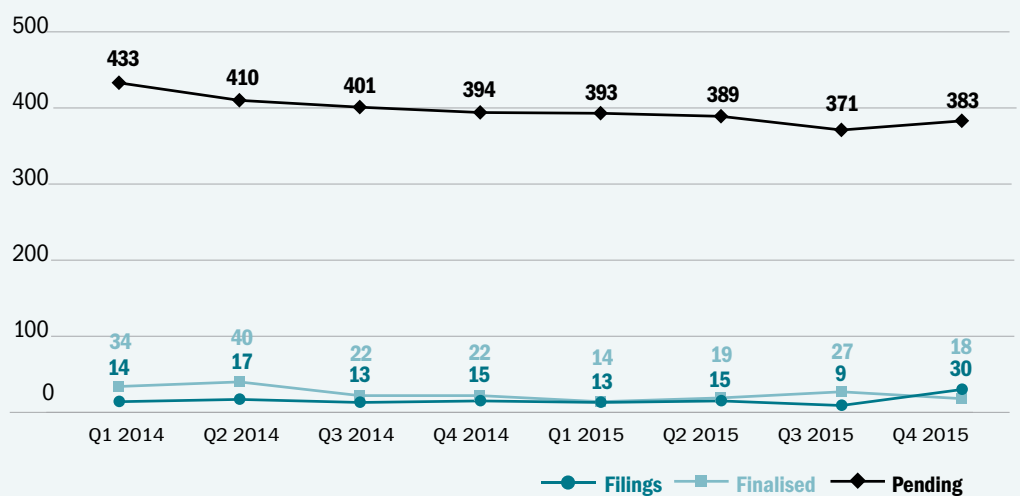


Figure A5.17.7 – All Filings, Finalisations and Pending by Quarter for Native Title NPA



ASSISTED DISPUTE RESOLUTION

Table A5.7 – Mediation referrals as a proportion of total filings by financial year

	2010-11	2011-12	2012-13	2013-14	2014-15
Referrals	610	583	602	559	485
Total Filings	4941	5277	5802	5009	4355
Proportion %	12%	11%	10%	11%	11%

Table A5.8 – Total filings and suitable filings (excluding non-mediation CoAs, e.g. migration appeals) by Registry in 2014–15

	NSW	VIC	WA	QLD	NT	SA	TAS	ACT	TOTAL
Applicable Filings	1223	671	157	259	34	161	27	74	2606
Total Filings	1500	794	534	906	61	370	48	142	4355
Proportion %	82%	85%	29%	29%	56%	44%	56%	52%	60%

Table A5.9 – Mediation referrals as a proportion of applicable filings, by Registry in 2014–15

	NSW	VIC	WA	QLD	NT	SA	TAS	ACT	TOTAL
Total Referrals	156	195	36	42	7	31	5	13	485
Applicable Filings	1223	671	157	259	34	161	27	74	2606
Proportion %	13%	29%	23%	16%	21%	19%	19%	18%	19%

Table A5.10 – Internal and external mediation by CoA in 2014-15

COA	INTERNAL	EXTERNAL
Administrative Law	8	1
Admiralty	3	1
Appeals	–	–
Bankruptcy	12	–
Competition Law	10	1
Consumer Law	81	12
Corporations	79	25
Costs	22	–
Human Rights	17	–
Industrial	112	–
Intellectual Property	57	6
Migration	–	–
Native Title	12	11
Taxation	13	2
TOTAL	426	59

Table A5.11 – Internal and external mediation referrals as a proportion of applicable filings in 2014-15

	INTERNAL	EXTERNAL
Total Referrals	426	59
Applicable filings	2606	2606
Percentage	16%	2%

Table A5.12 – Mediation Outcomes by CoA in 2014–15

COA	RESOLVED	RESOLVED IN PART	NOT RESOLVED	TOTAL	PROPORTION RESOLVED/IN PART (%)
Administrative Law	3	–	3	6	50%
Admiralty	3	–	1	4	75%
Appeals	–	–	–	–	–
Bankruptcy	4	–	4	8	50%
Competition Law	3	–	6	9	33%
Consumer Law	24	5	23	52	56%
Corporations	34	3	22	59	63%
Costs	6	–	3	9	67%
Human Rights	8	–	4	12	67%
Industrial	43	2	70	115	39%
Intellectual Property	15	–	11	26	58%
Migration	–	–	–	–	–
Native Title	5	3	–	8	100%
Taxation	3	–	–	3	100%
TOTAL	151	13	147	311	53%

Table A5.13 – Mediation outcomes by Registry in 2014–15

	NSW	VIC	WA	QLD	NT	SA	TAS	ACT	TOTAL
Resolved	16	80	17	15	5	9	1	8	151
Resolved in part	3	3	1	2	–	2	1	1	13
Not Resolved	21	71	16	8	2	22	4	3	147
Total	40	154	34	25	7	33	6	12	311
Proportion Resolved/in part (%)	48%	54%	53%	68%	71%	33%	33%	75%	53%

Table A5.14 – Mediations held as a proportion of applicable filings, by Registry in 2014–15

	NSW	VIC	WA	QLD	NT	SA	TAS	ACT	TOTAL
Total held	40	154	34	25	7	33	6	12	311
Applicable filings	1223	671	157	259	34	161	27	74	2606
Proportion (%)	3%	23%	27%	10%	21%	20%	22%	16%	12%

The following summarises the work of the Australian Competition Tribunal, the Copyright Tribunal and the Defence Force Discipline Appeal Tribunal during the reporting year.

AUSTRALIAN COMPETITION TRIBUNAL

FUNCTIONS AND POWERS

The Australian Competition Tribunal was established under the *Trade Practices Act 1965* and continues under the *Competition and Consumer Act 2010* (the Act) to hear applications for the review of:

- Determinations by the Australian Competition and Consumer Commission (ACCC) in relation to the grant or revocation of authorisations which permit conduct or arrangements that would otherwise be prohibited under the Act for being anti-competitive.
- Decisions by the Minister or the ACCC in relation to allowing third parties to have access to the services of essential facilities of national significance, such as electricity grids or gas pipelines.
- Determinations by the ACCC in relation to notices issued under s 93 of the Act in relation to exclusive dealing.
- Determinations by the ACCC granting or refusing clearances for company mergers and acquisitions.

The Tribunal also hears applications for authorisation of company mergers and acquisitions which would otherwise be prohibited under the Act.

The Tribunal also hears reviews of 'reviewable regulatory decisions' of the Australian Energy Regulator (AER): National Electricity Law, s 71B(1) and National Gas Law, s 245 and certain other parallel State legislation. These reviewable regulatory decisions include:

- a network revenue or pricing determination covering a regulatory period, or
- any other determination (including a distribution determination or transmission determination) or decision of the AER under the National Electricity Law or National Gas Law.

A review by the Tribunal is in some instances a review on the papers, with some qualifications, and in some instances it is a full merits review, with additional investigative powers. It can affirm, set aside or vary the decision under review. The Tribunal also has power to inquire into, and report to the Minister on, whether a non-conference ocean carrier has a substantial degree of market power on a trade route.

PRACTICE AND PROCEDURE

Hearings before the Tribunal normally take place in public. Parties may be represented by a lawyer. The procedure of the Tribunal is subject to the Act and regulations within the discretion of the Tribunal. The Competition and Consumer Regulations 2010 sets out some procedural requirements in relation to the making and hearing of review applications.

Proceedings are conducted with as little formality and technicality and with as much expedition as the requirements of the Act and a proper consideration of the matters before the Tribunal permit. The Tribunal is not bound by the rules of evidence.

MEMBERSHIP AND STAFF

The Tribunal consists of a President and such number of Deputy Presidents and other members as are appointed by the Governor-General. During 2014–15 there were no changes to the membership of the Tribunal.

The Registrar and Deputy Registrars of the Tribunal are all officers of the Federal Court. Their details are set out in Appendix 4 on page 134.

ACTIVITIES

Two matters were current at the start of the reporting year. During the year, eight matters were commenced and two were finalised. In one of those two matters (the application by ActewAGL Distribution) leave to withdraw the application was granted before the hearing. The eight new matters