

**HIGH COURT
OF AUSTRALIA**

**ANNUAL REPORT
1997-98**

High Court of Australia
Canberra ACT

13 November 1998

Dear Attorney,

In accordance with Section 47 of the *High Court of Australia Act 1979*, I submit on behalf of the Court and with its approval a report relating to the administration of the affairs of the High Court of Australia under Section 17 of the Act for the year ended 30 June 1998, together with financial statements in respect of the year in the form approved by the Minister for Finance.

Sub-section 47(3) of the Act requires you to cause a copy of this report to be laid before each House of Parliament within 15 sitting days of that House after its receipt by you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C.M. DOOGAN', with a long, sweeping horizontal stroke extending to the right.

(C.M. DOOGAN)
Chief Executive and Principal Registrar
of the High Court of Australia

The Honourable D. Williams, AM, QC, MP
Attorney-General
Parliament House
Canberra ACT 2600

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PART I – PREAMBLE

This is the nineteenth report prepared as required by the *High Court of Australia Act 1979*. It is divided into seven parts, as follows:

Part I is the Preamble.

Part II introduces the members of the High Court of Australia.

Part III contains a review of significant events in the Court's administration during 1997-98.

Part IV provides background information on the High Court.

Part V contains a report on the administration of the Court's affairs.

Part VI contains the Court's Financial Statements for the year ended 30 June 1998, together with the Auditor-General's report thereon.

Part VII contains a number of Annexures, including tables of judicial activity and professional costs, fees and charges.

Aids to Access

Contact Officer

In the first instance inquiries or comments concerning this report may be directed to:

The Marshal
High Court of Australia
PO Box E435
Kingston ACT 2604

Telephone: (02) 6270 6983

Facsimile (02) 6270 6868

Freedom of Information (FOI)

The information required by Section 8 of the *Freedom of Information Act 1982*, together with FOI contact officer details, is contained in Annexure A to Part VII of this report.

PART II - INTRODUCTION

The High Court of Australia is the nation's highest court. It is established by the Constitution for the resolution of constitutional disputes. It is also the nation's final court of appeal.

The Court sits in Canberra and, if there is sufficient business, it sits for one week each year in Brisbane, Adelaide, Perth and Hobart.

There are seven Justices of the Court. Ordinarily, constitutional cases are heard by all seven Justices. Appeals usually raise important questions of law and are heard by five or seven Justices. Before an appeal is heard, the Court must have granted leave or special leave to appeal. Special leave applications are usually heard by two or three Justices. Special leave applications are heard in Sydney and Melbourne and by video-link from Canberra to other capital cities. Chamber applications are heard by a single Justice, usually in the capital city in which he or she resides or by video-link from Canberra.

As at 30 June 1998, the seven Justices of the High Court were:



Chief Justice Gleeson

Anthony Murray Gleeson was appointed Chief Justice of the High Court of Australia in May 1998. At the time of his appointment he was Chief Justice of the Supreme Court of New South Wales, having been appointed to that office in November 1988.

He graduated in Arts and Law from the University of Sydney and was admitted to the New South Wales Bar in 1963. He was appointed Queen's Counsel in 1974. He was President of the New South Wales Bar Association during the period 1984-1985. He was Lieutenant Governor of New South Wales from 1989 to 1998, and was appointed a Companion in the General Division of the Order of Australia in 1992.



Justice Gaudron

Mary Genevieve Gaudron was appointed to the Court in February 1987. At the time of her appointment she was Solicitor-General for New South Wales. She graduated from the University of Sydney as a Bachelor of Arts in 1962 and as a Bachelor of Laws in 1965. She was admitted to the New South Wales Bar in 1968. In 1981 she became a Queen's Counsel.

From 1974 to 1980 she was a Deputy President of the Australian Conciliation and Arbitration Commission. In 1979 she was appointed first chairman of the Legal Services Commission of New South Wales.



Justice McHugh

Michael Hudson McHugh was appointed to the Court in February 1989. At the time of his appointment he was a Judge of the New South Wales Court of Appeal, having been appointed to that office in October 1984.

He was admitted to the New South Wales Bar in 1961 and was appointed a Queen's Counsel in 1973. He was President of the New South Wales Bar Association during the period 1981 to 1983 and President of the Australian Bar Association during the period 1983 to 1984. He was appointed a Companion in the General Division of the Order of Australia in 1989.



Justice Gummow

William Montague Charles Gummow was appointed to the Court in April 1995. At the time he was a judge of the Federal Court of Australia. He had held that office since 1986.

He graduated from the University of Sydney as Bachelor of Arts and Master of Laws. After ten years in practice as a solicitor, he was called to the New South Wales Bar in 1976. For thirty years he lectured, part-time, at the University of Sydney. He was appointed a Companion in the General Division of the Order of Australia in 1997.



Justice Kirby

Michael Donald Kirby was appointed to the Court in February 1996. At the time of his appointment he was President of the New South Wales Court of Appeal, having been appointed to that office in September 1984.

He was admitted to the New South Wales Bar in 1967, and appointed a Deputy President of the Australian Conciliation and Arbitration Commission in 1975. He served as first Chairman of the Australian Law Reform Commission from 1975 to 1984. In 1983 he became a judge of the Federal Court of Australia, serving on that Court until 1984.

Justice Kirby has held numerous national and international positions including on the board of the CSIRO, as President of the Court of Appeal of Solomon Islands, as UN Special Representative in Cambodia and as President of the International Commission of Jurists. He is a Companion in the General Division of the Order of Australia and a Companion of the Order of St. Michael and St. George.



Justice Hayne

Kenneth Madison Hayne was appointed to the Court in September 1997. At the time of his appointment he was a judge of the Court of Appeal of Victoria having been appointed one of the foundation judges of that Court in 1995. He graduated in Arts and Law from the University of Melbourne and as a Bachelor of Civil Law from the University of Oxford. Elected Rhodes Scholar for Victoria in 1969, he joined the Victorian Bar in 1971 and was appointed Queen's Counsel for Victoria in 1984. He was appointed a judge of the Supreme Court of Victoria in 1992. He practised in State and Federal courts principally in commercial, constitutional and general civil matters.



Justice Callinan

Ian David Francis Callinan was appointed to the Court in February 1998. At the time of his appointment he was a practising barrister. After spending five years as a solicitor he was admitted to the Queensland Bar in 1965 and was appointed a Queen's Counsel in 1978. He was President of the Australian Bar Association in 1984-85. Justice Callinan is a playwright and author, a former Chairman of Trustees of the Queensland Art Gallery, a former Honorary Chairman of the Brisbane Community Arts Centre and was formerly a director of a number of public companies as well as the Australian Broadcasting Corporation.

PART III - THE YEAR IN REVIEW



Changes in the Court

During the year under review there were important changes in the composition of the Court. The Honourable Sir Gerard Brennan, AC, KBE, who served as a Justice between 1981 and 1995 and as Chief Justice from 1995 until 1998, retired.

Chief Justice Brennan was appointed Chief Justice of the High Court of Australia in April 1995. At the time of his appointment he was the senior Justice of the High Court and had been a judge of the Federal Court and the Supreme Court of the Australian Capital Territory. In 1976 he was appointed the first President of the Administrative Appeals Tribunal.

He graduated in Arts and Law from the University of Queensland, was admitted to the Queensland Bar in 1951 and was made a Queen’s Counsel in 1965. He was knighted in 1981, and appointed a Companion in the General Division of the Order of Australia in 1987.

At the retirement ceremony for Chief Justice Brennan, the Attorney-General (The Honourable Daryl Williams, AM, QC, MP) said of his service:

“During the period of your leadership the Court faced a number of challenging issues, issues of vital importance to all strata of Australian society and to the shaping of the nation. Your Honour has carried out the duties of Chief Justice with great distinction – with intellectual rigour, diligence and integrity. Your unfailing humility, courtesy and patience have made an indelible impression on all who have been fortunate to meet or deal with you, whether in a professional or personal capacity.”

Sir Gerard Brennan was succeeded by The Honourable Anthony Murray Gleeson, AC, the eleventh Chief Justice of the High Court of Australia.

At the welcome ceremony for Chief Justice Gleeson, the Attorney-General said:

“It is fitting that Your Honour’s already distinguished legal career should now be crowned by your appointment to the highest judicial office in the land. The breadth of the acclaim and support that followed the announcement of Your Honour’s appointment indicates the admiration and respect in which you are held by the legal community.”

Chief Justice Gleeson said in his response:

“We are living in a time of challenge to everybody concerned with the administration of civil and criminal justice. This is a rights-conscious, litigious age, in which all manner of disappointments and grievances are promoted as grounds for legal redress, and the courts are made battlegrounds in social, economic and commercial conflict. The court system is struggling to cope with a

remorselessly expanding caseload. The law, and legal procedures, are required to respond, in a principled fashion, to new expectations and new realities.”



During the year The Honourable Sir Daryl Dawson, AC, KBE, CB, a Justice since 1982, and The Honourable John Toohey, AC, a Justice since 1987, also retired.

Sir Daryl Dawson was appointed to the Court in August 1982. At the time of his appointment he was Solicitor-General for Victoria. He graduated in Law from the University of Melbourne in 1954 and as a Master of Laws from Yale University in 1956. He was admitted as a barrister and solicitor of the Supreme Court of Victoria in 1957 and joined the Victorian Bar later that year. He became a Queen’s Counsel in 1971, was appointed Solicitor-General in 1974, made a Companion of the Order of the Bath in 1980, knighted in 1982 and was appointed a

Companion in the General Division of the Order of Australia in 1987.



John Leslie Toohey was appointed to the Court in February 1987. Before his appointment he was a Judge of the Federal Court of Australia and a Judge of the Supreme Court of the Northern Territory, having been appointed to those courts in 1977. He had also been a Presidential Member of the Administrative Appeals Tribunal. He graduated in Law and Arts from the University of Western Australia, was admitted as a barrister and solicitor of the Supreme Court of Western Australia in 1952, joined the WA Bar in 1967 and was appointed a Queen’s Counsel in 1968. He was Aboriginal Land Commissioner in the Northern Territory from 1977 to 1982.

Justice Dawson was succeeded by The Honourable Kenneth Hayne, who, at the time of his appointment, was a Judge of the Appeal Court of the Supreme Court of Victoria. Justice Toohey was succeeded by Mr Ian Callinan QC, a leading member of the Queensland Bar.

The Court and the Public

Public attention continues to be paid to the Court, its decisions and its role as the final Court of Appeal. Regrettably, some comments seem to reflect a lack of understanding of the functions of the Court, and its public role in the Australian community. In the past, Attorneys-General have explained this role and have dealt with under-reasoned or uninformed criticism of the Court. Recently, the Attorney-General has expressed the view that the courts generally, including the High Court, would in future have to develop their own means to respond to criticism and comment. This, taken with the need to ensure that the public generally, as well as the media, is fully and accurately informed of the Court’s functions, has led the Justices to give consideration to ways in which these might be better explained. If funds permit the Justices would be minded to engage a Public Information Officer to undertake a generally educative role regarding the functions of the Court, and to respond appropriately from time to time to comment and criticism, to ensure that the role of the Court is properly understood.

Innovations in Technology

The High Court of Australia has long been a leader in the use of modern technology in the discharge of its functions. The Court pioneered video-link hearings in 1989. A considerable portion of its hearings of applications for special leave to appeal is now conducted by video-link, with the Justices sitting in Canberra and litigants and their legal practitioners appearing in courtrooms in capital cities throughout the Commonwealth. The past year has witnessed the culmination of several other technological innovations:

- Within minutes of the delivery of the Court's judgments they are accessible on the High Court's Web site and may be down-loaded by users throughout the Commonwealth and overseas, a development which occurred towards the end of the last reporting period.
- Transcripts of oral argument before the Court are also available on the Internet shortly after the completion of argument.
- During the year, development continued of summaries of cases before the Court, and of the matters in which judgment has been reserved, for inclusion on the Web site. These summaries were available on the Web shortly after the end of this reporting period.
- The Court instituted a "virtual tour" of its premises in Canberra which can be seen by every Australian citizen having access to the Internet and by interested persons around the world.
- Data available to the Court shows the already high and fast increasing popularity of the High Court's Web site (*www.hcourt.gov.au*) which provides a wide range of information about the Court.
- Decisions of the Court are now prepared with paragraph numbers so that particular passages in the decisions can be referred to without the need to cite page numbers. Some other Australian courts have adopted, and some are considering the adoption of, paragraph numbers in their judgments.
- In conjunction with paragraph numbering, from January 1998 the Court's decisions have also included a medium-neutral citation.
- By the use of the Internet, a wide range of law materials from other countries is readily accessible thereby facilitating greater ease of access by the Court to recent decisions and reports when preparing its decisions.
- Under the direction of the Justices, the Court's officers commenced work on the development of information systems which will permit lawyers and members of the public to gain access to the Court's case management systems to discover precisely the stage reached in any case which is awaiting hearing. When security and privacy issues have been fully resolved, it is expected that access will be made available to a wide range of information about proceedings before the Court.

The foregoing measures have been adopted by the Court in the ongoing endeavour to make its procedures more understandable and its decisions more easily available to the people of Australia and those beyond who are interested in its work.

Library Developments

The High Court Library is an established resource of the Court and also the outstanding law library of the Commonwealth. Its resources are constantly used by the Justices and their staff and by legal practitioners and litigants appearing before the Court. It is also in constant use by lawyers and law libraries throughout the nation, including through inter-library loans.

For some time now, it has been evident that book prices have been increasing as a result of the greater use of electronic information sources. Moreover, the cost of overseas materials is very much dependent on the exchange rate for the Australian dollar. As a result, library purchases are closely monitored by the Justices serving on the Library Committee of the Court. However, it is to be expected that pressures upon budgetary resources will increase in the period ahead to reflect the decline in the purchasing power of the Australian dollar. In an effort to reduce costs and, also, to take advantage of available information technology, the Court is committed to the use of electronic information systems to the extent that that is considered appropriate.

Repair of Roof

For some years, significant problems have been experienced with the roof of the High Court building in Canberra. In later years it developed leaks permitting the entry of water into the Justices' chambers and the library area on the 9th level. During particularly severe weather, water also entered the main courtrooms causing disruption to hearings. As a result of representations made to the Government and the Attorney-General, arrangements were made during the year under review for essential repairs to be made to the roof. These repairs were commenced but not finally completed by June 1998.

The Justices express appreciation for the support which was given to the Court by the supplementation of its funds in order to permit repairs to the roof. The High Court building, standing in the Parliamentary Triangle in Canberra, is one of the most important public buildings in the nation. It is essential that it be maintained in a state of good repair and the resources within it safeguarded and kept in good condition. The Court has a regular program of maintenance but structural difficulties need to be monitored and repairs effected, as needed.

Closure of the Building

During the year under review, it became necessary to close the High Court building in Canberra to the public on weekends and on public holidays . This move was taken by the Justices most reluctantly and only because of the severe budgetary restraints imposed upon the Court. In making the decision to close the building to the public, the Justices resolved that, as soon as possible, the building should be reopened on weekends and public holidays. However, in order for this to be done it will be necessary for adequate funds to be made available.

The Justices recognise the entitlement and expectation of the public to visit the building and, also, the fact that large numbers of visitors tend to plan to visit Canberra on weekends and public holidays.

The significant fall in the numbers of visitors to the Court described in this report is of great concern to the Justices who attach great importance to these visits and who took the step of closing the building only as a last resort, and only when no other avenue of cost-cutting, as required by the Executive, was available.

Disallowance of Fees

During the 1996-97 financial year a proposal was made by the Government for a significant increase from 1 July 1997 for the fees payable by litigants who invoked their right to file process in the Court. The fee proposals were gazetted. They provided for increased revenue in the order of 348%. Had they become law they would have had a most significant impact on the costs payable by litigants before the Court. The proposed fees were disallowed by the Senate on 19 June 1997.

Changes in Proceedings

As disclosed in the statistics contained in this report, a slight alteration can be discerned in the business coming before the Court in the year past. The number of civil appeals filed has fallen from 51 to 35. The number of Special Leave applications in civil matters has also fallen, from 268 to 245. The fall in civil applications and appeals is offset by an increase in criminal matters. To some extent this alteration may be a reflection of the relative availability of legal aid, and of legal representation, in criminal as distinct from civil cases.

Another development in the reporting period is that the number of litigants appearing before the Court in person has increased significantly. Approximately one-quarter of all applicants for special leave were unrepresented. Where special leave is granted in a case in which a litigant appears in person, facilities are often made available by the organised legal profession in the State or Territory in question to afford the litigant the opportunity to be represented by qualified legal practitioners. However such a facility is not generally available in special leave applications or in proceedings before a single Justice dealing with matters of practice and procedure.

The increase in the number of litigants appearing without legal representation adds to the burden on the Justices of the Court, which is already substantial by reason of the constitutional and appellate functions of the Court. This development is also being kept under close review by the Justices.

Links and Visits

During the year under review the Court has maintained its links with courts, judges and legal organisations in the region and around the world.

Chief Justice Brennan and a number of Justices took part in the Asia/Pacific Courts Conference organised by the Australian Institute of Judicial Administration in Sydney in August 1997 which was attended by judges and lawyers from throughout the Asia/Pacific region. In his joint opening address with the Chief Justice of Singapore, Chief Justice Brennan said:

“By participating in dialogue among the Judiciaries of our Region, our domestic Courts will be better equipped to serve the peace, order and good government of the State and will make a tangible contribution to the peace, order and good government of the Region to which we belong.”

The Court also welcomed and entertained a number of international visitors, including the Chief Justices of Hong Kong, Malaysia, Moldova, Romania, Samoa and Vanuatu and Justice Richard Goldstone of the Constitutional Court of South Africa.

Hard copy versions of the decisions of the High Court are exchanged with courts in all parts of the world.

Coming Court Centenary

The Justices of the Court gave consideration to the participation of the Court in the celebrations to mark the centenary of the Commonwealth in 2001 and the centenary of the first sitting of the Court which took place in Melbourne in 1903. Proposals have been made to the National Council for the Centenary of Federation and will be pursued in the coming years to ensure that the Court

marks these important events in a way appropriate to its part in the history of the Australian Commonwealth.

PART IV – BACKGROUND INFORMATION

Establishment

In 1901 the High Court of Australia was established by Section 71 of the Constitution and, to the extent that legislative provision was necessary, was given the power to administer its own affairs by the *High Court of Australia Act 1979* (“the Act”), which was proclaimed on 21 April 1980. The responsible Minister for the Court’s Administration is the Federal Attorney-General.

Section 71 of the Constitution provides:

“The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction”.

Functions and Powers

The Constitution confers both an appellate and an original jurisdiction upon the High Court. Appeals from the Supreme Courts of the States and Territories, from the Federal Court of Australia and from the Family Court of Australia are heard pursuant to special leave being granted. The Family Court has power to grant special leave to appeal to the High Court but this is rarely exercised. Under the Australian Constitution, the High Court is also the final arbiter upon constitutional questions. Such questions may come on appeal from a lower court or may be initiated by an application to the High Court itself.

Sittings of the Court

The Court conducts its sittings in Canberra and such other places as are determined by Rule of Court made by the Justices in the preceding year. The 1997 and 1998 sittings are shown below:

1997

CANBERRA	..	4 February	-	12 February
CANBERRA	..	3 March	-	19 March
CANBERRA	..	7 April	-	9 April
CANBERRA	..	26 May	-	5 June
BRISBANE	..	23 June	-	26 June
CANBERRA	..	5 August	-	14 August
ADELAIDE	..	1 September	-	4 September
CANBERRA	..	22 September	-	2 October
PERTH	..	20 October	-	24 October
CANBERRA	..	3 November	-	13 November
CANBERRA	..	2 December	-	10 December

Sittings to hear applications for special leave to appeal were held at the places and on the days listed below:

CANBERRA	..	3 February (by video-link from Adelaide)
SYDNEY	..	13 February
SYDNEY	..	14 February
MELBOURNE	..	14 February
CANBERRA	..	4 April (by video-link from Brisbane)

SYDNEY	..	10 April
SYDNEY	..	11 April
CANBERRA	..	30 May (by video-link from Adelaide)
CANBERRA	..	30 May (by video-link from Perth)
SYDNEY	..	6 June
MELBOURNE	..	6 June
SYDNEY	..	4 August
SYDNEY	..	15 August
MELBOURNE	..	15 August
SYDNEY	..	3 October
CANBERRA	..	10 November (by video-link from Hobart)
SYDNEY	..	14 November
MELBOURNE	..	14 November
CANBERRA	..	5 December (by video-link from Brisbane)
CANBERRA	..	8 December (by video-link from Brisbane and Perth)
CANBERRA	..	11 December (by video-link from Adelaide)
SYDNEY	..	12 December
MELBOURNE	..	12 December

1998

CANBERRA	..	3 February	-	12 February
CANBERRA	..	3 March	-	12 March
HOBART	..	30 March	-	2 April
CANBERRA	..	21 April	-	30 April
CANBERRA	..	20 May	-	29 May
CANBERRA	..	16 June	-	18 June
BRISBANE	..	22 June	-	26 June
CANBERRA	..	4 August	-	6 August
ADELAIDE	..	10 August	-	14 August
CANBERRA	..	1 September	-	10 September
CANBERRA	..	29 September	-	8 October
PERTH	..	19 October	-	23 October
CANBERRA	..	10 November	-	19 November
CANBERRA	..	1 December	-	10 December

Sittings to hear applications for leave or special leave to appeal were, or will be held at the places and on the days listed below:

SYDNEY	..	13 February
MELBOURNE	..	13 February
CANBERRA	..	12 March (by video-link from Adelaide)
SYDNEY	..	13 March
BRISBANE	..	17 April
SYDNEY	..	1 May
SYDNEY	..	19 May
MELBOURNE	..	19 May
CANBERRA	..	21 May (by video-link from Brisbane and Darwin)
SYDNEY	..	19 June

CANBERRA	..	19 June (by video-link from Perth)
SYDNEY	..	7 August
SYDNEY	..	11 September
MELBOURNE	..	11 September
SYDNEY	..	9 October
SYDNEY	..	20 November
SYDNEY	..	11 December
MELBOURNE	..	11 December

Appointment of Justices of the High Court

Under Section 72 of the Constitution, Justices of the High Court:

- are appointed by the Governor-General in Council;
- cannot be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;
- receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office; and
- must retire on attaining the age of seventy years.

Part II of the *High Court of Australia Act 1979* contains further provisions concerning the Court and the Justices including the following:

- the Court is a superior court of record and consists of the Chief Justice and six other Justices appointed by the Governor-General by commission;
- the Attorney-General shall, before an appointment is made to a vacant office, consult with the Attorneys-General of the States in relation to the appointment;
- a person shall not be appointed as a Justice unless:
 - he or she is or has been a Judge of a court created by the Parliament or of a court of a State or Territory; or
 - he or she has been enrolled as a barrister or solicitor, or as a legal practitioner, of the High Court or of a Supreme Court of a State or Territory for not less than 5 years;
- a Justice is not capable of accepting or holding any other office of profit within Australia;
- the Chief Justice and the other Justices shall receive salary and other allowances at such respective rates as are fixed from time to time by the Parliament;
- the salary and annual allowance of a Justice accrue from day to day and are payable monthly;
- the Chief Justice and the other Justices shall receive such allowances in respect of travelling expenses as are provided by the Parliament.

Composition of the Court

The Justices of the High Court for the period to which this report relates, and their dates of swearing in, are:

		<u><i>Date of Swearing In</i></u>
Chief Justice Brennan	Chief Justice	21 April 1995
	Justice	12 February 1981 (retired 21 May 1998)
Chief Justice Gleeson		22 May 1998

Justice Dawson	6 August 1982 (retired 15 August 1997)
Justice Toohey	6 February 1987 (retired 2 February 1998)
Justice Gaudron	6 February 1987
Justice McHugh	14 February 1989
Justice Gummow	21 April 1995
Justice Kirby	6 February 1996
Justice Hayne	22 September 1997
Justice Callinan	3 February 1998

Former Chief Justices and Justices of the Court

Apart from the current members of the Court, there have been ten Chief Justices and thirty- two Justices since the Court was established in 1903.

Chief Justices

Sir Samuel Griffith	1903-1919
Sir Adrian Knox	1919-1930
Sir Isaac Isaacs	1930-1931
Sir Frank Gavan Duffy	1931-1935
Sir John Latham	1935-1952
Sir Owen Dixon	1952-1964
Sir Garfield Barwick	1964-1981
Sir Harry Gibbs	1981-1987
Sir Anthony Mason	1987-1995
Sir Gerard Brennan	1995-1998

Justices

Sir Edmund Barton	1903-1920
Richard Edward O'Connor	1903-1912
Sir Isaac Isaacs	1906-1930
Henry Bournes Higgins	1906-1929
Sir Frank Gavan Duffy	1913-1931
Sir Charles Powers	1913-1929
Albert Bathurst Piddington	1913-1913
Sir George Rich	1913-1950
Sir Hayden Starke	1920-1950
Sir Owen Dixon	1929-1952
Herbert Vere Evatt	1930-1940
Sir Edward McTiernan	1930-1976
Sir Dudley Williams	1940-1958
Sir William Webb	1946-1958
Sir Wilfred Fullagar	1950-1961
Sir Frank Kitto	1950-1970
Sir Alan Taylor	1952-1969
Sir Douglas Menzies	1958-1974
Sir Victor Windeyer	1958-1972
Sir William Owen	1961-1972
Sir Cyril Walsh	1969-1973

Sir Harry Gibbs	1970-1981
Sir Ninian Stephen	1972-1982
Sir Anthony Mason	1972-1987
Sir Kenneth Jacobs	1974-1979
Lionel Keith Murphy	1975-1986
Sir Keith Aickin	1976-1982
Sir Ronald Wilson	1979-1989
Sir Gerard Brennan	1981-1995
Sir William Deane	1982-1995
Sir Daryl Dawson	1982-1997
John Leslie Toohey	1987-1998

PART V - ADMINISTRATION

General

Section 17 of the Act makes provision for the High Court to administer its own affairs subject to and in accordance with the Act. Section 46 of the Act provides for the Justices (or a majority of them) to exercise the powers of the High Court and allows the Court to delegate to one or more of the Justices any or all of the powers of the Court set out in the Act.

The administrative functions of the Court are in general discharged by the Chief Executive and Principal Registrar who is appointed by the Governor-General, upon the nomination of the Court, under Section 18 of the Act. The occupant of this position holds office for a period not exceeding 5 years (but is eligible for re-appointment) and has the function of acting on behalf of and assisting the Justices in the administration of the affairs of the Court.

The Court's administration is divided into three Branches, titled the Registry Branch, the Library and Research Branch, and the Marshal's Branch. Figure 1 overleaf shows the Court's organizational structure and gives the names of the senior executives of the Court.

External Scrutiny

1996-97 Annual Report

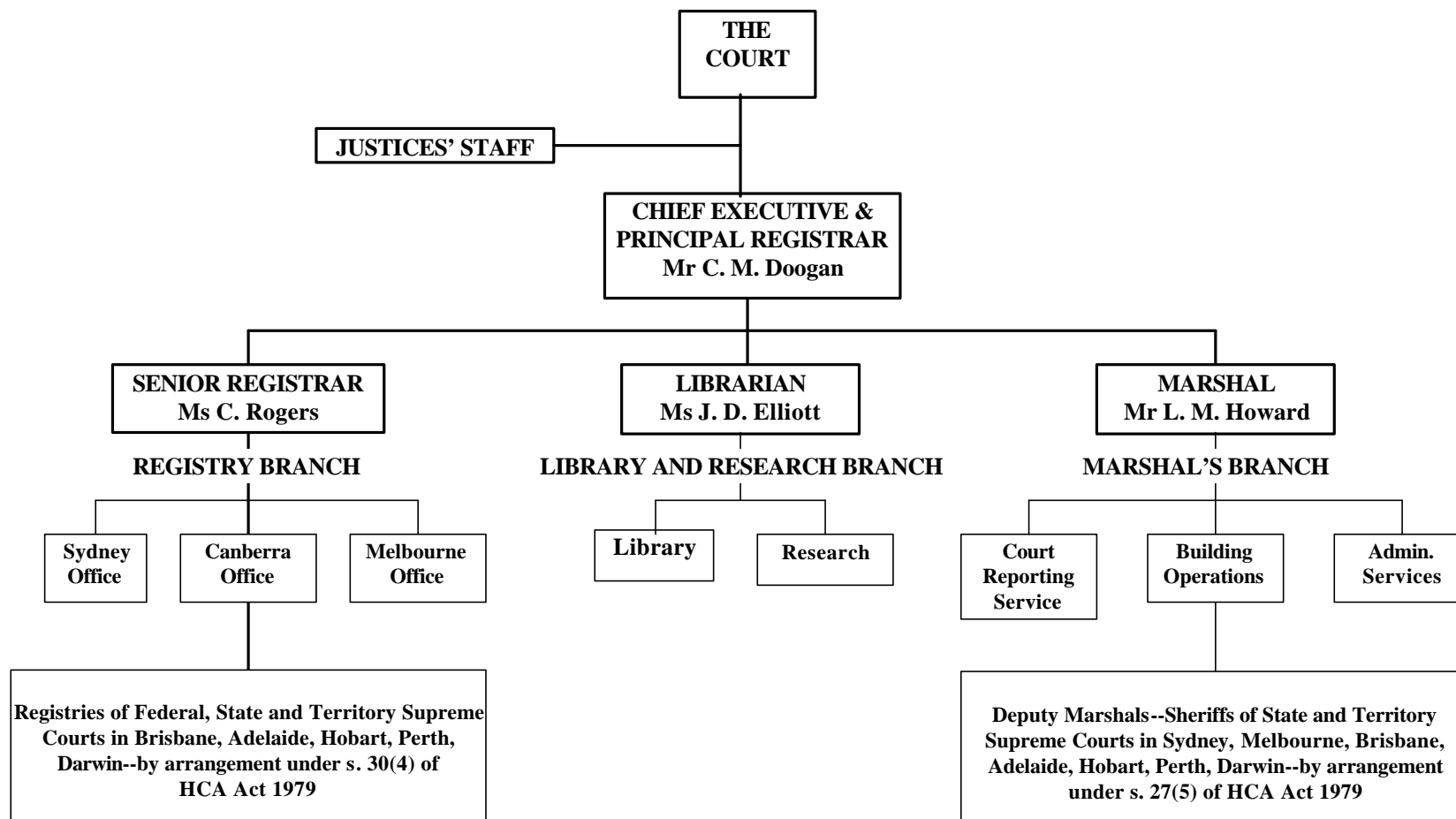
The Court's 1996-97 annual report was submitted to the Attorney-General on 10 October 1997 and tabled in Parliament on 30 October 1997.

Auditor-General's Report

Results of the Auditor-General's audit of the Court's 1996-97 financial statements were reported in Auditor-General's Report No. 22 of 1997-98, which was submitted to Parliament on 4 December 1997. The results of the audit of the High Court's financial statements were satisfactory and an unqualified audit report was issued.

Figure 1

HIGH COURT OF AUSTRALIA ORGANIZATIONAL CHART



REGISTRY

Functions

The Registry provides administrative services for the judicial activities of the Court. Under the direction of the Principal Registrar, the Registry in Canberra coordinates the case flow management of the judicial workload of the Court.

The Senior Registrar and Deputy Registrars provide information and assistance to practitioners and unrepresented persons on the jurisdiction, practice and procedure of the Court as contained in the Constitution, the *Judiciary Act 1903* and the High Court Rules. They supervise the issue of writs of summons and the filing of applications for prerogative relief in the original jurisdiction and the filing of applications for leave or special leave to appeal and notices of appeal in the appellate jurisdiction of the Court.

The Registry of the Court is situated in Canberra. Offices of the Registry are also located in Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and Darwin. Sydney, Melbourne and Canberra Registries are staffed by officers of the Court. Registry functions in Adelaide, Hobart and Darwin are performed by officers of the Supreme Court of the respective States or Territory under ministerial arrangements. Registry functions in Brisbane and Perth are performed by officers of the Federal Court of Australia by arrangement between the Chief Justices of the respective Courts.

Registry Goals

The goals of the Registry are to:

- provide and maintain registry services to the Court, the profession and the public;
- develop and maintain a case flow management program to facilitate the disposition of matters by the Court;
- provide the Chief Justice and Justices with all necessary information relating to matters which are instituted or filed in the Court;
- provide information to the profession and the public about the practice of the Court; and
- carry out all its tasks at the highest attainable levels of professional competence and efficiency.

Registry Workload

A comparison of the number of matters filed in each Registry during 1996-97 and 1997-98 is provided in Table 1. (Reference is made throughout this section to numbered tables located in Annexure B to Part VII of this report.)

Twenty-seven percent of the matters filed during the year were filed in the Sydney office of the Registry. Ten special leave hearing days were held in Sydney during 1997-98 and 32% of the single Justice hearings were conducted in Sydney.

The Melbourne office of the Registry, which processed matters filed in Melbourne, Adelaide and Hobart, accounted for 33% of total filings in 1997-98. Five special leave hearing days were held in Melbourne together with 24% of the single Justice hearings.

The Registry in Canberra processed matters filed in Canberra, Brisbane, Darwin and Perth (accounting for 40% of all filings). The Canberra Registry supervised nine sittings of the Full Court in Canberra, circuit sittings in Adelaide, Perth, Hobart and Brisbane and video-link

hearings from Adelaide, Brisbane, Darwin, Hobart and Perth. Forty-four percent of the single Justice hearings were supervised by the Registry in Canberra.

Registry Services

The Registry in Canberra and the offices of the Registry in Sydney and Melbourne provide a variety of services to the profession, the public and other institutions. Registry staff respond to counter, telephone and written inquiries concerning the status and disposition of cases.

The Court has its own court reporting service and is therefore able to provide a fast and efficient service for parties and other interested persons who may wish to purchase copies of transcripts of cases heard by the Court. In addition, transcript of cases heard during the February 1997 sittings of the Court and thereafter can be accessed from the Court's site on the Internet (World Wide Web), the address of which is <http://www.hcourt.gov.au>. Copies of transcripts of recent cases are kept in the Canberra, Sydney and Melbourne offices, and transcripts of past cases may be ordered through those offices. The cost of transcripts is provided in the High Court of Australia (Fees) Regulations.

When the Court delivers judgments, copies are immediately available from the Canberra, Sydney and Melbourne offices and are provided to the parties and the media free of charge. Additional copies can be purchased, at the fee prescribed in the Regulations, by the parties and the public in the Canberra, Sydney and Melbourne offices of the Registry. This service is also provided if the Court delivers judgment when sitting in other cities. The Court's home page on the Internet also provides access to judgments of the Court.

All legal practitioners in Australia who wish to practise in federal courts or State or Territory courts exercising federal jurisdiction are required to have their names entered in the Register of Practitioners maintained by the Principal Registrar in Canberra. The Registry provides an information service to practitioners advising them of their entitlement to practise in federal courts, the procedure for entering their name on the register and, if required, providing them with certificates of good standing to enable them to seek admission in other jurisdictions. The names of 1,338 new practitioners were added to the Register in 1997-98.

The demand for registry services, such as the purchase of judgments and transcripts, remained at a high level during 1997-98, as did inquiries concerning the registration of practitioners on the Register of Practitioners and the status of matters pending before the Court. Registry staff received both oral and written commendations for the courteous and efficient way in which these services were provided.

Rules of Court

The Justices have the responsibility for making Rules of Court which prescribe the annual sittings of the Court, regulate all matters of practice and procedure in the Court and prescribe the various forms to be used for proceedings of the Court. The Justices also implement the recommendations of the Federal Costs Advisory Committee in respect of the fees to be charged by practitioners practising in the High Court for the work done by them in relation to proceedings in the Court by the making of a Rule adopting the recommendations of the Committee.

The High Court Rules which govern the practice and procedure of the Court are kept under review by the Rules Committee with the assistance of the Senior Registrar. The Court consults with the

Law Council of Australia and the Australian Bar Association when any significant changes are contemplated to the Rules.

Rules of Court are made and promulgated as Commonwealth Statutory Rules and are published by the Australian Government Publishing Service. The Court distributes copies of the Rules to all legal publishers, law societies and bar associations immediately a Rule is made, and copies are available in all offices of the Registry for the information of the profession and the public.

The Court made the following Rules of Court in 1997-98:

- Statutory Rule No. 326 of 1997 - Annual Sittings of the High Court; and
- Statutory Rule No. 61 of 1998 - Amendment to 2nd Schedule (Costs).

Caseflow Management

Orders 69A and 70 of the High Court Rules impose time standards for the filing of applications for special leave to appeal and appeals. The Rules were introduced to give more control over caseflow management by providing time standards for the various stages in the preparation of special leave applications and appeals.

Applications for special leave to appeal and appeals constitute only part of the High Court's workload. Many cases involve other procedures such as applications for prerogative relief, removals under s40 of the *Judiciary Act 1903*, demurrer, cases stated, references under s18 of the *Judiciary Act 1903*, and electoral petitions. Cases governed by these procedures include cases arising under the Constitution or involving its interpretation. Table 2 provides a breakdown of the categories of matters filed during 1996-97 and 1997-98.

The conduct of the case by the parties, the need to give priority to those cases which require urgent disposition, and the resources available in the Registry, may all affect the timely preparation of matters for hearing. In addition, a special leave application or an appeal may be filed and no further steps taken pending a grant of legal aid or the pronouncement of judgment by a lower court in a related case.

The period between filing and the time when a matter is ready for hearing influences, but does not necessarily determine, the time at which matters are heard. The listing of matters for hearing is influenced by the volume of cases filed and the need to accord priority to those matters requiring urgent resolution. Furthermore, the parties may agree that a matter should be heard at the next annual sitting of the Court in the State or Territory in which the matter originated or may agree that a special leave application be heard by video-link when there are sufficient matters to justify a video-link hearing.

Tables 23 to 28 provide a comparison, for each category of matter during the 1996-97 and 1997-98 reporting periods, of the elapsed period between the date of filing of matters to the date they were ready for hearing, the elapsed time between matters being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. The total elapsed time from the date of filing to the date of decision is provided in the final column of each table.

Judicial Workload of the Court

Tables 7 and 8 provide the total matters heard by the High Court during 1997-98, together with a breakdown of the categories of those matters. Tables 13 and 14 provide the total number of

decisions of the Court recorded during 1996-97 and 1997-98 together with a breakdown of the categories of those decisions by type of matter.

Tables 3 to 6 provide a comparison by Registry and by court appealed from of all appellate matters filed during 1996-97 and 1997-98. Tables 9 to 12 provide a breakdown by Registry and court appealed from of all appellate matters heard during 1996-97 and the reporting period. The results of appellate matters decided during 1996-97 and 1997-98 are recorded in Tables 16, 18, 20 and 22.

The Court sits as the Court of Disputed Returns to try petitions disputing the validity of elections or returns of persons to the House of Representatives or the Senate. No election petitions were filed during 1997-98.

A comparison of the number of matters heard by a single Justice during 1996-97 and the reporting year is recorded in Table 29. A breakdown of the categories of matters heard by a single Justice during 1997-98 is provided in Table 30. Twenty-six percent of applications heard by a single Justice during the reporting period involved unrepresented persons.

Cost of Litigation

Court Fees and Charges

Fees and charges in the High Court form an integral part of litigation costs and, from 1 April 1992, have been set by the High Court of Australia (Fees) Regulations on the initiative of the Attorney-General. Fees payable for filing, issuing or sealing a document in an office of the Registry of the High Court, or for obtaining a document or service, are set out in Schedule 1 of the Regulations. The schedule of fees payable as at 30 June 1998 is included in Annexure C to Part VII of this report.

Waiver of fees

The person liable to pay a filing or hearing fee may apply to a Registrar to have the fee waived, upon grounds specified in the Regulations. A refusal by a Registrar to waive a fee may be reviewed by the Administrative Appeals Tribunal. There were four refusals to waive a fee in the reporting period. One decision not to waive payment of a fee was set aside on application to the Administrative Appeals Tribunal.

Between 1 July 1997 and 30 June 1998 a total of 548 matters attracting a filing fee and/or hearing fees were filed in the Court. Of these, 262 matters, or 48%, were exempt from payment of fees, resulting in a total of \$387,844 being forgone for the payment of filing and hearing fees. The composition of this total is shown in Annexure C to Part VII of this report.

Professional Costs

The allowable professional costs of, and incidental to, the steps in proceedings in the High Court are contained in the Second Schedule to the High Court Rules and are approved by the Court on the recommendation of the Federal Costs Advisory Committee. The current Schedule came into operation on 4 May 1998 and is included in Annexure C to Part VII of this report.

The Court has limited access to information about the actual costs involved in litigation. The information that it has is confined to costs which have been taxed and allowed on a party and party basis by taxing officers pursuant to an order of the Court. However, costs orders do not

necessarily reflect the total cost to the litigant and are not made in all cases. Bills of costs are not lodged for taxation in all matters that come before the Court, as the parties may agree on the costs to be paid by the unsuccessful party. In some cases there are statutory provisions to the effect that costs should not be ordered; costs are not usually awarded in criminal cases, and in constitutional cases costs are sometimes the subject of agreement between governments.

Taxation of costs

Bills of costs presented for taxation typically include filing and hearing fees, barristers' fees, travelling and accommodation expenses incurred by barristers and their instructing solicitors and solicitors' charges for work done in connection with proceedings in the Court.

There is a considerable spread of fees charged. Not all fees and charges are subsequently allowed on taxation. By way of illustration, during the reporting period a bill of costs in a Sydney appeal (including the related application for special leave to appeal) was presented for taxation seeking an amount of \$50,704. Of this amount, \$33,041 was allowed on taxation. A bill relating to an application for special leave to appeal and the subsequent appeal in a Melbourne matter was claimed at \$42,662. This amount was reduced to \$37,782 on taxation.

LIBRARY AND RESEARCH BRANCH

Functions

The functions of the Library and Research Branch are to :

- assemble and maintain collections to assist the Court in its work;
- provide a reference and research service of a high standard to the Justices of the Court;
- provide library facilities to legal practitioners appearing before the Court;
- keep itself informed and to maintain contact with other libraries and information sources which can supplement the reference and research material in the Library's own collection; and
- devise and implement retrieval systems which will improve the reference and research service.

Library and Research Goals

The goals of the Library and Research Branch are to:

- efficiently acquire and organise library material in accordance with the requirements of the Court; and
- provide high quality and timely reference and research services to the Justices.

Reference and Research

CD-ROM Survey

The Library conducted a survey of its electronic users in March 1998. The results of that survey indicate a high level of satisfaction with these services but that the majority of library users favour the retention of printed reference materials for the foreseeable future.

Legal Research Officer

The Library staff was reduced to one Research Officer, instead of two, throughout 1997-98, due to budgetary constraints. However a second Research Officer has been recruited for 1998-99.

Medium-neutral Citations

The Court Librarian represented the High Court at a meeting on uniform case citation held in Sydney in September 1997 and attended by representatives of all major Australian law publishers, court representatives and staff of the Australian Legal Information Institute (AustLII). At the meeting, it was decided to adopt a medium-neutral citation format comprising the year of the decision, the abbreviation for the court, the number of the case for that year and, where a specific citation was required, the paragraph number. For example, paragraph 25 of the 16th decision in 1998 by the High Court of Australia would be cited as [1998] HCA 16 at 25.

The Council of Chief Justices endorsed this format at their meeting in October 1997 and it was adopted for all High Court decisions issued on or after 1 January 1998.

Monthly List of Acquisitions

Distribution of 80 copies by mail of the Library's *Monthly List of Acquisitions* ceased in May 1998 when the *List* was loaded on the Court's Internet home page. To save costs the Library now e-mails the Australia-New Zealand Law Librarians list on the Internet each month to alert other libraries to the availability of the latest edition of the *List* on the Internet.

Library on the Internet

A separate “Library” icon was added to the Court’s Internet home page in May 1998 to provide quicker and easier access for librarians and others to Library information and publications.

Collection Development and Organisation

Looseleaf Subscriptions and Legislation

Library staff completed the addition of all looseleaf titles on to the Dynix Serials module to facilitate faster receipt and improved control. Two-thirds of the legislation subscription titles were also added to the Dynix system during the year. This has speeded up daily entering of new material.

Donation of Early State Legislation

During the year, the Library received a valuable gift of 34 volumes of nineteenth century State legislation from the Parliamentary Library of Victoria. These volumes filled gaps in the Library’s holdings of Queensland, Tasmanian, Victorian and Western Australian legislation.

Commonwealth Bills

The Parliamentary Library in Canberra kindly arranged to donate to the High Court Library on a continuing basis one of only 6 bound sets of Commonwealth Bills. Early volumes from the 37th Parliament were received in April 1998.

ALLG Pacific Twinning Scheme

As Coordinator of the Australian Law Librarians’ Group Pacific Twinning Scheme the Court Librarian organised shipments of donated material to Kiribati, Fiji and Papua New Guinea. The High Court of Australia Library also became the twin library of the High Court of Fiji.

9th National Library Technicians Conference

The Library’s Inter-library Loans Officer was the Conference Convenor for the 9th National Library Technicians Conference held in Canberra in September 1997. The theme of the Conference was “InterACTion” which was devised to emphasise the importance of communication and networking between library technicians. The Canberra conference had a record attendance of law library technicians and was successful in bringing attendees up to date on library technical skills, computer technology (including use of the Internet), and the latest trade products.

MARSHAL'S BRANCH

Functions

The Marshal's Branch provides financial, personnel and corporate management services to the Court. It also provides court reporting services and is responsible for the operation, security and maintenance of the High Court building and its precincts.

In addition to corporate management responsibilities, the Marshal is responsible under Section 27 of the *High Court of Australia Act 1979* for:

- the service and execution of all writs, summonses, orders, warrants, precepts, process and commands of the Court that are directed to him; and
- taking, receiving and detaining all persons who are committed to his custody by the Court, and for discharging all such persons when directed by the Court or otherwise required by law.

A Deputy Marshal may, subject to any direction of the Marshal, exercise any power or perform any function of the Marshal.

Marshal's Branch Goals

The goals of the Marshal's Branch are to:

- provide high-quality and responsive financial, human resource, technical and general administrative services to the Court;
- manage and maintain a national building;
- ensure the safety and well-being of persons employed in or visiting premises under the control of the High Court; and
- provide, in a timely and economic manner, an accurate transcript of the proceedings of the High Court to the Justices, legal practitioners, litigants and other interested parties.

Program Structure

The High Court's operations form a distinct program within the Attorney-General's portfolio. Within this program there are two sub-programs:

Sub-program 1: Management of High Court Business: The objective of this sub-program is to provide, in a timely and efficient manner, those direct supporting services which are required to enable the Court to carry out its judicial function. It therefore encompasses registry, library and research services, court reporting services, as well as the administrative expenses of Justices, and services provided by their personal staff. The Justices' remuneration and allowances are paid from Special Appropriations administered by the Attorney-General's Department.

Sub-program 2: Corporate Services: The purpose of this sub-program is to provide supporting services for the efficient management of the administrative affairs of the Court under the provisions of the *High Court of Australia Act 1979*. Included in this sub-program are the costs associated with such activities as financial management, personnel services, information technology, building services, security and public information. These activities are all administered within the Marshal's Branch.

Financial and Staffing Resources Summary - Budgetary (Cash) Basis

The table below shows comparative cash outlays and staffing resources for the High Court program. Accrual-based figures, excluding Special Appropriations administered by the Attorney-General's Department, are presented in the financial statements at Part VI of this Annual Report.

	1996-97		1997-98		1997-98	
	Actual	Staff	Budget	Staff	Actual	Staff
	\$'000	Years	\$'000	Years	\$'000	Years
Sub-program 5.1: Management of High Court Business						
- Special Appropriations: High Court Justices	1,678	7.0	1,850	7.0	2,358	7.0
- Appropriation Acts:	4,739	56.5	4,505	53.0	4,450	51.1
Total Outlays - Sub-program 5.1	6,417	63.5	6,355	60.0	6,808	58.1
Sub-program 5.2: Corporate Services						
- Appropriation Acts:	3,060	30.2	3,784	30.0	3,839	29.2
Total Outlays - Sub-program 5.2	3,060	30.2	3,784	30.0	3,839	29.2
Total Outlays - High Court of Australia Program	9,477	93.7	10,139	90.0	10,647	87.3

Performance Outcomes

Computer Systems

During 1997-98 the Court commissioned a new Case Management System based on Lotus Notes. The new system replaced an old mainframe application that had reached the end of its useful life. The new CMS provides significantly enhanced functionality whilst reducing maintenance and support costs. An examination is currently underway into the feasibility of publishing specific information, drawn directly from the system, to the Internet.

Human Resource Management

Terms and Conditions of Employment

Staff of the High Court are employed under the *High Court of Australia Act 1979*. Sub-section 26(4) of the Act provides for the terms and conditions of the Court staff to be determined by the Court itself. The terms and conditions of employment of High Court staff are similar to those applying in the Australian Public Service.

On 26 November 1997 the Australian Industrial Relations Commission certified the Court's fourth Workplace Agreement with staff. This agreement picked up mandatory provisions of the *Workplace Relations Act 1996* and provided a 1.5% pay increase in return for certain productivity initiatives.

In June 1998 negotiations commenced with staff and unions on a fifth Certified Agreement. This will be a comprehensive two-year agreement and provide larger pay increases for further productivity improvements.

Staffing Overview

At Annexure D to Part VII of this report are tables giving an overview of the numbers of men and women in full-time and part-time employment in the Court's administration, and the composition of staff by salary classification.

Industrial Democracy

The Court is committed to the principles and practices of Industrial Democracy which results in participative management practices throughout all areas of the Court. A Joint Consultative Committee serves as the formal mechanism for consultation on a broad range of industrial democracy issues. For several years now the Committee has formed the basis of the negotiation team to work with management in developing Workplace Agreements.

Occupational Health and Safety (OH&S)

The Court has developed a comprehensive Occupational Health and Safety policy that meets the requirements of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*. The policy outlines the mechanisms required for a healthy and safe working environment.

There were no accidents or dangerous occurrences requiring notice under Section 68, and no investigations into OH&S accidents were required during the year. No directions or notices were given to the Court under Sections 30, 36, 45 and 47 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* during the year.

Audit of Accounts and Procedures

The Court maintains procedures for both the internal and external scrutiny of accounts and administrative procedures. An Internal Auditor, reporting directly to the Chief Executive and Principal Registrar, systematically reviews compliance with the Court's approved operating procedures, the efficiency of administrative systems and the adequacy of accounting controls throughout the year in accordance with an agreed program. In addition, the Internal Auditor provides specialist advice on financial management matters, as required, to the Chief Executive and Principal Registrar.

In accordance with subsection 47(2) of the *High Court of Australia Act 1979* the Auditor-General annually conducts an independent audit of the Court's financial statements in order to express an opinion on them to the Attorney-General. The Auditor-General's report on the Court's 1997-98 financial statements can be found at Part VI of this report.

Advertising and Market Research

During the year a total of \$7,802 was paid to Adcorp Australia Advertising Agency for the placement of tender-related advertisements. A further \$650 was paid to the National Capital Attractions Association for tourism-related advertising. Finally, \$1,200 was paid to Canberra Tourism and Events Corporation as a contribution to a research project into public attitudes and perceptions towards Australia's national institutions. All national institutions in Canberra's Parliamentary Precinct contributed to the project. The results of the research will be known before the end of 1998.

No other funds were paid to market research organizations, polling organizations, media advertising organizations or direct mail organizations during the period.

Court Reporting Service

Operation

The goal of the Court Reporting Service (CRS) is to provide, in a timely and efficient manner, an accurate transcript of the proceedings of the High Court to the Justices. Copies are available for sale to legal practitioners, litigants and other interested parties. The transcript is usually available for distribution in paper form within two hours of the Court rising each sitting day, and within 48 hours from the Court's Internet home page.

The High Court's transcript is a verbatim record of its proceedings and includes the full text of citations referred to by counsel during the hearings.

Staffing

The CRS comprises two full-time reporters (for staff supervision, training and transcription verification), up to nine sessional court reporting officers (for word processing and transcription monitoring duties) and the part-time services of a technical officer (for equipment maintenance duties).

Initiatives

During the year new digital sound recorders were installed in the Court Reporting Monitor Room to make the master copies of court hearings. These replaced reel-to-reel recorders which had been in use since 1980, and provide very high quality records of proceedings suitable for long-term preservation.

Electronic equipment was also purchased during the year in order to enhance the quality of video link transmissions for hearings of special leave applications. The new equipment allows the monitor screens to be split into segments, with each segment containing a close-up image of one of the Justices hearing the matter. This represents an improvement over the old system which allowed just one image encompassing the entire bench.

In January 1998, in order to complement the incorporation of continuous paragraph numbers into published High Court judgments, the Court Reporting Service changed its paragraph numbering format in transcripts to a medium-neutral style. Instead of numbering paragraphs page by page, High Court transcripts now have continuous paragraph numbers, ie. numbers which run continuously across the entire length of the document. This allows for pinpoint citation of particular passages in the transcript, irrespective of whether the reader has a paper or electronic copy.

Building Operations

Replacement of High Court Building Roof

In early 1997 the Court made a submission to the Government for funds to replace the building's leaking roof. That submission was rejected. Further representations were made to the Attorney-General during July and August of 1997, following heavy rains which caused severe water damage to the fabric of the building. After an inspection of the damage caused by the water leaks, the Attorney-General agreed to press for funds in the 1997-98 Additional Estimates process. The Government agreed to provide the funds in *Appropriation Act (No. 3) 1997-98* and work got underway in December 1997.

The major part of the new roof was constructed over the top of the old one. It is of pressed metal construction and has a low pitch which does not affect the building's appearance. The major part of the roof was completed in June 1998 at a cost of \$856,000. When finally completed, it is hoped that the building will be free of the problems experienced during the past twelve years.

Public Information Services

Largely as a result of the need to close the High Court building to the public on weekends and public holidays, the number of visitors to the building in 1997-98 totalled just 108,398, a fall of 33% over the previous year. In addition, the weekend closure curtailed use of the building for concerts and other cultural activities.

To offset some of the effects of the closure of the building, the Court's Internet site was enhanced during the year by the addition of a "virtual tour". This allows any visitor to the Internet site to take a tour of the public areas of the building. The tour features close-ups of the major artworks and displays in the building, together with descriptive material, and the ability to pan the camera around each area to get an idea of its size and impact.

The building's popularity as a venue for cultural exhibitions and displays remained high throughout the year, with ten such events being held. In addition, twenty four receptions, private cocktail parties and dinners were held in the building.

PART VI - FINANCIAL STATEMENTS 1997-98

INDEPENDENT AUDIT REPORT

To the Attorney-General

Scope

I have audited the financial statements of the High Court of Australia for the year ended 30 June 1998. The financial statements comprise:

- Report by the Chief Executive and Principal Registrar of the High Court and the Court's Finance Officer
- Operating Statement
- Statement of Assets and Liabilities
- Statement of Cash Flows
- Schedule of Commitments
- Schedule of Contingencies, and
- Notes to and forming part of the Financial Statements.

The Chief Executive and Principal Registrar of the High Court and the Court's Finance Officer are responsible for the preparation and presentation of the financial statements and the information they contain. I have conducted an independent audit of the financial statements in order to express an opinion on them to the Attorney-General.

The audit has been conducted in accordance with Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards, to provide reasonable assurance as to whether the financial statements are free of material misstatement. Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards, other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) and statutory requirements so as to present a view of the entity which is consistent with my understanding of its financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In accordance with sub-section 47(2) of the *High Court of Australia Act 1979*, I now report that the financial statements are in agreement with the accounts and records of the Court, and in my opinion:

- (i) the statements are based on proper accounts and records;
- (ii) the statements present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Court as at 30 June 1998 and the results of its operations and its cash flows for the year then ended;
- (iii) the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Court during the year have been in accordance with the *High Court of Australia Act 1979*; and
- (iv) the statements are in accordance with the Guidelines for Financial Statements of Commonwealth Authorities.

Australian National Audit Office



David C. McKean
Executive Director

Delegate of the Auditor-General

Canberra
9 September 1998

HIGH COURT OF AUSTRALIA

Report by the Chief Executive & Principal Registrar of the High Court and the Court's Finance Officer on Financial Statements for the year ended 30 June 1998.

The accompanying financial statements of the High Court of Australia for the year ended 30 June 1998, consist of :

- Operating Statement;
- Statement of Assets and Liabilities;
- Statement of Cash Flows;
- Schedule of Commitments;
- Schedule of Contingencies; and
- Notes to and forming part of the Financial Statements.

In our opinion, the attached financial statements present fairly the information required by the Minister for Finance and Administration's Guidelines for Financial Statements of Commonwealth Authorities.



C.M. Doogan
Chief Executive and
Principal Registrar

Date: 9 September 1998



A.G. de la Fosse
Senior Deputy Marshal
(Administration)

Date: 8 September 1998

HIGH COURT OF AUSTRALIA
OPERATING STATEMENT FOR THE YEAR ENDED 30 JUNE 1998

	Note	1998	1997
		\$	\$
NET COST OF SERVICES			
Operating Expenses			
Employees	2	3,854,853	4,067,252
Suppliers		3,638,367	3,006,238
Depreciation and amortisation	3	1,761,706	1,747,302
Loss on sale of assets	4	32,841	1,632
Total operating expenses		9,287,767	8,822,424
Operating revenues from independent sources			
Sales of goods and services	5	72,791	64,805
Interest on deposits		54,816	80,050
Other	5	9	10,021
Total operating revenue from independent sources		127,616	154,876
Abnormal Item	6	(9,651,271)	-
Net cost of services		18,811,422	8,667,548
REVENUE FROM GOVERNMENT			
Parliamentary appropriations received	7	8,289,000	7,799,000
Total revenue from government		8,289,000	7,799,000
Surplus/(deficit)		(10,522,422)	(868,548)
Accumulated surpluses/(deficits) at beginning of reporting period		10,933,751	11,802,299
Accumulated surpluses/(deficits) at end of reporting period		411,329	10,933,751

Note numbers refer to the attached Notes which form part of the Financial Statements.

HIGH COURT OF AUSTRALIA
STATEMENT OF ASSETS AND LIABILITIES AS AT 30 JUNE 1998

	Note	1998	1997
		\$	\$
<i>Provisions and Payables</i>			
Employees	9	878,709	859,125
Suppliers		203,205	159,892
Total provisions and payables		1,081,914	1,019,017
<i>Equity</i>			
Capital	10	52,836,540	52,836,540
Asset revaluation reserve	10	79,202,329	74,502,329
Accumulated surpluses or deficits	10	411,329	10,933,751
Total equity		132,450,198	138,272,620
Total liabilities and equity		133,532,112	139,291,637
<i>Financial Assets</i>			
Cash	11	15,966	35,808
Receivables	12	15,456	5,400
Other	13	97,652	50,963
Total financial assets		129,074	92,171
<i>Non-financial assets</i>			
Land and buildings	14	124,500,000	121,200,000
Infrastructure, plant and equipment	14	2,860,065	3,122,359
Inventories		234	536
Intangibles	14	197,093	169,535
Other	14	5,845,646	14,707,036
Total non-financial assets		133,403,038	139,199,466
Total assets		133,532,112	139,291,637
Current liabilities		607,403	556,995
Non-current liabilities		474,511	462,022
Current assets		129,307	92,707
Non-current assets		133,402,803	139,198,930

Note numbers refer to the attached Notes which form part of the Financial Statements.

HIGH COURT OF AUSTRALIA
STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 1998

	Note	1998	1997
		\$	\$
OPERATING ACTIVITIES			
<i>Cash received</i>			
Receipts from appropriation		8,289,000	7,799,000
Sales of goods and services		66,781	66,106
Interest		53,863	83,303
Other		9	10,021
Total cash received		8,409,653	7,958,430
<i>Cash used</i>			
Employees		(3,836,929)	(4,061,653)
Suppliers		(3,642,874)	(3,022,590)
Total cash used		(7,479,803)	(7,084,243)
Net cash from operating activities	15	929,850	874,187
INVESTING ACTIVITIES			
<i>Cash received</i>			
Proceeds from sales of plant and equipment		25,915	2,878
<i>Cash used</i>			
Purchase of plant and equipment		(975,607)	(1,221,391)
Net cash used by investing activities		(949,692)	(1,218,513)
Net decrease in cash held		(19,842)	(344,326)
Cash at beginning of reporting period		35,808	380,134
Cash at end of reporting period		15,966	35,808

Note numbers refer to the attached Notes which form part of the Financial Statements.

**HIGH COURT OF AUSTRALIA
SCHEDULE OF COMMITMENTS AS AT 30 JUNE 1998**

	Note	1998	1997
		\$	\$
BY TYPE			
CAPITAL COMMITMENTS			
Other capital commitments		Nil	37,240
Total capital commitments		Nil	37,240
BY MATURITY			
One year or less		Nil	37,240
Net commitments		Nil	37,240

**HIGH COURT OF AUSTRALIA
SCHEDULE OF CONTINGENCIES AS AT 30 JUNE 1998**

As at 30 June 1998 there are no contingencies which create uncertainty as to possible gain or loss for the High Court of Australia.

HIGH COURT OF AUSTRALIA

Notes To And Forming Part Of The Financial Statements For The Year Ended 30 June 1998

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Definition

The financial statements disclose information about all resources controlled by the High Court. In this context “resources controlled” means those resources that the High Court is able to deploy to meet its objectives.

Accounting Principles

The Court's financial statements have been prepared:

- in compliance with Guidelines for Financial Statements issued by the Department of Finance and Administration and applicable Australian Accounting Standards; and
- on an accrual basis, which requires that all revenue and expenses related to a reporting period be brought to account in that period although the Court is funded on a cash basis.

Public Moneys

Moneys received for Court fees and charges are paid into the Consolidated Revenue Fund and are not recorded in the financial statements of the Court. The level of these fees and charges is set by Executive Government, pursuant to the High Court of Australia (Fees) Regulations 1991.

Employees Provisions

The proportion of the total provision for long service leave which is regarded as a current liability has been determined by ascertaining which members of staff intend to take long service leave during the next 12 months. The balance of the provision is regarded as a non-current liability. Actual entitlement to long service leave does not occur until completion of the tenth year of eligible service.

The provision for annual leave is based on the value of actual entitlements at 30 June 1998. The total provision has been shown as a current liability in the Statement of Assets and Liabilities as it is expected that this amount will be payable in the following year.

Non-Current Assets

The Court's policy is to capitalise all building improvements whose purchase price exceeds \$5,000 and all other non-current assets whose purchase price exceeds \$1,000.

Assets are reported at cost unless otherwise stated. The High Court building, the land on which it is situated, and the Court's library holdings, are re-valued every three years. The last valuation was undertaken in June 1998. In addition, a valuation of artworks was completed for the first time in June 1997 and the artworks have been brought to account in the Statement of Assets and Liabilities.

Items of furniture transferred from the Attorney-General's Department at no charge to the Court have not been valued. Notwithstanding their omission from the financial statements, these assets are subject to all other aspects of the Court's asset accounting controls.

Depreciation of non-current assets is calculated on the straight line method according to the estimated life of the assets. Depreciation commences on the first day of the month following the acquisition of a depreciable asset. The annual rates of depreciation are:

Land	Nil
Art, prints and artefacts	Nil
Library Collection – heritage items	Nil
Library Collection – non-heritage items	0.5%
Building	1%
Furniture and fittings	10%
Building improvements	10%
Office equipment	10%
General and technical equipment	10%
ADP equipment and software	20%

2. EMPLOYEES EXPENSES

This item in the Operating Statement consists of:

	1998	1997
	\$	\$
Salaries, wages & allowances	3,406,349	3,597,668
Employer's superannuation contribution	441,854	478,438
Provision for Long Service Leave	37,988	8,653
Provision for Recreation Leave	(31,338)	(17,507)
TOTAL	<u>3,854,853</u>	<u>4,067,252</u>

The salaries and allowances paid to the Chief Justice and other Justices of the Court are provided from special appropriations under the control of the Attorney-General's Department. These payments are not included in the financial statements of the Court.

The Court is an approved authority for the purposes of the *Superannuation Act 1976* of the Commonwealth, which requires permanent officers and, on election, eligible employees, to contribute to either the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme. Benefits payable on retirement, disability or death under these schemes consist of either a pension or a lump sum or a combination of both. The Court is required to make an employer contribution to the Commonwealth on a regular basis for each contributor. The employer contribution is calculated as a percentage of contributors' salaries, estimated by the Commonwealth to be sufficient to meet the Court's share of benefits liability under the schemes. Throughout the 1997-98 financial year, contributions were fixed at a rate of 23.4% for the Commonwealth Superannuation Scheme and 9.0% for the Public Sector Superannuation Scheme.

3. DEPRECIATION AND AMORTISATION

This item in the Operating Statement represents the following:

	1998	1997
	\$	\$
Depreciation	1,734,006	1,723,451
Amortisation of intangibles	27,700	23,851
TOTAL	1,761,706	1,747,302

4. ASSET DISPOSALS

Asset disposals were as follows:

	1998		1997	
	Sale Price	Gain/(Loss)	Sale Price	Gain/(Loss)
	\$	\$	\$	\$
ADP Equipment	22,444	(32,079)	-	-
Furniture & Fittings	-	-	10	10
Office Equipment	781	(4,183)	355	(2,900)
General & Technical Equipment	640	396	91	(1,164)
ADP Software	3	3	-	-
Other Equipment	2,047	2,047	2,422	2,422
TOTAL	25,915	(33,816)	2,878	(1,632)

5. OPERATING REVENUES FROM INDEPENDENT SOURCES

The item "Sales of goods and services" in the Operating Statement consists of the following:

	1998	1997
	\$	\$
Food service operator's licence fee	30,000	40,000
Subscriptions to Court transcripts and judgments	9,700	9,700
Room hire	28,700	11,725
Other revenue from Court facilities	4,391	3,380
TOTAL	72,791	64,805

The item "Other" in the Operating Statement consists of the following:

	1998	1997
	\$	\$
Miscellaneous revenue	9	10,021

6. ABNORMAL ITEM

This amount represents the reduction in the valuation of library holdings as at 30 June 1998 by the Australian Valuation Office. The reduction arises from a refinement of the methodology used by the Valuation Office to reflect changes in requirements for financial reporting of library collections.

7. PARLIAMENTARY APPROPRIATIONS

The Court's revenue from Government was appropriated as follows:

	1998	1997
	\$	\$
Appropriation Act (No.1)	7,386,000	7,769,000
Appropriation Act (No.3)	903,000	30,000
TOTAL	8,289,000	7,799,000

8. RESOURCES PROVIDED FREE OF CHARGE

The High Court building in Canberra, completed in 1980 at a cost of \$46.5 million, was transferred free of charge to the control of the Court. The current value of the building, the land on which it is situated, and building improvements made since April 1980 are shown in the Statement of Assets and Liabilities.

The Federal Court of Australia and State Supreme Courts provide the High Court with hearing rooms and chambers in various States as required, primarily while the Court is on circuit. In addition, the National Capital Authority provides ground maintenance services to the High Court in Canberra. The value of this assistance is not shown in the accounts.

9. LIABILITIES TO EMPLOYEES

The item "Employees" shown in the Statement of Assets and Liabilities is comprised of:

	1998	1997
	\$	\$
Salaries and wages	52,398	40,430
Superannuation	5,319	4,353
Annual leave	282,577	313,915
Long service leave	538,415	500,427
TOTAL	878,709	859,125

10. EQUITY

Description	Capital	Accumulated Results	Asset Revaluation Reserve	Total Equity
Balance 1 July 1997	\$ 52,836,540	\$ 10,933,751	\$ 74,502,329	\$ 138,272,620
Surplus/(Deficit)	-	(10,522,422)	-	(10,522,422)
Net revaluation increase/ (decrease)	-	-	4,700,000	4,700,000
Transfers to/(from) reserve	-	-	-	-
Changes in accounting policies	-	-	-	-
BALANCE 30 JUNE 1998	52,836,540	411,329	79,202,329	132,450,198

11. CASH

The amount is represented by:

	1998	1997
	\$	\$
Funds on deposit in the General Account held with the Reserve Bank of Australia	516	20,258
Cash on hand in the form of permanent advances	15,450	15,550
TOTAL	15,966	35,808

12. RECEIVABLES

The item "Receivables" in the Statement of Assets and Liabilities represents:

	1998	1997
	\$	\$
Interest receivable on the General Account	2,740	1,787
Sundry debtors	12,716	3,613
TOTAL	15,456	5,400

13. OTHER FINANCIAL ASSETS

The amounts shown in the item "Other" in the Statement of Assets and Liabilities represent the following:

	1998	1997
	\$	\$
Prepaid expenses	96,771	49,992
Library vouchers	881	971
TOTAL	97,652	50,963

14. NON-FINANCIAL ASSETS

The figures shown in the Statement of Assets and Liabilities represent the written-down value of property, plant and equipment as at 30 June 1998 as follows:

	1998	1997
	\$	\$
Land		
Land at June 1998 valuation	4,500,000	5,000,000
Total Land	4,500,000	5,000,000
Buildings		
Buildings at June 1998 valuation	120,000,000	119,000,000
Accumulated depreciation	Nil	(2,800,000)
Total buildings	120,000,000	116,200,000
Total Land and Buildings	124,500,000	121,200,000
Infrastructure, plant and equipment		
Plant and equipment at cost	4,701,792	4,816,533
Accumulated depreciation	(1,841,727)	(1,694,174)
Total Infrastructure, plant and equipment	2,860,065	3,122,359
Other (library holdings)		
Library at June 1998 valuation	5,845,646	13,040,000
Accumulated depreciation	Nil	(95,250)
Sub-total (a)	5,845,646	12,944,750
Library holdings at cost	Nil	1,771,270
Accumulated depreciation	Nil	(8,984)
Sub-total (b)	Nil	1,762,286
Total Other	5,845,646	14,707,036

14 (cont.)

Summary of balances of assets at valuation as at 30 June 1998

	Land	Buildings	Total Land & Buildings	Total Plant & Equipment	Library	Total Plant & Equipment and Library Holdings	Intangibles	Total
	\$	\$	\$	\$	\$	\$	\$	\$
As at 30 June 1998								
Gross value	4,500,000	120,000,000	124,500,000	-	5,845,646	5,845,646	-	130,345,646
Accumulated Depreciation/Amortisation	-	-	-	-	-	-	-	-
Other movements	-	-	-	-	-	-	-	-
Net book value	4,500,000	120,000,000	124,500,000	<u>Nil</u>	5,845,646	5,845,646	<u>Nil</u>	130,345,646
As at 30 June 1997								
Gross value	5,000,000	119,000,000	124,000,000	1,752,609	13,040,000	14,792,609	-	138,792,609
Accumulated Depreciation/Amortisation	-	(2,800,000)	(2,800,000)	N/A	(95,250)	(95,250)	-	(2,895,250)
Other movements	-	-	-	-	-	-	-	-
Net book value	5,000,000	116,200,000	121,200,000	1,752,609	12,944,750	14,697,359	Nil	135,897,359

14 (cont.)

1997-98 Movements summary for all assets irrespective of valuation basis

	Land	Buildings	Total Land & Buildings	Infrastructure, Plant & Equipment	Library Holdings	Total Plant & Equipment & Library	Intangibles	Total
	\$	\$	\$	\$	\$	\$	\$	\$
Gross value as at 1 July 1997	5,000,000	119,000,000	124,000,000	4,816,533	14,811,270	19,627,803	346,342	143,974,145
Additions	-	-	-	74,637	846,359	920,996	55,584	976,580
Revaluation	(500,000)	1,000,000	500,000	-	(9,811,983)	(9,811,983)	-	(9,311,983)
Disposals	-	-	-	(189,378)	-	(189,378)	(12,950)	(202,328)
Gross value as at 30 June 1998	4,500,000	120,000,000	124,500,000	4,701,792	5,845,646	10,547,438	388,976	135,436,414
Accumulated Depreciation/Amortisation as at 1 July 1997	-	(2,800,000)	(2,800,000)	(1,694,174)	(104,234)	(1,798,408)	(176,807)	(4,775,215)
Depreciation/amortisation	-	-	-	-	-	-	-	-
Charge for assets held 1 July 1997	-	-	-	(271,423)	(56,478)	(327,901)	(26,577)	(354,478)
Depreciation/amortisation	-	(1,400,000)	(1,400,000)	-	-	-	-	(1,400,000)
Charge for additions	-	-	-	(5,777)	-	(5,777)	(1,450)	(7,227)
Adjustment for revaluations	-	4,200,000	4,200,000	-	160,712	160,712	-	4,360,712
Adjustment for Disposals	-	-	-	129,647	-	129,647	12,950	142,597
Accumulated Depreciation/Amortisation as at 30 June 1998	-	-	-	(1,841,727)	-	(1,841,727)	(191,884)	(2,033,611)
Net book value as at 30 June	4,500,000	120,000,000	124,500,000	2,860,065	5,845,646	8,705,711	197,092	133,402,803
Net book value as at 1 July 1997	5,000,000	116,200,000	121,200,000	3,122,359	14,707,036	17,829,395	169,535	139,198,930

15. CASH FLOW RECONCILIATION

Reconciliation of net cash flows from operating activities to net cost of services

	1998	1997
	\$	\$
Net cost of services	(18,811,422)	(8,667,548)
Revenue from government	8,289,000	7,799,000
Operating surplus/(deficit)	(10,522,422)	(868,548)
Abnormal Item-library devaluation	9,651,271	-
Depreciation	1,734,006	1,723,451
Amortisation	27,700	23,851
Decrease/increase in provisions (long service & annual leave)	19,584	(8,853)
Increase/(decrease) in prepayments	(46,689)	14,771
Increase/ (decrease) in trade creditors	43,313	(22,402)
Increase/(decrease) in inventories	303	701
Increase/(decrease) in receivables	(10,057)	9,584
Loss/gain on sale of plant and equipment	32,841	1,632
Net cash provided by operating activities	929,850	874,187

16. AUDIT FEES

The Australian National Audit Office provides external auditing services to the High Court. For the audit of the financial statements for the year ended 30 June 1998, the audit fee advised was \$23,700, and in the year ended 30 June 1997, the audit fee was also \$23,700.

17. PUBLIC MONEY IN THE CUSTODY OF THE COURT

Fees and Charges:

Fees and Charges payable under Schedule 1 of the High Court of Australia (Fees) Regulations are collected by staff at High Court Registries Australia-wide and are deposited in the Fees and Charges Account held at the Reserve Bank of Australia. At the end of each month these funds are transferred electronically to the Consolidated Revenue Fund.

	1998	1997
	\$	\$
Balance as at 1 July	-	-
Received during the year	527,150	667,018
Transferred during the year	527,150	667,018
Balance as at 30 June	Nil	Nil

Suitors' Funds:

These are funds paid into the Court under order of the Court or a Justice of the Court.

	1998	1997
	\$	\$
Balance as at 1 July	2,000	2,000
Amount received	-	-
Balance as at 30 June	2,000	2,000

Interest Bearing Deposits:

21. FINANCIAL INSTRUMENTS

Terms, conditions and accounting policies

Financial Assets	Accounting Policies and Methods	Nature of underlying instrument
Cash at Bank and on hand	Cash recognized at the nominal amount and interest is credited to revenue as it accrues.	Interest is calculated on a daily balance and credited monthly
Receivables-Interest	Interest on cash at bank is credited to revenue as accruals	Interest is calculated on daily balances and credited monthly.
Library Vouchers	Can be converted to cash if required	Unlimited time for it to be cashed.
Other Debtors	Cost recovery for use of the Court's facilities	Debtors are invoiced for the services provided. Term of payment is 30 days

Financial Liabilities	Accounting Policies and Methods	Nature of underlying instrument
Trade Creditors	Suppliers of services. Creditors & accruals are recognized at the nominal amount, ie the amount at which the liability will be settled	Payment of accounts is between 7 days and 30 days.

Interest Rate Risk

Not Applicable

Net fair values of Financial Assets and Liabilities

See also notes 11,12 &13

Financial Assets	1997-98		1998-99	
	Total	Aggregate	Total	Aggregate
Cash at Bank	516	516	20,258	20,258
Cash on hand	15,450	15,450	15,550	15,550
Receivables	2,740	2,740	1,787	1,787
Other Debtors	12,716	12,716	3,613	3,613
Prepaid expenses	96,771	96,771	49,992	49,992
Library vouchers	881	881	971	971
Total Financial Assets	129,074	129,074	92,171	92,171

Financial Liabilities

Suppliers	203,205	203,205	159,892	159,892
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PART VII - ANNEXURE A

FREEDOM OF INFORMATION ACT 1982 - SUPPLEMENTARY MATERIAL

Parts IV and V of this Report provide information about the establishment, functions, objectives and organization of the High Court and its administration. Other information required by Section 8 of the *Freedom of Information Act 1982* follows.

Categories of Documents

The High Court Registry maintains the following categories of documents:

- documents relating to appeals and applications lodged or matters heard by the Court, including application and appeal books, some exhibits, transcripts and copies of judgments;
- registers and indexes in bound volumes and card systems;
- the Register of Practitioners;
- statistical information;
- internal working documents and correspondence.

The following categories of documents are open to public access in accordance with an enactment other than the *Freedom of Information Act* where that access is subject to a fee or other charge: documents filed or lodged at the High Court Registry (Order 58, rules 8(2) and 9(1) of the High Court Rules).

The following categories of documents are available for purchase by the public in accordance with arrangements referred to below:

- transcripts of proceedings before the Court;
- reasons for judgment;
- photocopies of Court documents which are available for search (Order 58, rule 8(2)).

Apart from library materials, the Library maintains administrative records concerning the availability, acquisition, maintenance and disposal of library materials.

The Marshal's Branch maintains the following categories of documents:

- accounts, records, contracts and other documents arising from the Court's exercise of its power under Section 17 of the Act;
- personnel records and associated correspondence;
- internal working documents and correspondence.

FOI Procedures and Initial Contact Points

FOI contact officers will assist applicants to identify the particular documents they seek. The availability of some Court documents will be affected by Section 5 of the *Freedom of Information Act* which states that the Act does not apply to any request for access to a document of the Court unless the document relates to matters of an administrative nature. However, Order 58, rules 8(2) and 9(1) of the High Court Rules allow access to documents filed or lodged in the High Court Registry, Canberra, or offices of the Registry in State capitals upon payment of a prescribed fee.

If a request is to be refused on grounds appearing in Sections 15(2) or 24(1) of the *Freedom of Information Act* (insufficient information or unreasonable diversion of resources), applicants will be notified and given an opportunity for consultation. The only officer authorized to deny access

to documents is the Chief Executive and Principal Registrar of the High Court of Australia. If an applicant resides some distance from any point at which access is normally provided, consideration will be given to alternative arrangements with a view to reducing inconvenience to the applicant.

Enquiries concerning access to documents or other matters relating to freedom of information should be directed to the following officer:

Senior Deputy Marshal (Administration)
High Court of Australia
Parkes Place
Parkes ACT 2600

OR:

PO Box E435
Kingston ACT 2604

Telephone (02) 6270 6851 or facsimile (02) 6270 6825

Business hours are from 8:30am to 5:00pm.

Facilities for Access

Facilities for examining documents and obtaining copies are available at the addresses shown below. Information about the facilities available to assist people with disabilities to obtain access to documents can be obtained from the officers nominated below as initial contacts. If necessary, special arrangements can be made with the following officers to overcome any difficulties in physical access:

Registry matters - Senior Registrar:
telephone (02) 6270 6862 or facsimile (02) 6273 3025

Marshal's Branch matters - Senior Deputy Marshal (Administration):
telephone (02) 6270 6851 or facsimile (02) 6270 6825

Publications produced for the High Court are available through Australian Government Bookshops. They may be inspected at the High Court building. A brochure on the High Court is available free of charge from Attendants at the High Court building. Documents etc. open to public inspection subject to a fee or other charge are available at the following offices:

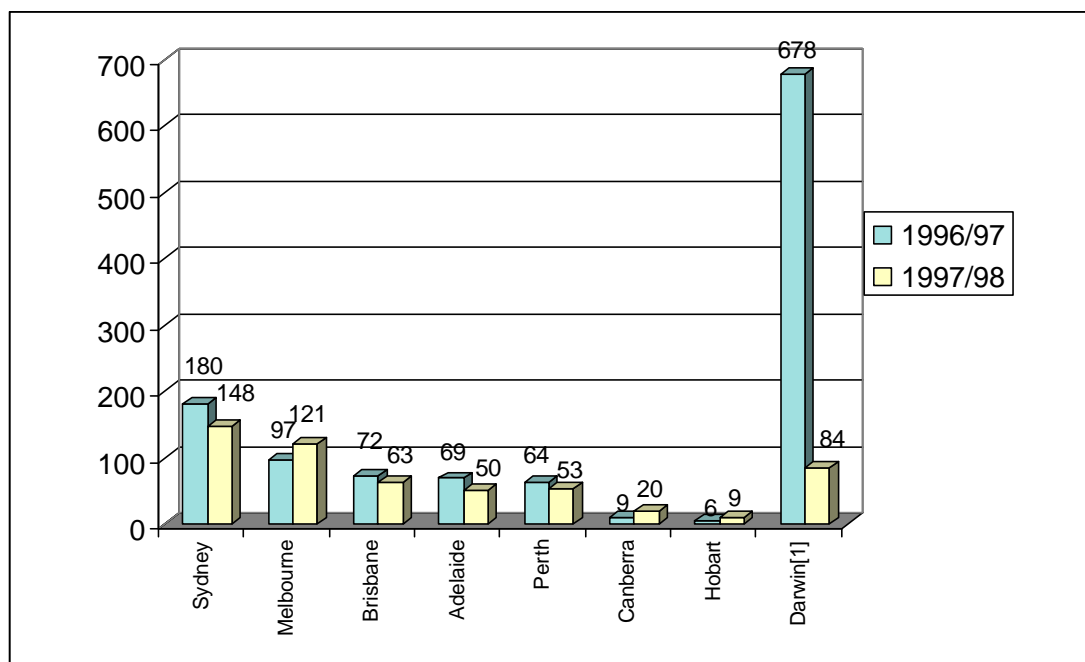
- Registry of the High Court, Parkes Place, Parkes, ACT 2600.
- Office of the High Court Registry, 19th Floor, Law Courts Building, Queens Square, Sydney NSW 2000.
- Office of the Registry, Level 26, 200 Queen Street, Melbourne Vic 3000.
- Office of the Registry, Level 6, Commonwealth Law Courts Building, 119 North Quay, Brisbane Qld 4000.
- Office of the Registry, Supreme Court, 301 King William Street, Adelaide SA 5000.
- Office of the Registry, Level 6, Commonwealth Law Courts Building, Victoria Avenue, Perth WA 6000.
- Office of the Registry, Supreme Court, Salamanca Place, Hobart Tas 7000.
- Office of the Registry, Supreme Court, Mitchell Street, Darwin NT 0800.

PART VII - ANNEXURE B

TABLES OF JUDICIAL WORKLOAD

1. Total matters filed in all jurisdictions
2. Categories of matters filed in all jurisdictions
3. Civil special leave applications filed
4. Criminal special leave applications filed
5. Civil appeals filed
6. Criminal appeals filed
7. Total matters heard in all jurisdictions
8. Categories of matters heard in all jurisdictions
9. Civil special leave applications heard
10. Criminal special leave applications heard
11. Civil appeals heard
12. Criminal appeals heard
13. Total decisions related to matters filed in all jurisdictions
14. Categories of decisions related to matters filed in all jurisdictions
15. Civil special leave applications decided
16. Results of civil special leave applications decided
17. Criminal special leave applications decided
18. Results of criminal special leave applications decided
19. Civil appeals decided
20. Results of civil appeals decided
21. Criminal appeals decided
22. Results of criminal appeals decided
23. Elapsed time for civil special leave applications finalised
24. Elapsed time for civil appeals finalised
25. Elapsed time for criminal special leave applications finalised
26. Elapsed time for criminal appeals finalised
27. Elapsed time for constitutional matters and electoral petitions finalised
28. Elapsed time for orders nisi and applications referred to Full Court finalised
29. Matters heard before a single Justice
30. Categories of matters heard before a single Justice

1. TOTAL MATTERS FILED IN ALL JURISDICTIONS



[1] Includes 665 related Writs of Summons issued in the Darwin Office of the Registry.

2. CATEGORIES OF MATTERS FILED IN ALL JURISDICTIONS

Category	1996-97	1997-98
Special Leave Applications (Civil)	268	245
Special Leave Applications (Criminal)	101	113
Appeals (Civil)	51	35
Appeals (Criminal)	18	16
Writ of Summons ^[1]	700 ^[2]	81
Applications for Removal of Cause ^[3]	9	14
Orders Nisi and Applications Referred to Full Court ^[4]	21	39
Electoral Act ^[5]	0	0
Other ^[6]	7	5
TOTAL	1,175	548

[1] Of the 700 writs of summons issued in 1996-97, 3 were discontinued and 18 were remitted to another Court during the same year. Matters are remitted pursuant to Section 44 of the *Judiciary Act 1903* (Cth). Of the 81 writs of summons issued in 1997-98, 1 was discontinued and 4 were remitted to another Court during the same year.

[2] This figure includes 665 related writs of summons issued in the Darwin Office of the Registry.

- [3] Applications made in accordance with Section 40 of the *Judiciary Act 1903* (Cth).
- [4] Applications for prerogative relief made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution. Applications are governed by Order 55 of the High Court Rules and include applications directed to be made by Notice of Motion to a Justice in Court or to a Full Court in accordance with Order 55 Rule 2.
- [5] Election Petitions filed pursuant to Section 353(1) of the *Commonwealth Electoral Act 1918* with the Court sitting as the Court of Disputed Returns.
- [6] Ex parte applications for leave to issue proceedings where a Justice has directed, pursuant to Order 58 rule 4 of the High Court Rules, that the Registrar refuse to issue the proceedings without the leave of a Justice first had and obtained by the party seeking to issue it.

3. CIVIL SPECIAL LEAVE APPLICATIONS FILED

	Court Appealed From											
	Federal Court		Family Court		Supreme Court		High Court		Ind.Rel. Court		TOTAL	
Registry	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	41	23	4	3	59	55	1	0	1	1 ^[1]	106	82
Melbourne	20	23	5	4	15	31	0	2	7	0	47	60
Brisbane	7	3	6	4	25	23	2	0	3	0	43	30
Adelaide	6	2	3	0	21	19	0	1	0	0	30	22
Perth	7	8	1	0	24	25	0	0	0	0	32	33
Canberra	4	9	0	0	0	0	0	1	0	0	4	10
Hobart	1	0	0	2	1	2	0	0	0	0	2	4
Darwin	1	0	1	0	2	4	0	0	0	0	4	4
TOTAL	87	68	20	13	147	159	3	4	11	1	268	245

[1] Application for special leave to appeal from the Australian Industrial Relations Commission.

4. CRIMINAL SPECIAL LEAVE APPLICATIONS FILED

Registry	Court Appealed From					
	Federal Court		Supreme Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	1	-	24	23	25	23
Melbourne	1	-	20	26	21	26
Brisbane	-	-	10	21	10	21
Adelaide	1	-	23	19	24	19
Perth	-	-	15	13	15	13
Canberra	0	1	-	-	0	1
Hobart	-	-	3	2	3	2
Darwin	-	-	3	8	3	8
TOTAL	3	1	98	112	101	113

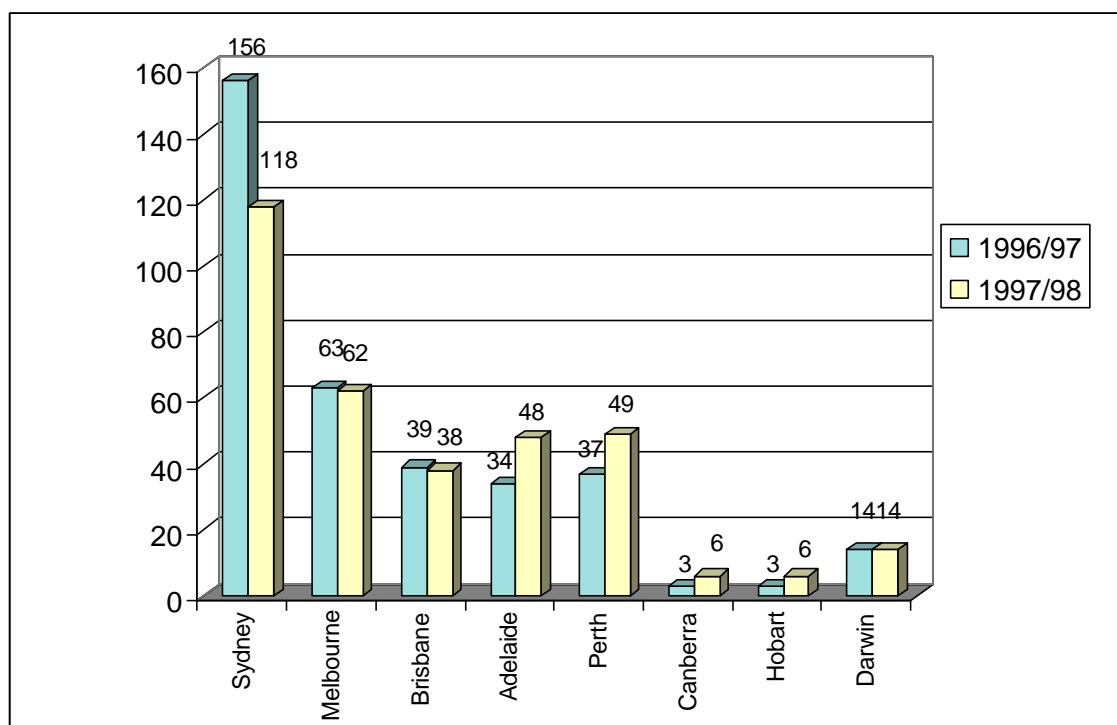
5. CIVIL APPEALS FILED

Registry	Court Appealed From											
	Federal Court		Family Court		Supreme Court		High Court		Ind.Rel. Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	14	7	1	1	14	8	0	0	1	0	30	16
Melbourne	3	3	0	0	2	3	0	0	1	0	6	6
Brisbane	2	0	0	0	1	2	0	0	0	0	3	2
Adelaide	0	0	1	1	3	3	0	1	0	0	4	5
Perth	0	1	0	0	6	2	0	0	0	0	6	3
Canberra	0	0	0	0	0	1	0	0	0	0	0	1
Hobart	0	0	0	0	0	0	0	0	0	0	0	0
Darwin	0	1	0	1	2	0	0	0	0	0	2	2
TOTAL	19	12	2	3	28	19	0	1	2	0	51	35

6. CRIMINAL APPEALS FILED

Registry	Court Appealed From					
	Federal Court		Supreme Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	-	-	3	5	3	5
Melbourne	-	1	5	2	5	3
Brisbane	-	-	3	1	3	1
Adelaide	-	-	0	1	0	1
Perth	-	-	2	2	2	2
Canberra	0	0	-	-	0	0
Hobart	-	-	1	2	1	2
Darwin	-	-	4	2	4	2
TOTAL	0	1	18	15	18	16

7. TOTAL MATTERS HEARD IN ALL JURISDICTIONS



8. CATEGORIES OF MATTERS HEARD IN ALL JURISDICTIONS

Category	1996-97	1997-98
Special Leave Applications (Civil)	204	182
Special Leave Applications (Criminal)	72	86
Appeals (Civil)	40	41
Appeals (Criminal)	19	16
Constitutional & Other Full Court Matters ^[1]	6	4
Applications for Removal of Cause ^[2]	3	10
Orders Nisi and Applications Referred to Full Court ^[3]	3	2
Electoral Act ^[4]	2	0
TOTAL	349	341

[1] Including matters proceeding to hearing by way of a Case Stated or Questions Reserved for the consideration of the Full Court pursuant to Section 18 of the *Judiciary Act 1903* (Cth), demurrer and causes removed in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

[2] Applications made in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

[3] Applications for prerogative relief made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution. Applications are governed by Order 55 of the High Court Rules and include applications directed to be made by Notice of Motion to a Justice in Court or to a Full Court in accordance with Order 55 Rule 2.

[4] Election Petitions filed pursuant to Section 353(1) of the *Commonwealth Electoral Act 1918* with the Court sitting as the Court of Disputed Returns.

9. CIVIL SPECIAL LEAVE APPLICATIONS HEARD

	Court Appealed From										TOTAL	
	Federal Court		Family Court		Supreme Court		High Court		Ind.Rel. Court			
Registry	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	39	19	2	1	50	51	0	0	2	0	93	71
Melbourne	13	15	2	6	13	16	1	1	5	0	34	38
Brisbane	6	2	4	2	13	18	2	0	1	1	26	23
Adelaide	4	3	1	4	12	14	0	0	1	0	18	21
Perth	3	5	0	0	21	19	0	0	0	0	24	24
Canberra	1	3	1	0	0	0	0	0	0	0	2	3
Hobart	0	0	0	0	0	1	0	0	0	0	0	1
Darwin	3	0	0	1	4	0	0	0	0	0	7	1
TOTAL	69	47	10	14	113	119	3	1	9	1	204	182

10. CRIMINAL SPECIAL LEAVE APPLICATIONS HEARD

Court Appealed From

Registry	Federal Court		Supreme Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	-	-	27	24	27	24
Melbourne	-	1	16	8	16	9
Brisbane	-	-	7	10	7	10
Adelaide	-	-	9	17	9	17
Perth	-	-	8	17 ^[1]	8	17
Canberra	0	0	-	-	0	0
Hobart	-	-	1	3	1	3
Darwin	-	-	4	6	4	6
TOTAL	0	1	72	85	72	86

[1] Includes 1 application from the District Court of Western Australia.

11. CIVIL APPEALS HEARD

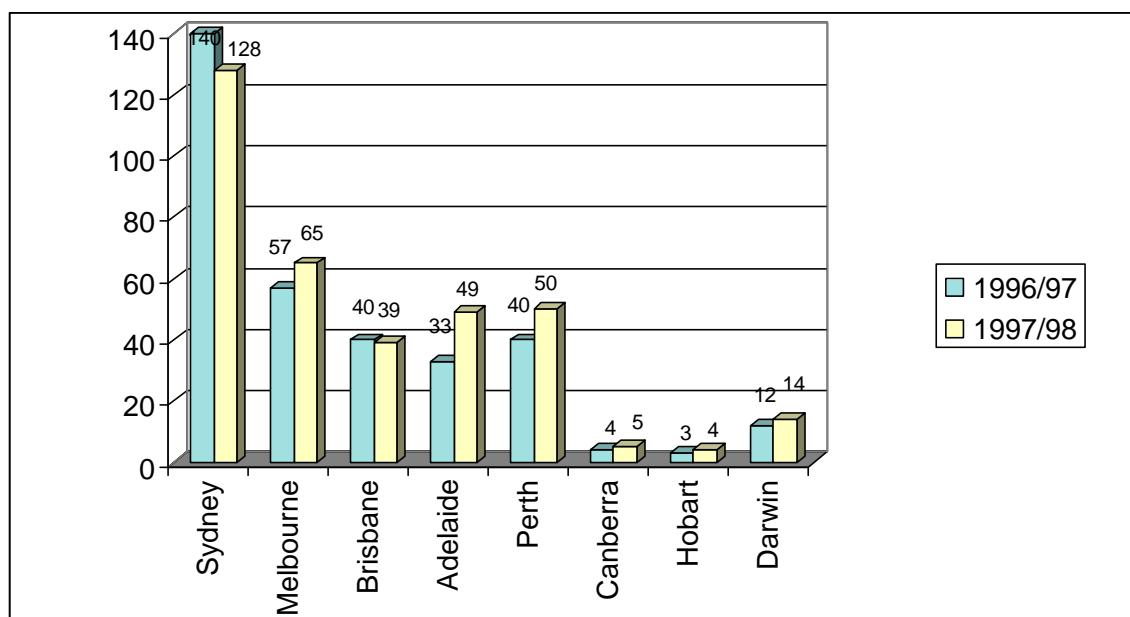
Court Appealed From

Registry	Federal Court		Family Court		Supreme Court		High Court		Ind.Rel. Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	9	10	1	1	11	8	0	0	1	0	22	19
Melbourne	3	5	0	0	3	0	0	0	0	1	6	6
Brisbane	1	1	0	0	1	1	0	0	1	0	3	2
Adelaide	1	0	1	0	3	4	0	0	0	0	5	4
Perth	0	1	0	0	2	5	0	0	0	0	2	6
Canberra	0	0	0	0	0	1	0	0	0	0	0	1
Hobart	0	0	0	0	0	0	0	0	0	0	0	0
Darwin	0	1	0	1	2	1	0	0	0	0	2	3
TOTAL	14	18	2	2	22	20	0	0	2	1	40	41

12. CRIMINAL APPEALS HEARD

Registry	Court Appealed From					
	Federal Court		Supreme Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	-	-	7	4	7	4
Melbourne	-	1	5	2	5	3
Brisbane	-	-	3	1	3	1
Adelaide	-	-	0	1	0	1
Perth	-	-	2	2	2	2
Canberra	0	0	-	-	0	0
Hobart	-	-	1	2	1	2
Darwin	-	-	1	3	1	3
TOTAL	0	1	19	15	19	16

13. TOTAL DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS



14. CATEGORIES OF DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS

Category	1996-97	1997-98
Special Leave Applications (Civil)	200	181
Special Leave Applications (Criminal)	70	86
Appeals (Civil)	29	48
Appeals (Criminal)	14	17
Constitutional & Other Full Court Matters ^[1]	11	8
Applications for Removal of Cause ^[2]	3	10
Orders Nisi and Applications Referred to Full Court ^[3]	0	4
Electoral Act ^[4]	2	0
TOTAL	329	354

[1] Including matters proceeding to hearing by way of a Case Stated or Questions Reserved for the consideration of the Full Court pursuant to Section 18 of the *Judiciary Act 1903* (Cth), demurrer and causes removed in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

[2] Applications made in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

[3] Applications for prerogative relief made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution. Applications are governed by Order 55 of the High Court Rules and include applications directed to be made by Notice of Motion to a Justice in Court or to a Full Court in accordance with Order 55 Rule 2.

[4] Election Petitions filed pursuant to Section 353(1) of the *Commonwealth Electoral Act 1918* with the Court sitting as the Court of Disputed Returns.

15. CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

Court Appealed From

Registry	Federal Court		Family Court		Supreme Court		High Court		Ind.Rel. Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	39	19	2	1	48	51	0	0	2	0	91	71
Melbourne	13	15	2	6	12	16	1	1	5	0	31^[1]	38
Brisbane	6	1	4	2	13	18	2	0	1	1	26	22
Adelaide	4	3	1	4	12	14	0	0	1	0	18	21
Perth	3	5	0	0	21	19	0	0	0	0	24	24
Canberra	1	3	1	0	0	0	0	0	0	0	2	3
Hobart	0	0	0	0	0	1	0	0	0	0	0	1
Darwin	3	0	0	1	3	0	0	0	0	0	6	1
TOTAL	69	46	10	14	109	119	3	1	9	1	198	181

[1] In addition two applications were stood over with leave to restore on seven days notice.

16. RESULTS OF CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

	1996-97			1997-98		
	Special Leave Granted	Special Leave Refused	Total	Special Leave Granted	Special Leave Refused	Total
Registry:						
Sydney	26	65	91	16	55	71
Melbourne	6	25	31 ^[1]	7	31	38
Brisbane	4	22	26	1	21	22
Adelaide	4	14	18	3	18	21
Perth	6	18	24	8	16	24
Canberra	0	2	2	1	2	3
Hobart	0	0	0	0	1	1
Darwin	2	4	6	1	0	1
TOTAL	48	150	198	37	144	181

[1] In addition two applications were stood over with leave to restore on seven days notice.

17. CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	Court Appealed From					
	Federal Court		Supreme Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	-	-	26	24	26	24
Melbourne	-	1	16	8	16	9
Brisbane	-	-	6	10	6	10
Adelaide	-	-	9	17	9	17
Perth	-	-	8	17 ^[1]	8	17
Canberra	0	0	-	-	0	0
Hobart	-	-	1	3	1	3
Darwin	-	-	4	6	4	6
TOTAL	0	1	70	85	70	86

[1] Includes 1 application from the District Court of Western Australia.

18. RESULTS OF CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED

	1996-97			1997-98		
	Special Leave Granted	Special Leave Refused	Total	Special Leave Granted	Special Leave Refused	Total
Registry:						
Sydney	3	23	26	5	19	24
Melbourne	5	11	16	3	6	9
Brisbane	2	4	6	1	9	10
Adelaide	0	9	9	2	15	17
Perth	2	6	8	3	14	17
Canberra	0	0	0	0	0	0
Hobart	1	0	1	2	1	3
Darwin	4	0	4	4	2	6
TOTAL	17	53	70	20	66	86

19. CIVIL APPEALS DECIDED

	Court Appealed From											
	Federal Court		Family Court		Supreme Court		High Court		Ind.Rel. Court		TOTAL	
Registry	96- 97	97- 98	96- 97	97- 98	96- 97	97- 98	96- 97	97- 98	96- 97	97- 98	96- 97	97- 98
Sydney	6	14	1	0	7	10	0	0	0	1	14	25
Melbourne	3	4	0	0	1	3	0	0	0	0	4	7
Brisbane	1	1	0	0	3	1	0	0	0	1	4	3
Adelaide	1	0	1	0	2	4	0	0	0	0	4	4
Perth	0	1	0	0	1	6	0	0	0	0	1	7
Canberra	1	0	0	0	0	0	0	0	0	0	1	0
Hobart	0	0	0	0	0	0	0	0	0	0	0	0
Darwin	0	0	0	0	1	2	0	0	0	0	1	2
TOTAL	12	20	2	0	15	26	0	0	0	2	29	48

20. RESULTS OF CIVIL APPEALS DECIDED

	1996-97			1997-98		
	Appeals Allowed	Appeals Dismissed	Total	Appeals Allowed	Appeals Dismissed	Total
Registry:						
Sydney	8	6	14	18	7	25
Melbourne	4	0	4	4	3	7
Brisbane	2	2	4	2	1	3
Adelaide	2	2	4	2	2	4
Perth	1	0	1	3	4	7
Canberra	1	0	1	0	0	0
Hobart	0	0	0	0	0	0
Darwin	0	1	1	0	2	2
TOTAL	18	11	29	29	19	48

21. CRIMINAL APPEALS DECIDED

Registry	Court Appealed From					
	Federal Court		Supreme Court		TOTAL	
	96-97	97-98	96-97	97-98	96-97	97-98
Sydney	-	-	6	4	6	4
Melbourne	-	-	1	5	1	5
Brisbane	-	-	2	3	2	3
Adelaide	-	-	0	0	0	0
Perth	-	-	3	2	3	2
Canberra	0	0	-	-	0	0
Hobart	-	-	1	0	1	0
Darwin	-	-	1	3	1	3
TOTAL	0	0	14	17	14	17

22. RESULTS OF CRIMINAL APPEALS DECIDED

	1996-97			1997-98		
	Appeals Allowed	Appeals Dismissed	Total	Appeals Allowed	Appeals Dismissed	Total
Registry:						
Sydney	2	4	6	4	0	4
Melbourne	1	0	1	1	4	5
Brisbane	2	0	2	2	1	3
Adelaide	0	0	0	0	0	0
Perth	3	0	3	1	1	2
Canberra	0	0	0	0	0	0
Hobart	1	0	1	0	0	0
Darwin	0	1	1	0	3	3
TOTAL	9	5	14	8	9	17

23. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%
90 or less	78	39	17	9	124	62	130	72	200	100	181	100	14	7	7	4
91 to 180	98	49	95	53	61	30	38	21	0	0	0	0	80	40	47	26
181 to 270	19	10	39	22	14	7	8	4	0	0	0	0	77	39	63	35
271 to 365	5	2	15	8	0	0	5	3	0	0	0	0	17	8	28	15
over 365	0	0	15	8	1	1	0	0	0	0	0	0	12	6	36	20
TOTAL	200	100	181	100	200	100	181	100	200	100	181	100	200	100	181	100

24. ELAPSED TIME FOR CIVIL APPEALS FINALISED

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%
90 or less	22	76	21	44	26	90	28	58	11	38	4	8	3	10	0	0
91 to 180	6	21	19	40	3	10	11	23	7	24	13	27	4	14	2	4
181 to 270	0	0	7	14	0	0	8	17	3	10	24	50	8	28	4	8
271 to 365	1	3	1	2	0	0	1	2	6	21	7	15	4	14	8	17
over 365	0	0	0	-	0	0	0	0	2	7	0	0	10	34	34	71
TOTAL	29	100	48	100	29	100	48	100	29	100	48	100	29	100	48	100

25. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%
90 or less	21	30	4	5	40	57	56	65	70	100	86	100	5	7	1	1
91 to 180	32	46	32	37	28	40	20	23	0	0	0	0	19	27	12	14
181 to 270	8	11	26	30	2	3	4	5	0	0	0	0	28	40	25	29
271 to 365	4	6	18	21	0	0	5	6	0	0	0	0	8	12	26	30
over 365	5	7	6	7	0	0	1	1	0	0	0	0	10	14	22	26
TOTAL	70	100	86	100	70	100	86	100	70	100	86	100	70	100	86	100

26. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%
90 or less	13	93	15	88	10	72	14	82	9	65	4	24	4	29	0	0
91 to 180	1	7	2	12	3	21	3	18	2	14	6	35	2	14	3	18
181 to 270	0	0	0	0	1	7	0	0	1	7	5	29	4	29	7	41
271 to 365	0	0	0	0	0	0	0	0	2	14	2	12	1	7	4	23
over 365	0	0	0	0	0	0	0	0	0	0	0	0	3	21	3	18
TOTAL	14	100	17	100	14	100	17	100	14	100	17	100	14	100	17	100

27. ELAPSED TIME FOR CONSTITUTIONAL MATTERS AND ELECTORAL PETITIONS FINALISED^[1]

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%
90 or less	4	31	1	12	13	100	7	88	3	23	2	25	1	8	0	0
91 to 180	2	15	3	38	0	0	1	12	1	8	3	38	2	15	1	12
181 to 270	1	8	0	0	0	0	0	0	4	31	0	0	2	15	0	0
271 to 365	2	15	2	25	0	0	0	0	5	38	1	12	0	0	2	25
over 365	4	31	2	25	0	0	0	0	0	0	2	25	8	62	5	63
TOTAL	13	100	8	100	13	100	8	100	13	100	8	100	13	100	8	100

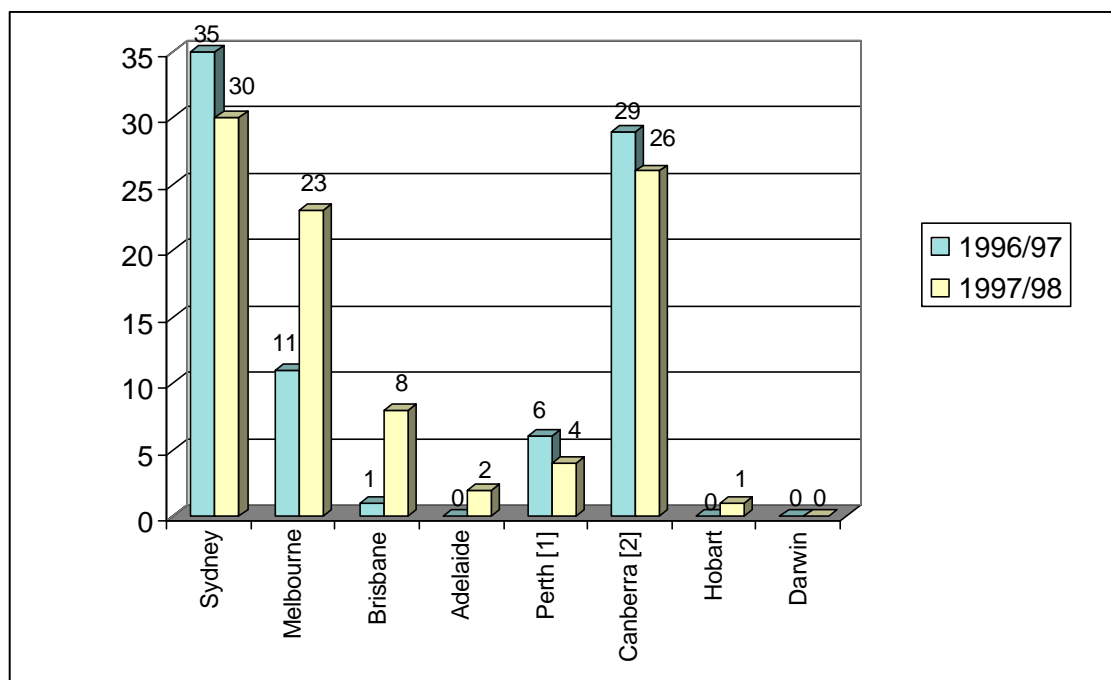
[1] Including matters proceeding to hearing by way of a Case Stated or Questions Reserved for the consideration of the Full Court pursuant to Section 18 of the *Judiciary Act 1903* (Cth), demurrer and causes removed in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

28. ELAPSED TIME FOR ORDER NISI AND APPLICATIONS REFERRED TO FULL COURT FINALISED^[1]

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%	96-97	%	97-98	%
90 or less	0	-	2	50	0	-	1	25	0	-	0	0	0	-	0	0
91 to 180	0	-	0	0	0	-	3	75	0	-	3	75	0	-	0	0
181 to 270	0	-	0	0	0	-	0	0	0	-	1	25	0	-	0	0
271 to 365	0	-	2	50	0	-	0	0	0	-	0	0	0	-	1	25
over 365	0	-	0	0	0	-	0	0	0	-	0	0	0	-	3	75
TOTAL	0	-	4	100	0	-	4	100	0	-	4	100	0	-	4	100

[1] Applications for prerogative relief made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution. Applications are governed by Order 55 of the High Court Rules and include applications directed to be made by Notice of Motion to a Justice in Court or to a Full Court in accordance with Order 55 Rule 2.

29. MATTERS HEARD BEFORE A SINGLE JUSTICE



30. CATEGORIES OF MATTERS HEARD BEFORE A SINGLE JUSTICE

Category	1996-97	1997-98
Directions hearing	26	19
Order nisi application	15	24
Interlocutory injunction/stay/bail application	13	16
Application for leave to issue process	4	12
Application to vacate/expedite hearing date	9	8
Trial of election petition	2	0
Solicitor ceasing to act	3	0
Other	10	15
TOTAL	82	94

PART VII - ANNEXURE C

COSTS OF LITIGATION INFORMATION

This Annexure comprises the following information in relation to costs of litigation in the High Court of Australia:

- High Court of Australia (Fees) Regulations - Schedule 1: Fees for filing, issuing or sealing a document or obtaining a service - as at 30 June 1998.
- High Court of Australia (Fees) Regulations - Schedule 2: Scale of Professional Costs.
- High Court of Australia (Fees) Regulations - Record of fees waived.

HIGH COURT OF AUSTRALIA (FEES) REGULATIONS

SCHEDULE 1 - FEES FOR FILING, ISSUING OR SEALING A DOCUMENT OR OBTAINING A SERVICE AS AT 30 JUNE 1998

Regulation 4

PART 1		
Document or service mentioned in subregulation 4(1)		
Column 1 Item No.	Column 2 Document or service	Column 3 Fee
		\$
1	Application under rule 1 of Order 55 of the High Court Rules	1,000.00
2	Writ of summons or petition	1,000.00
3	Civil leave or special leave application	1,000.00
4	Criminal special leave application	62.00
5	Application initiating a proceeding (including removals under section 40 of the Act, but not including an application referred to in another item of this Schedule)	1,000.00
5A	Application for summons for directions	250.00
6	Civil notice of appeal	1,000.00
6A	Criminal notice of appeal	368.00
7	Certificate of the Registrar other than a certificate of taxation	37.00
8	Taxing a bill of costs for every \$100.00, or part of \$100.00	7.50
<hr/>		
PART 2		
Document or service mentioned in subregulation 4(2)		
9	Searching or inspecting a document mentioned in subrule 8(2) of Order 58 of the High Court Rules: For each hour or part of an hour	12.00
10	Making a photocopy or office copy of any document: For each page	2.50
11	Copy of reasons for judgment: (a) for each copy issued to a person not a party to the proceeding; and (b) for each copy in excess of one copy issued to a party to the proceeding; and (c) in respect of each copy issued: (i) for each page in excess of 10 pages; or (ii) maximum per copy	2.50 2.50 0.60 25.00
12	Annual subscription for copies of reasons for judgments (including the cost of postage)	430.00
13	Copy of transcript of proceedings prepared by the Court Reporting Service: For each page	7.00

[**Note:** Subregulation 4(1A) provides for a fee payable by a corporation in respect of items 1,2,3,5,5A and 6 to be twice the fee specified in column 3 of the item.]

HIGH COURT OF AUSTRALIA (FEES) REGULATIONS

SCHEDULE 2 - SCALE OF PROFESSIONAL COSTS

Item	4 May 1998 to date \$
INSTRUCTIONS	
1 To sue or defend, or to make or oppose an application for special leave to appeal, or to appeal, or oppose an appeal or to cross appeal, or for any other originating proceedings	157.20
2 To make or oppose any interlocutory application	69.70
3 For a special case, case stated or reservation of question of law for the consideration of a Full Court, or for a statement of claim or a petition	157.20
4 For any pleading (other than a statement of claim)	122.10
5 To amend any pleading	42.10
6 For a statement of facts or an agreed statement of facts in a matter	122.10
7 For interrogatories, answers to interrogatories, special affidavits or an affidavit (not being a formal affidavit)	94.20
8 For Counsel to advise	67.30
9 For a document not otherwise provided for	26.60
10 For a brief for Counsel on a hearing or application in Court or in Chambers or brief notes for Solicitor.....	87.40
NOTE: Instructions are not to be allowed where the work intended to be included therein is charged for and allowed in detail. Instead of the above costs for instructions, such larger sum may be claimed as is reasonable in all the circumstances of the case, and is allowed on taxation at the discretion of the Taxing Officer.	
WRITS	
11 Writ of Summons for the commencement of an action or other writ not specifically provided for	72.70
12 Concurrent Writ of Summons	26.10
13 Writ of Subpoena	38.00
14 If any of the above writs exceeds 3 folios, for each extra folio	5.30
NOTE: These costs include all endorsements, and copies (for the officers sealing them) and attendances to issue or seal, but not the Court fees.	
SUMMONSES AND MOTIONS	
15 Any Chamber Summons or motion, including preparation, copies and attendance to issue, including attendance to fix return date	44.70
- if more than 3 folios, for each extra folio	5.30
APPEARANCES AND NOTICES	
16 Preparing and entering an appearance including duplicate memorandum and Notice of Appearance for service	73.50
17 Any necessary or proper notice or memorandum not otherwise provided for, or any demand ..	24.50
- if more than 3 folios, for each extra folio	5.30
NOTE: This provision shall not apply to short notices or memoranda endorsed on other documents but the words or folios therein may be allowed as part of the documents so endorsed.	
DRAWING	
18 Drawing any pleading or affidavit not exceeding 5 folios	69.70
- or, per folio	9.80
19 Drawing any other document where no other provision is made - per folio	9.60

	4 May 1998 to date
	\$
ENGROSSING	
20	Marking each exhibit to an affidavit..... 1.70
21	Engrossing any document - per folio 3.60
COPIES	
22	Of any document including carbon, photographic or machine made copy - per page 1.70
	Except that where the allowance for 10 or more pages is claimed, in respect of any document, the sum allowed for such copies shall be at the discretion of the Taxing Officer.
PERUSAL AND EXAMINATION	
23	Perusal of any document including special letter, telegram, telex or similar document 26.00
	- or, per folio 3.60
	Except that where an allowance for 30 or more folios is claimed, in respect of any document, the sum allowed for perusal shall be at the discretion of the Taxing Officer.
24	Where it is not necessary to peruse a document, such as, checking a proof print of, or examining an application or appeal book
	- per quarter hour
	- Solicitor 26.10
	- Clerk 8.60
CORRESPONDENCE	
25	Short letter including a formal acknowledgment, making appointments, forwarding documents without comment 12.40
26	Ordinary letter (including letters between principal and agent) 21.10
27	Circular letter (after the first) each 7.00
28	Special letter or letter containing opinion and including letters of substance between principal and agent 34.80
	Or
	Such sum as the Taxing Officer thinks reasonable in the circumstances.
29	Telegram, facsimile copy, telex or other document by similar transmitting process including attendance to dispatch (where necessary) 34.80
	Or
	Such sum as the Taxing Officer thinks reasonable in the circumstances.
30	Receiving and filing any incoming special letter, facsimile, telegram or telex 1.70
	NOTE: Postage and transmission fees may be claimed as a disbursement properly incurred.
SERVICE	
31	Personal service of any process or proceeding where necessary 43.30
	Or
	Such sum may be allowed as is reasonable having regard to time occupied, distance travelled and other relevant circumstances.
32	When, in consequence of the distance of the party to be served, it is proper to effect service through an agent, instead of the allowance for service for:
	(a) Correspondence 38.60
	(b) Agent's charges 73.60
	and such disbursements as may reasonably be incurred.
33	Service of any document at the office of the address for service either by delivery or by post 14.80
	..
ATTENDANCES	
34	An attendance which requires the attendance of a Solicitor
	- per quarter hour 41.70
35	An attendance which is capable of being made by a Clerk 26.00
	- or, per quarter hour 6.80

	4 May 1998 to date \$
36 Making an appointment or similar attendance by telephone	12.40
37 An attendance on Counsel:	
- with brief or other papers	26.50
- to appoint a conference or consultation	11.60
38 A conference or consultation with Counsel	69.70
- or, per half hour	52.60
39 On a summons or other application in Chambers	39.30
- or, per hour	69.70
40 In Court or in Chambers instructing Counsel on any hearing or application:	
- if a Solicitor attends, per hour	167.70
or	
- if a Clerk attends, per hour	69.80
41 On an application or appearance before a Registrar or a Taxing Officer	87.40
- or, per hour	104.70
NOTE: Instead of the above costs for attendances, such larger sum may be claimed as is reasonable in all the circumstances of the case, and is allowed on taxation at the discretion of the Taxing Officer.	
42 To hear judgment	45.70
43 When in the opinion of the Taxing Officer it is necessary for two Solicitors, or a Solicitor and a Clerk to attend on a hearing, such additional allowance as the Taxing Officer thinks reasonable shall be made not exceeding per day	350.50
44 Where the Taxing Officer is satisfied that a Solicitor has his principal place of practice in a place other than that in which the Court is sitting, and it is necessary for him to leave that place to attend in Court or in Chambers at the hearing of an appeal, application, or cause, an allowance (in addition to reasonable travelling expenses) may be made for each day that he is necessarily absent from his principal place of practice of such amount that the Taxing Officer thinks reasonable having regard to such other charges as the Solicitor may be entitled to make in the matter.	
Not exceeding per day	783.00
45 An attendance for which no other provision is made	34.80
PREPARATION OF APPEAL AND APPLICATION BOOKS	
46 Preparation of appeal and application books including collating all necessary material, all necessary attendances and general oversight of their preparation in cases where the Registrar is satisfied it has been done efficiently.	
Per hour: Solicitor	113.30
Clerk	37.80
47 Where appeal or application books are prepared in a Solicitor's office, the Taxing Officer may in his discretion allow such sum as he thinks just and reasonable having regard to work and labour properly performed and charged for material used. In exercising his discretion the Taxing Officer shall have regard to commercial rates for copying and binding and is not obliged to apply the photographic or machine made copy costs otherwise allowable in this scale.	

GENERAL CARE AND CONDUCT

- 48 The Taxing Officer may, where the case or circumstances warrant it, allow an amount to be claimed under this item, in addition to any item which appears in this scale, for general care and conduct. In the exercise of the discretion the Taxing Officer may have regard to any matters considered relevant including:
- (a) the complexity of the matter and the difficulty and novelty of the questions raised or any of them;
 - (b) the importance of the matter to the party and the amount involved;
 - (c) the skill, labour, specialised knowledge and responsibility involved therein on the part of the Solicitor;
 - (d) the number and importance of the documents prepared or perused without regard to length;
 - (e) the time expended by the Solicitor;
 - (f) research and consideration of questions of law and fact.

WITNESSES EXPENSES

- | | | |
|----|--|--------|
| 49 | Witnesses called because of their professional, scientific or other special skill or knowledge - per day | 637.70 |
| 50 | Witnesses called, other than covered in item 49 - per day | 67.30 |
| 51 | Witnesses remunerated in their occupation by wages, salary or fees, the amount lost by attendance at Court. | |
| 52 | Where the witness resides more than 50 kilometres from the Court, such sum as the Taxing Officer thinks reasonable for the actual cost of conveyance, together with a reasonable amount for sustenance or maintenance. | |
| 53 | The Taxing Officer may also allow such amount as is considered reasonable and properly incurred and paid to witnesses for qualifying to give skilled evidence. | |
| 54 | Notwithstanding anything in the scale, the Taxing Officer may allow to an expert witness a special fee for attendance at Court not covered by the foregoing paragraphs of this item when the witness is acting as an expert in assisting Counsel or a Solicitor for a period during the trial or hearing. The scale in this item does not affect the existing practice of allowing qualifying fees to witnesses. | |

DISBURSEMENTS

- 55 All Court fees, Counsel's fees and other fees and payments, to the extent to which they have been properly and reasonably incurred and paid, shall be allowed.
- 56 The remuneration allowed to a Solicitor shall be governed by the foregoing scale but in special cases the Taxing Officer may in his discretion allow such additional charges or disbursements as he considers reasonable.

HIGH COURT OF AUSTRALIA (FEES) REGULATIONS

WAIVER OF FEES DURING 1997-98

Exemption Category	Source of Exemption	No.	Amount
Legal Aid	Reg.4(4)(a)/4A(2)(b)/5(2)(b)	95	\$224,378
Department of Social Security Cardholder	Reg.4(4)(b)(i)&(ii)/ 4A(2)(c)(i)&(ii)/5(2)(c)(i)&(ii))	81	\$89,904
Prison inmate	Reg.4(4)(b)(iii)/4A(2)(c)(iii)/ 5(2)(c)(iii)	56	\$25,478
Child under the age of 18 years	Reg.4(4)(b)(iv)/4A(2)(c)(iv)/ 5(2)(c)(iv)	1	\$1,100
AUSTUDY recipient	Reg.4(4)(b)(v)/4A(2)(c)(v)/ 5(2)(c)(v)	4	\$10,750
ABSTUDY recipient	Reg.4(4)(b)(vi)/4A(2)(c)(vi)/ 5(2)(c)(vi)	1	\$3,250
Financial hardship	Reg.4(4)(c)/4A(2)(d)/5(2)(d)	24	\$32,984
TOTAL		262	\$387,844

PART VII - ANNEXURE D

STAFFING OVERVIEW

This Annexure comprises two tables which provide a profile of the Court administration's staffing as at 30 June 1998. The first table shows the number of men and women in full-time and part-time employment with the Court, and the second table shows the composition of staff by salary classification. Both tables exclude staff employed on a casual or sessional basis.

1. Staff Profile by Employment Category and Sex

Employment Category and Sex	Office of the Chief Executive, & Marshal's Branch	Registry Branch	Library Branch	Chambers	Total
<u>Full-time Staff</u>					
<u>Permanent</u>					
Men	12	2	0	1	15
Women	5	7	9	9	30
Total	17	9	9	10	45
<u>Temporary</u>					
Men	1	0	1	7	9
Women	0	0	0	6	6
Total	1	0	1	13	15
<u>All Full-time Staff</u>					
Men	13	2	1	8	24
Women	5	7	9	15	36
Total	18	9	10	23	60
<u>Part-time Staff</u>					
<u>Permanent</u>					
Men	6	0	0	0	6
Women	4	1	2	0	7
Total	10	1	2	0	13
<u>Temporary</u>					
Men	0	0	0	0	0
Women	0	0	0	0	0
Total	0	0	0	0	0
<u>All Part-time Staff</u>					
Men	6	0	0	0	6
Women	4	1	2	0	7
Total	10	1	2	0	13
<u>All Staff</u>					
Men	19	2	1	8	30
Women	9	8	11	15	43
Total	28	10	12	23	73

2. Composition of Staff by Salary Classification

Classification and Salary	Office of the Chief Executive, and Marshal's Branch		Registry Branch		Library Branch		Chambers		Total	
	M	F	M	F	M	F	M	F	M	F
Holder of Public Office	1								1	
Senior Executive Service \$75,106-\$124,419				1		1				2
Senior Officer and Equivalent \$52,519-\$73,213	2		1	2		1			3	3
Administrative Service Officer Classes 1-6 \$24,298-\$48,305	9	7	1	5	1	7	8	15	19	34
Information Technology Officer Classes 1-2 \$33,804-\$48,306	2								2	
Technical Officer Level 3 \$36,259-\$41,138	1								1	
Professional Officer Classes 1-2 \$29,323-\$46,993						2				2
General Service Officer Levels 2-3 \$22,433-\$25,248	4	2							4	2
Total	19	9	2	8	1	11	8	15	30	43

PART VII - ANNEXURE E

COMPLIANCE INDEX

In preparing this annual report, the High Court has complied, where applicable, with the “Requirements for Departmental Annual Reports” approved by the Parliamentary Joint Committee of Public Accounts. The index below gives the location in the report of the Court’s compliance with the major aspects of the Requirements.

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