

High Court of Australia | High Court of Australia | High Court of Australia | High Co



High Court of Australia

# Annual Report

2002 - 2003





# HIGH COURT OF AUSTRALIA

## ANNUAL REPORT 2002-03

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High Court of Australia  
Canberra ACT 2600

10 December 2003

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, 2003, 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,



Christopher M. Doogan  
Chief Executive and Principal Registrar  
of the High Court of Australia

The Honourable Philip Ruddock MP  
Attorney-General  
Parliament House  
Canberra ACT 2600



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## PART I – PREAMBLE

This is the 24th report prepared as required by the *High Court of Australia Act 1979*.

### Contact Officer

Inquiries or comments concerning this report may be directed to:

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### Freedom of Information

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.

### Electronic Publication

This report is published in Portable Document Format (PDF) on the High Court's Internet site, [www.hcourt.gov.au](http://www.hcourt.gov.au). It may be downloaded from the site free of charge.





## 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 are usually 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 and 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 they reside or by video-link from Canberra.

At 30 June 2003, the seven Justices of the High Court were:

### Chief Justice Murray 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 a Queen's Counsel in 1974. He was president of the New South Wales Bar Association in 1984-85 and was Lieutenant Governor of New South Wales from 1989 to 1998. Chief Justice Gleeson was appointed a Companion in the General Division of the Order of Australia in 1992.

## Justice Michael 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 in 1981-83 and president of the Australian Bar Association in 1983-84. He is the co-author of *The Liability of Employers*. Justice

McHugh was appointed a Companion in the General Division of the Order of Australia in 1989.

## Justice William Gummow



William Charles Montague 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 a Bachelor of Arts and Master of Laws. After 10 years in practice as a solicitor, he was admitted to the New South Wales Bar in 1976. He was appointed a Queen's Counsel in 1986. For 30 years he lectured part-time at the University of Sydney. He is the author and editor of several

texts on equity and trusts. Justice Gummow was appointed a Companion in the General Division of the Order of Australia in 1997.

## Justice Michael Kirby



Michael Donald Kirby was appointed to the Court in February 1996. He had been President of the New South Wales Court of Appeal since September 1984. He graduated from the University of Sydney as a Bachelor of Arts and Economics and a Master of Laws. He was admitted to the New South Wales Bar in 1967. He was appointed a Deputy President of the Australian Conciliation and Arbitration Commission in 1975. He served as the first chairperson of the Australian Law Reform Commission from 1975 to 1984 and was a judge of the Federal Court of Australia in 1983-84.

Justice Kirby has held numerous national and international posts, including on the board of 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 has published several books, including *The Judges* in 1984. He was appointed a Companion in the General Division of the Order of Australia in 1991 and a Companion of the Order of St Michael and St George in 1983.

## Justice Kenneth Hayne



Kenneth Madison Hayne was appointed to the Court in September 1997. At the time of his appointment he was a judge of the Victorian Court of Appeal, having been appointed one of the foundation judges of that Court in 1995. He graduated in arts and law from the University of Melbourne. He was elected Rhodes Scholar for Victoria in 1969 and graduated as a Bachelor of Civil Law from Oxford University.

He joined the Victorian Bar in 1971, and was appointed a Queen's Counsel in 1984. He practised in state and federal courts principally in commercial, constitutional and general civil matters. He was appointed a judge of the Victorian Supreme Court in 1992. Justice Hayne was appointed a Companion in the General Division of the Order of Australia in 2002.

## Justice Ian Callinan



Ian David Francis Callinan was appointed to the Court in February 1998. At the time of his appointment he was a practising barrister. He graduated a Bachelor of Laws from the University of Queensland. 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 novelist. He has served as chairman of trustees of the Queensland Art Gallery, chairman of the Brisbane Community Arts Centre and director of several public companies as well as the Australian Broadcasting Corporation. Justice Callinan was appointed a Companion in the General Division of the Order of Australia in 2003.

## Justice Dyson Heydon



John Dyson Heydon was appointed to the Court in February 2003, after having been a judge of the New South Wales Court of Appeal since 2000. He graduated in arts from the University of Sydney, and, as the Rhodes Scholar for New South Wales in 1964, graduated as Master of Arts and Bachelor of Civil Law from Oxford University.

He was admitted to the New South Wales Bar in 1973 and was appointed a Queen's Counsel in 1987. At age 34, he was elected dean of the University of Sydney Law School for 1978-79. He practised at the Bar from 1979 until his appointment to the Court of Appeal. He has published a number of legal texts, including his first book, *The Restraint of Trade Doctrine*, in 1971.



## PART III – THE YEAR IN REVIEW

### Retirement of Justice Mary Gaudron

Justice Gaudron retired from the High Court on 10 February 2003 after 16 years on the Bench. At the time of her appointment to the High Court in February 1987 she was Solicitor-General for New South Wales. She graduated from the University of Sydney as a Bachelor of Arts in 1962 and in 1965 graduated as a Bachelor of Laws with first-class honours and the University Medal in law. Justice Gaudron was admitted to the Bar in 1968 and became a Queen's Counsel in 1981. She was a deputy president of the Australian Conciliation and Arbitration Commission (now the Australian Industrial Relations Commission) from 1974 to 1980 and in 1979 she became the first person to chair the Legal Services Commission of NSW.

On the day of Justice Gaudron's retirement, Chief Justice Gleeson paid tribute to her at the Court in Canberra. In the course of his remarks he said:



*"In 1987 Justice Gaudron was appointed to the Court; its first woman Justice. It will be evident from what I have said that she brought to the Court a wealth of learning and practical experience. She also brought a profound understanding of and commitment to legal principle. Since 1987, and down to as recently as last week, she has made a major contribution to the jurisprudence of the Court, not only in constitutional and industrial cases, but across the entire range of subjects of which the jurisdiction of the Court extends.*

*She will be missed by her colleagues, not only for her personal companionship, but also for the experience, insight and learning she brought to the Court's decision-making process".*

## Appointment of Justice Dyson Heydon

Justice Heydon was sworn in as the 44th Justice of the High Court during a ceremonial sitting on 11 February 2003. A brief biography of Justice Heydon appears in Part II of this Report.

## Workload Changes

The tables of judicial workload annexed to this report show a 217 per cent increase in the number of matters filed by comparison with the previous year. This striking increase is reflected most dramatically in the Court's original jurisdiction, where the number of constitutional writs filed increased from 300 to 2,131 in 2002-03. Of those applications, 2,105 (or 99 per cent) involved migration matters. Migration matters made up 82 per cent of all matters filed in the past year.

Of the 2,131 applications for constitutional writs filed, 1,947 were remitted to either the Federal Court of Australia or the Federal Magistrates Court during the past year.

*Plaintiff S157/02 v Commonwealth and Re Minister for Immigration and Multicultural and Indigenous Affairs and Refugee Review Tribunal; Ex parte Applicants S134/02:*

The Court considered the validity and effect of two provisions added to the Migration Act in October 2001, one of which prevented certain administrative decisions being the subject of judicial review (section 474). The Court held that decisions affected by jurisdictional error were not decisions to which section 474 applied.

As a consequence of this judgment, in February 2003 there was a callover of applications for constitutional writs in migration matters. One hundred and ninety-one matters called over in Sydney; and 111 Melbourne and 362 Adelaide matters were called over in Melbourne. In the vast majority of matters called over, which involved both represented and self-represented litigants, there were orders made remitting the matters to the Federal Court. This disposed of a large number of migration matters but involved considerable Registry time and resources for the preparation and disposition of those matters.



*Muin v Refugee Review Tribunal & Ors; Lie v Refugee Review Tribunal & Ors*: Both Mr Muin and Ms Lie were applicants in a representative capacity. Following the judgment of the Court, the individuals for whom Mr Muin and Ms Lie were parties in a representative capacity were directed to file individual applications for constitutional relief. Consequently, more than 1,350 applications were filed within the times directed and then remitted to the Federal Court.

Aside from the 664 matters disposed of by the callover the number of single Justice matters heard in 2002-03 has doubled.

At the same time the appellate work has continued to rise, with the number of special leave applications filed in 2002-03 increasing by 120 per cent. In this regard consideration is being given to the introduction of revised procedures for the disposition of special leave applications.

### Self-Represented Litigants

The number of self-represented litigants appearing before the Court remained high. The proportion of self-represented litigants in applicants for special leave to appeal increased in the past year to 42 per cent of the applications filed (compared with 40 per cent in the previous year and 33 per cent in 2000-01).

Of the special leave applications heard by the Court during the reporting year, approximately 99 per cent of applications by self-represented litigants were refused.

It is estimated that around 50 per cent of the time of the Registry staff is taken up with self-represented litigants.

### Waiver of Fees

It will be noted from Part VII Annexure C that during the reporting year fees totalling \$3,544,014 were waived in 2,512 cases. From Table 2 in Annexure B (Categories of Matters Filed in all Jurisdictions) it will be seen that there were 2,925 new matters filed during the year. Relating fee waivers to matters filed shows that only 413 litigants paid any fees during the year.

Expressed another way, only 14 per cent of litigants who filed new matters during the year paid any fees. Of the remaining 86 per cent who paid no fees, the vast majority had their fees waived on account of financial hardship and most were self-represented litigants in immigration matters.

By comparison, in the previous year there were 263 fee waivers on the ground of financial hardship alone with the fees waived on this ground amounting to \$344,489. Thus, in one year there has been an almost eightfold increase in the number of litigants having their fees waived on the grounds of financial hardship.

## Centenary of the Court

The High Court will celebrate its centenary on 6 October 2003, which will be marked by a ceremonial sitting in the Banco Court in Melbourne on that day and with a major law conference from 9 to 11 October in Canberra. Chief Justices from many countries have been invited to the conference and conference sessions will be chaired by the Chief Justices of Australia's Supreme Courts, Federal Court of Australia and Family Court of Australia. The conference will be co-hosted by the Australian National University and the Australian Bar Association.

Other activities include publication of a commemorative book by Thomson legal publishers, an art competition with a prize donated by the Bar Association, a National Archives of Australia exhibition about the High Court, a centenary painting of the Court in session, and a number of educational activities aimed at improving the knowledge of Australia's school children about the role of the Court. Centenary merchandise, including ties, cufflinks, scarves and leather business items, has been produced. A centenary version of the High Court's visitors' brochure was printed in early 2003.

## Public Information Officer

The High Court has appointed its first public information officer, Fiona Hamilton, who began work with the Court on 4 November 2002. She has the task of promoting understanding in the Australian community of the Court's role, including media liaison, preparing summaries of judgments, answering queries from students and the public, responding from time to

time to comment and criticism of the Court, conducting tours of the Court for specialist groups, and addressing community groups.

## Links and Visits

During 2002-03, the Court maintained its many links with courts, judges and legal organisations in the region and around the world. The Court welcomed a number of international visitors, including delegations of judges, senior lawyers and court administrators from China, Thailand and Vietnam and law students from the United States.

The number of visitors to the building during the year totalled 95,312, a decrease of 4.9 per cent over the previous year. In addition, six cultural exhibitions and 15 other functions were held in the building in accordance with the Court's guidelines on public use of the building. The cultural exhibitions comprised displays sponsored by the Embassy of the People's Republic of China, the Embassy of the Russian Federation and the Canberra Institute of Technology.

Among the conferences in which members of the Court participated was the biennial Commonwealth Law Conference in Melbourne in April 2003. Three Justices – Chief Justice Murray Gleeson, Justice Michael Kirby and Justice Kenneth Hayne – were among the international group of speakers. The Chief Justice gave the State of the Judicature address, presented approximately every two years since 1977.





## 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 legislation provision was necessary, was given the power to administer its own affairs by the *High Court of Australia Act 1979*, which was proclaimed on 21 April 1980. The minister responsible 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, the Federal Court of Australia and 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 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. Approximately two-thirds of all sitting days are scheduled in Canberra. In addition, applications for special leave to appeal to the Court are heard regularly

in Sydney and Melbourne, and the Court continues the practice, established on its inauguration, of sitting in Brisbane, Adelaide, Perth and Hobart once each year if warranted by the amount of business. When sitting in Sydney, Melbourne, Brisbane and Perth, the Court utilises facilities in the Commonwealth Law Courts buildings. In Adelaide and Hobart, facilities are provided with the kind cooperation and assistance of the South Australian and Tasmanian Supreme Courts respectively.

The 2002 and 2003 sittings are shown below:

## 2002

CANBERRA ..	4 February – 14 February
CANBERRA ..	6 March – 14 March
CANBERRA ..	9 April – 18 April
CANBERRA ..	30 April – 1 May
CANBERRA ..	21 May – 30 May
CANBERRA ..	18 June – 20 June
BRISBANE ..	24 June – 26 June
CANBERRA ..	6 August – 8 August
ADELAIDE ..	12 August – 14 August
CANBERRA ..	2 September – 12 September
CANBERRA ..	1 October – 10 October
PERTH ..	21 October – 23 October
CANBERRA ..	6 November – 14 November
CANBERRA ..	3 December – 12 December

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

SYDNEY ..	15 February
MELBOURNE ..	15 February
SYDNEY ..	19 February
SYDNEY ..	5 March
SYDNEY ..	15 March
BRISBANE ..	19 March
SYDNEY ..	19 April
CANBERRA ..	19 April (by video-link from Adelaide)
SYDNEY ..	23 April

MELBOURNE ..	3 May
CANBERRA ..	3 May (by video-link from Adelaide, Darwin and Hobart)
SYNDEY ..	31 May
CANBERRA ..	31 May (by video-link from Perth)
SYDNEY ..	21 June
BRISBANE ..	26 June
BRISBANE ..	28 June
SYDNEY ..	9 August
ADELAIDE ..	14 August
ADELAIDE ..	15 August
SYDNEY ..	20 August
CANBERRA ..	5 September
SYDNEY ..	13 September
MELBOURNE ..	13 September
SYDNEY ..	17 September
SYDNEY ..	11 October
PERTH ..	24 October
PERTH ..	25 October
SYDNEY ..	5 November
SYDNEY ..	15 November
CANBERRA ..	15 November (by video-link from Brisbane)
SYDNEY ..	13 December
MELBOURNE ..	13 December

## 2003

CANBERRA ..	4 February – 13 February
CANBERRA ..	4 March – 13 March
SYDNEY ..	18 March
CANBERRA ..	1 April – 10 April
CANBERRA ..	29 April – 8 May
CANBERRA ..	27 May – 30 May
CANBERRA ..	17 June – 19 June
BRISBANE ..	23 June – 24 June
CANBERRA ..	5 August – 7 August
ADELAIDE ..	12 August – 14 August
CANBERRA ..	2 September – 11 September
CANBERRA ..	29 September – 2 October

MELBOURNE ..	6 October (centenary ceremonial sitting)
CANBERRA ..	7 October – 9 October
PERTH ..	20 October – 24 October
CANBERRA ..	4 November – 13 November
CANBERRA ..	2 December – 11 December

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

SYDNEY ..	14 February
MELBOURNE ..	14 February
SYDNEY ..	14 March
CANBERRA ..	14 March (by video-link from Hobart and Brisbane)
SYDNEY ..	11 April
CANBERRA ..	11 April (by video-link from Adelaide)
SYDNEY ..	16 April
SYDNEY ..	9 May
CANBERRA ..	9 May (by video-link from Perth)
SYDNEY ..	13 May
SYDNEY ..	20 June
MELBOURNE ..	20 June
BRISBANE ..	25 June
SYDNEY ..	8 August
CANBERRA ..	8 August (by video-link from Perth)
ADELAIDE ..	14 August
ADELAIDE ..	15 August
CANBERRA ..	21 August (by video-link from Sydney)
SYDNEY ..	12 September
CANBERRA ..	12 September (Darwin and by video-link from Brisbane)
SYDNEY ..	16 September
SYDNEY ..	3 October
MELBOURNE ..	3 October
PERTH ..	24 October
SYDNEY ..	14 November
CANBERRA ..	14 November (by video link from Brisbane)
SYDNEY ..	18 November
SYDNEY ..	2 December
SYDNEY ..	12 December
MELBOURNE ..	12 December



## Seat of the High Court

Section 14 of the *High Court of Australia Act* provides that the seat of the High Court shall be at the seat of government in the Australian Capital Territory.

The High Court building in Canberra is located on 3.4 hectares of land fronting the shores of Lake Burley Griffin, within the Parliamentary Triangle. It is one of Australia's national buildings and a major tourist attraction. It was designed by architectural firm Edwards Madigan Torzillo and Briggs Pty Ltd, the winners of a national architectural design competition held in 1972 and 1973. The builder was PDC Constructions (ACT) Pty Ltd. Construction costs totalled \$46.5 million. The building was opened by Her Majesty Queen Elizabeth II on 26 May 1980.

Forty metres tall, it consists of three courtrooms, judges' chambers, the Court's Principal Registry, library, administrative wing and large public hall. Total floor area is approximately 18,500 square metres.

## 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 House of Parliament in the same session, praying for such removal on the grounds of proved misbehaviour and 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 70 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 has been a judge of 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 five 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 Parliament;
- The salary and annual allowance of a Justice accrue from day to day and are payable monthly; and
- The Chief Justice and the other Justices shall receive such allowances in respect of travelling expenses as are provided by Parliament.

## Composition of the Court

The Justices of the High Court for the period covered by this report, and their dates of swearing in, are as follows:

Chief Justice Gleeson	22 May 1998
Justice Gaudron	6 February 1987 (retired 10 February 2003)
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
Justice Heydon	11 February 2003

## Chief Justices and Justices of the Court

Including the current members of the Court, there have been 11 Chief Justices and 39 Justices since the Court was established in 1903. Six Chief Justices had already been Justices, and five Chief Justices, including the first, Sir Samuel Griffith, were appointed from outside the Court.

Three members of the Court, Sir Isaac Isaacs, Sir Ninian Stephen and Sir William Deane, resigned from the Court to become Governors-General. The name, and years of service, of each Chief Justice and Justice are listed below.

### Chief Justices

Sir Samuel Walker Griffith	1903-1919
Sir Adrian Knox	1919-1930
Sir Isaac Alfred Isaacs	1930-1931
Sir Frank Gavan Duffy	1931-1935
Sir John Greig Latham	1935-1952
Sir Owen Dixon	1952-1964
Sir Garfield Edward John Barwick	1964-1981
Sir Harry Talbot Gibbs	1981-1987
Sir Anthony Frank Mason	1987-1995
Sir (Francis) Gerard Brennan	1995-1998
(Anthony) Murray Gleeson	1998-

### Justices

Sir Edmund Barton	1903-1920
Richard Edward O'Connor	1903-1912
Sir Isaac Alfred 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 Edward Rich	1913-1950
Sir Hayden Erskine Starke	1920-1950
Sir Owen Dixon	1929-1952
Herbert Vere Evatt	1930-1940
Sir Edward Aloysius McTiernan	1930-1976
Sir Dudley Williams	1940-1958
Sir William Flood Webb	1946-1958
Sir Wilfred Kelsham Fullagar	1950-1961
Sir Frank Walters Kitto	1950-1970
Sir Alan Russell Taylor	1952-1969
Sir Douglas Ian Menzies	1958-1974
Sir (William John) Victor Windeyer	1958-1972
Sir William Francis Langer Owen	1961-1972
Sir Cyril Ambrose Walsh	1969-1973
Sir Harry Talbot Gibbs	1970-1981
Sir Ninian Martin Stephen	1972-1982
Sir Anthony Frank Mason	1972-1987
Sir Kenneth Sydney Jacobs	1974-1979
Lionel Keith Murphy	1975-1986
Sir Keith Arthur Aickin	1976-1982
Sir Ronald Darling Wilson	1979-1989
Sir (Francis) Gerard Brennan	1981-1995
Sir William Patrick Deane	1982-1995

## Justices (continued)

Sir Daryl Michael Dawson	1982-1997
John Leslie Toohey	1987-1998
Mary Genevieve Gaudron	1987-2003
Michael Hudson McHugh	1989-
William Montague Charles Gummow	1995-
Michael Donald Kirby	1996-
Kenneth Madison Hayne	1997-
Ian David Francis Callinan	1998-
(John) Dyson Heydon	2003-



## PART V – ADMINISTRATION

### General

Section 17 of the *High Court of Australia Act 1979* 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 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 up to five years (but is eligible for reappointment) 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: the Registry, Library and Research, and Marshal's Branch. Figure 1 overleaf shows the Court's organisational structure and gives the names of the senior executives of the Court.

### External Scrutiny

#### **2001-02 Annual Report**

The Court's 2001-02 annual report was submitted to the Attorney-General on 24 October 2002 and tabled in Parliament on 6 November 2002.

#### **Auditor-General's Report**

Results of the Auditor-General's audit of the Court's 2001-02 financial statements were reported in Auditor-General's Audit Report No.25 of 2002-03, tabled in Parliament on 23 December 2002. The results of the audit of the High Court's financial statements were satisfactory and an unqualified audit report was issued.

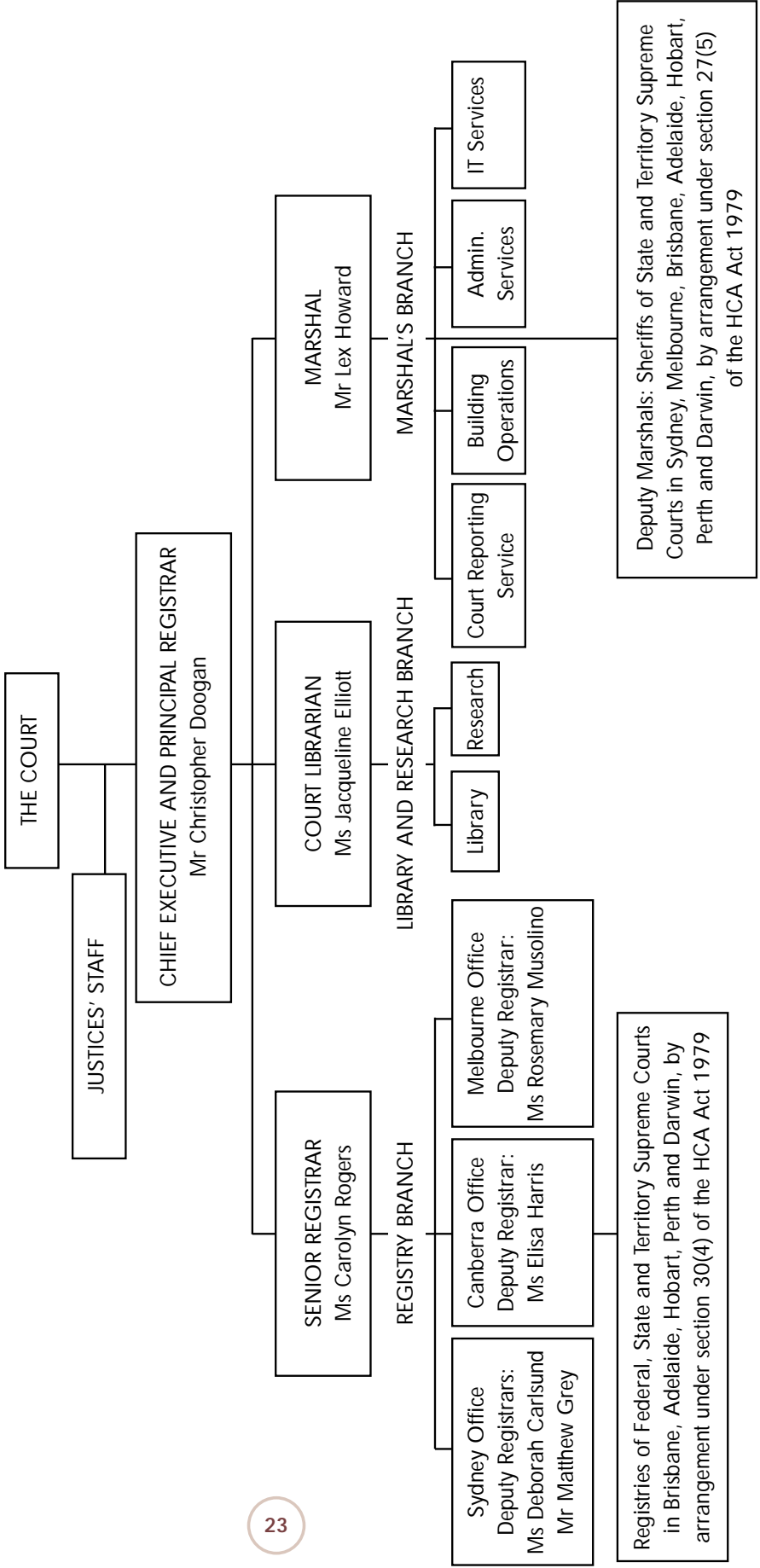
## Ecologically Sustainable Development

The decision-making processes of the High Court administration take account of both short- and long-term economic, environmental, social and equitable considerations, and accord with the principles of ecologically sustainable development as defined by section 3A of the *Environment Protection and Biodiversity Conservation Act 1999*.

To the best of the Court's knowledge, no administrative action or decision during the year adversely impacted on the environment in any measurable way.

Figure 1

HIGH COURT OF AUSTRALIA ORGANISATIONAL CHART



## REGISTRY BRANCH

### 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 self-represented 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 constitutional writs 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. The 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 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 2001-02 and 2002-03 is provided in Table 1. (Reference is made throughout this section to numbered tables located in Annexure B to Part VII of this report.)

Fifty-nine per cent of the matters filed during the year were filed in the Sydney office of the Registry. Fifteen special leave hearing days were held in Sydney during 2002-03 and 35 per cent 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 32 per cent of total filings in 2002-03. Four special leave hearing days were held in Melbourne and the Melbourne Registry supervised 61 per cent of the single Justice hearings.

The Registry in Canberra processed matters filed in Canberra, Brisbane, Darwin and Perth (accounting for nine per cent of all filings). The Canberra Registry supervised 11 sittings of the Full Court in Canberra, circuit sittings in Adelaide, Perth and Brisbane and video-link hearings from Adelaide, Brisbane, Darwin, Hobart and Perth. The Registry in Canberra supervised four per cent of the single Justice hearings.

## 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 Registry Service Charter describes the function of the Registry and the standards of service that can be expected from the Registry staff. The Service Charter also provides a system for the resolution of complaints regarding the provision of Registry services. In accordance with the Service Charter the Chief Executive and Principal Registrar dealt, when necessary, with complaints received during the reporting year. The Service Charter is available at the Registry in each capital city and on the Court's site on the Internet.

The Court has its own Court Reporting Service and is therefore able to provide a fast 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 can be accessed from the Court's web site, [www.hcourt.gov.au](http://www.hcourt.gov.au). Paper 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 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 on the day they are delivered by 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 having their name entered 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 1,958 new practitioners were added to the register in 2002-03, an increase of 13 per cent over the previous year.

The demand for registry services, such as the purchase of judgments and transcripts, remained at a high level during 2002-03, as did inquiries concerning the registration of practitioners on the Register of Practitioners and the status of matters pending before the Court.

## 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 consider the recommendations of the Federal Costs Advisory Committee in respect of the fees to be recovered by practitioners practising in the High Court for the work done by them in relation to proceedings in the Court. A Rule adopting the recommendations of the Committee is introduced when such recommendations are accepted.

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 Registry. The Court consults with interested persons and organisations when any significant changes are contemplated to the Rules.

Rules of Court are made and promulgated as Commonwealth Statutory Rules. Copies of the Rules are distributed to all legal publishers, law societies and bar associations immediately a Rule is made, and copies are available in all offices of the Registry, and on the Internet, for the information of the profession and the public.

The Court made the following Rule of Court in 2002-03:

**Statutory Rule No S252 of 2002** – Annual Sittings of the High Court; and  
**Statutory Rule No 223 of 2002** – Amendment to Second Schedule (Costs).

No Practice Directions were issued by the Court during 2002-03.

## Case-flow 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 case-flow 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 under section 75(v) of the Constitution against officers of the Commonwealth, removals under section 40 of the *Judiciary Act 1903*, cases stated, references under section 18 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 2001-02 and 2002-03.

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 time between the filing and hearing of matters. 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 28B provide a comparison, for each category of matter during the 2001-02 and 2002-03 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. These tables also show a breakdown of cases between those where the applicant/appellant was legally represented and those where the applicant/appellant was self-represented. 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 details of the total matters heard by the Full Court during 2001-02 and 2002-03, together with a breakdown of the categories

of those matters. Tables 13 and 14 provide details of the total number of decisions of the Full Court delivered during 2001-02 and 2002-03 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 2001-02 and 2002-03. Tables 9 to 12 provide a breakdown by Registry and court appealed from of all appellate matters heard during 2001-02 and the reporting period. The results of appellate matters decided during 2001-02 and 2002-03 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. These matters are usually determined by a single Justice. No election petitions were filed during the reporting year.

A comparison of the number of matters heard by a single Justice during 2001-02 and the reporting year is recorded in Table 29. A breakdown of the categories of matters heard by a single Justice during 2002-03 is provided in Table 30. Seven per cent of applications heard by a single Justice during the reporting period involved self-represented persons. In 2001-02 this figure was 31 per cent. The significant drop in the proportion of self-represented persons appearing before a single Justice during the reporting period is explained by the large number of immigration matters heard during the year (particularly during the February callovers), most of which involved represented parties.

## Cost of Litigation

### **Court Fees and Charges**

Fees and charges in the High Court form an integral part of litigation costs and, since April 1 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 2003 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. The grounds include financial hardship, grant of legal aid and entitlements as a social security law concession cardholder or Veterans' Affairs cardholder. A refusal by a Registrar to waive a fee may be reviewed by the Administrative Appeals Tribunal. There were two refusals to waive a fee in the reporting period.

Between 1 July 2002 and 30 June 2003 a total of 2,908 matters attracting a filing fee and/or hearing fees were filed in the Court. Of these, 2,512 matters, or approximately 86 per cent were exempt from payment of fees, resulting in a total of \$3,544,014 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 Schedules in operation during 2002-03 are 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 \$100,899.44. Of this amount, \$53,471.57 was allowed on taxation. In an unsuccessful application for special leave to appeal filed in Brisbane the respondents claimed an amount of \$37,922.86, of which \$17,848.22 was allowed 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.

### Corporate Goals

The corporate goals of the Library and Research Branch are to:

- acquire and organise efficiently 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

#### **New Library System**

The Innovative Interfaces Millennium Library System was installed from July to October 2002 and all staff received training. Outstanding orders have been transferred to Millennium and two-thirds of the 1,200 serial titles have been set up on the new system. Development of the Unreported Judgments Database is nearly completed.

Chambers staff and the Library OPACs (Online Public Access Catalogues) were changed over to the Millennium system in November 2002.



### **Retrospective Copying of High Court Unreported Judgments**

Copying of unreported judgments in the Registry files for Victoria from 1931 to 1965 has been completed and copying of the New South Wales files is well advanced.

### **Online Subscriptions**

In September 2002 several Butterworths subscriptions were changed from CD to online subscriptions. In November the Library began subscribing to *Westlaw International*.

## Collection Development and Organisation

### **Sydney Library**

In February 2003 the Sydney Library was relocated from the Library room to the foyer and to new shelving in the corridors. In February, March and April 2003 Library staff made visits to Sydney to move and organise books in both Chambers and Library collections.

### Moys Classification Seminar

In November 2002 the Cataloguing Librarian presented a seminar on the Moys Classification for law librarians in Melbourne.

### ALLG (Australian Law Librarians' Group) Pacific Twinning Scheme

The Court Librarian arranged for two donated sets of *All England Law Reports* to go to the courts in Papua New Guinea and Tonga. The Library has responded to a number of requests for copies of cases from the High Courts of Fiji and Kiribati.

## 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.

## Financial Management

### **Financial Services**

During the financial year, the Department of Finance and Administration undertook a review of the Budget Estimates and Framework. The recommendations emanating from that review were subsequently adopted by the Government. These recommendations have the effect of significantly increasing the Court's financial reporting requirements to the Department of Finance and Administration. The Court does not have sufficient resources to satisfy these increased requirements and has sought additional funding from Government in order to acquire them. In particular, funds are required for the employment of an additional finance staff member, and also for enhancements to the Court's financial management system.

### **Resources**

The table below details the 2002-03 financial and staffing resources applied to the Court's outputs and outcomes, together with the budgeted resources for 2003-04. The Court has a single output, High Court Business, contributing toward the overall outcome which is "interpreting and upholding the Australian Constitution and performing the functions of the ultimate appellate Court in Australia".

	(1) Budget	(2) Actual expenses	(3) Variation	(4) Budget
	2002-03 \$'000	2002-03 \$'000	(2)-(1) \$'000	2003-04 \$'000
<b>Administered Items</b>				
Court fees and charges collected	865	912	47	868
LESS: fees and charges remitted to Official Public Account	865	912	47	868
<b>Net contribution or cost to outcome</b>	-	-	-	-
<b>High Court Output</b>				
Output 1.1				
High Court Business:				
- Justices' remuneration and allowances	1 887	2 457	570	2 177
- High Court administration	25 913	25 913	-	12 005
Revenue from Government appropriations	27 800	28 370	570	14 182
Revenue from other sources:				
- High Court administration	270	348	78	269
<b>Total price of output</b>	28 070	28 718	648	14 451
<b>TOTAL PRICE OF OUTCOME</b>	<b>28 070</b>	<b>28 718</b>	<b>648</b>	<b>14 451</b>
Staff years (in full-time equivalent positions)	85.0	85.0	-	86.0

The bulk of financial resources in 2002-03 were applied towards a capital use charge paid annually to the Department of Finance and Administration. This charge has been abolished from 1 July 2003, hence the significant reduction in the Court's appropriations for 2003-04.

Justices' remuneration and allowances are paid out of Special Appropriations. These appropriations are administered by the Attorney-General's Department and thus do not form part of the Court's financial statements in Part VI of this report. The variation between 2002-03 budgeted and actual expenses on this item was caused mainly by the payment of final entitlements to Justice Mary Gaudron on her retirement from the Court in February 2003.

### **Audit of Accounts and Procedures**

The Court maintains procedures for both 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 sub-section 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 certificate on the Court's 2002-03 financial statements can be found at Part VI of this report.

### **Consultants**

During the year, 20 consultancy contracts, with a total value of \$248,421, were entered into by the Court. Of this amount, \$61,550 was paid to Integrated Media Pty Ltd for investigation and design work on courtroom technology. A further \$90,476 was paid to Open Integration Pty Ltd, and \$53,887 to Eaton Partners, for computer network support.

## Human Resource Management

### **Terms and Conditions of Employment**

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

The Court's seventh Certified Agreement, under section 170LK of the *Workplace Relations Act 1996*, was certified by the Australian Industrial Relations Commission on 25 July 2002. This Agreement contains pay increases averaging 10.5 per cent over two years. Senior executive staff of the Court continue to be covered by Australian Workplace Agreements. No High Court staff member received performance pay during the year under review.

### **Workplace Diversity**

The Court recognises and encourages the contribution that people with diverse backgrounds, experience and skills can make to the workplace. The Court's aim is to ensure that this diversity is used in effective decision making and delivery of services. Achievements during the year against the Court's current Workplace Diversity Plan include:

- an increase in the proportion of women at executive levels to 67 per cent;
- providing greater flexibility in arrangements for women returning to work from maternity leave or other extended absences; and
- actively promoting workplace diversity principles in all sections of the Court's administration.

### **Staffing Overview**

At Annexure D 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 participatory 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 Certified Agreements.

### **Occupational Health and Safety (OH&S)**

The Court has developed a comprehensive OH&S 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 with an emphasis on OH&S issue resolution procedures. 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.

## Information Technology

The focus for IT during the year was the achievement of quality infrastructure through the application of standards and appropriate modernisation. The Court's IT staff was augmented during the year with the employment of an experienced IT manager with a brief to deliver these quality and modernisation outcomes. Key projects which supported the IT initiatives were:

- a project to install current digital technologies into the Canberra courtrooms to link with the newly-completed digital recording, transcription and video-conferencing systems;
- completion of the installation of a new Millennium Library System. This system replaced an old text-based system and users now have access to library information through a World Wide Web interface;
- recabling of the High Court Building in Canberra. This project commenced with the installation of both fibre-optic and copper (Category 6) cables and is due for completion in September 2003. When completed, the Court will have an up-to-date structured cabling system supported by a 20-year warranty;
- upgrade of desktop technology. All work stations and portable computers were replaced with current hardware and operating systems, and the network operating system and several servers were also replaced in accordance with the Court's IT Asset Management Plan;
- upgrade of the Court's Internet link from 256Kbps to 2Mbps. This has provided efficiencies across the Court through faster Internet access and response times; and
- improvement of network access during the Court's circuit sittings. At all circuit locations, Justices and Court staff now have on-line access, rather than the previous dial-up access. This initiative has improved access speeds and eliminated line drop-outs.

## 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 website. Transcripts dating back to July 1994 are available on that site.

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).

A total of 532 individual transcripts, containing 9,811 pages, were produced during the year. This is a slight decrease from the previous year, but still well above levels of only a few years ago and is another reflection of the Court's increasing judicial workload.

### Developments

As reported over the past two years, a project continues on upgrading the Court's audio/video systems. With the aid of consultants, the project steering committee has made good progress. As at 30 June 2003:

- a new, digital, court reporting audio chain has been successfully installed to replace the old analogue tape-based system. This new system, developed by Australian company FTR Pty Ltd, records all Court hearings on to computer disc, together with detailed notes to facilitate transcription and archiving. A portable version of the FTR software has also been purchased to enable digital recording of hearings whilst the Court is on circuit;
- new video-conferencing systems have been installed, increasing the quality and flexibility of this important resource;



- courtroom sound systems have been re-calibrated and adjusted to provide optimal sound level, quality and consistency; and
- a consultant's report is being compiled on the integration of all courtroom media into a modern system capable of ensuring high-quality services to the Court into the foreseeable future.

## Building Operations

### **Facilities Management**

During the winter months of 2003, the High Court building's air-conditioning chillers were replaced. Two new chillers have been installed and are awaiting final checks and testing before being commissioned in September 2003.


In accordance with the Court's life-cycle asset management program, new carpet has been laid in several staff work areas. This program will continue in 2003-04.

As a result of a review of the building's physical security in November 2001, and a security risk assessment in May 2003, a joint submission with the other federal jurisdictions is being prepared for Government in the hope that additional funds can be secured to enhance the safety of the building and its occupants.





## PART VI – FINANCIAL STATEMENTS



**Australian National  
Audit Office**

**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 2003. The financial statements comprise:

- Report by the Chief Executive and Principal Registrar, and the Finance and Administration Manager;
- Statements of Financial Performance, Financial Position and Cash Flows;
- Schedule of Administered Items;
- Schedules of Commitments and Contingencies; and
- Notes to and forming part of the Financial Statements.

The Chief Executive and Principal Registrar of the High Court of Australia is 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 you.

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 and statutory requirements in Australia 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.

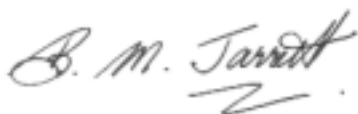
The audit opinion expressed in this report has been formed on the above basis.

### **Audit Opinion**

In my opinion the financial statements:

- have been prepared in accordance with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*; and
- give a true and fair view, in accordance with applicable Accounting Standards, other mandatory professional reporting requirements in Australia and the Finance Minister's Orders, of the financial position of the High Court of Australia as at 30 June 2003, and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Brandon Jarrett  
Acting Executive Director

Delegate of the Auditor-General

Canberra  
19 September 2003

## HIGH COURT OF AUSTRALIA

### **Report by the Chief Executive and Principal Registrar of the High Court of Australia and the Manager, Finance and Administration, of the High Court on the Financial Statements for the year ended 30 June 2003.**

The accompanying financial statements of the High Court of Australia for the year ended 30 June 2003 have been prepared as required by section 47(1) of the *High Court of Australia Act 1979* and include:

- Statement of Financial Performance;
- Statement of Financial Position;
- 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 for the year ended 30 June 2003 give a true and fair view of the matters required by Finance Minister's orders made under the *Commonwealth Authorities and Companies Act 1997*.



C.M. Doogan  
Chief Executive and  
Principal Registrar  
19 September 2003



V.M. Cuskelly  
Manager, Finance &  
Administration  
19 September 2003

# HIGH COURT OF AUSTRALIA STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 30 June 2003

	Notes	2003 \$	2002 \$
<b>Revenues from ordinary activities</b>			
Revenues from Government	3A	25,913,000	25,177,000
Sales of goods and services	3B	75,963	78,943
Interest	3C	269,485	145,348
Other	3D	101,862	98,403
<i>Total revenues from ordinary activities</i>		<b>26,360,310</b>	25,499,694
<b>Expenses from ordinary activities (excluding borrowing costs expense)</b>			
Employees	4A	5,018,185	4,492,163
Suppliers	4B	4,553,763	3,783,878
Depreciation and amortisation	4C	1,679,042	1,725,695
Net loss on sale of assets	4D	3,788	8,625
Write-down of assets	4E	7,091	-
<i>Total expenses from ordinary activities (excluding borrowing costs expense)</i>		<b>11,261,869</b>	10,010,361
<i>Borrowing costs expense</i>	5	<b>19,327</b>	26,735
<b>Net Operating Surplus from ordinary activities</b>		<b>15,079,114</b>	15,462,598
<b>Net Surplus</b>		<b>15,079,114</b>	15,462,598
<b>Net surplus attributable to the Commonwealth</b>		<b>15,079,114</b>	15,462,598
<b>Total changes in equity other than those resulting from transactions with owners as owners</b>		<b>15,079,114</b>	15,462,598

The above statement should be read in conjunction with the accompanying notes.

# HIGH COURT OF AUSTRALIA

## STATEMENT OF FINANCIAL POSITION

for the year ended 30 June 2003

	Notes	2003	2002
	\$	\$	
<b>ASSETS</b>			
<b>Financial Assets</b>			
Cash	14B	3,175,284	3,498,766
Receivables	7	253,087	162,489
<i>Total financial assets</i>		<u>3,428,371</u>	<u>3,661,255</u>
<b>Non-financial Assets</b>			
Land and buildings	8A	142,700,000	144,100,000
Infrastructure, plant and equipment	8B	3,034,583	2,350,201
Inventories		1,582	890
Intangibles	8C	181,407	149,940
Library holdings	8D	8,509,876	7,491,649
Other	9	545,582	494,331
<i>Total non-financial assets</i>		<u>154,973,030</u>	<u>154,587,011</u>
<b>Total assets</b>		<u><b>158,401,401</b></u>	<u><b>158,248,266</b></u>
<b>LIABILITIES</b>			
<b>Interest Bearing Liabilities</b>			
Leases	10	110,606	177,334
<i>Total interest bearing liabilities</i>		<u>110,606</u>	<u>177,334</u>
<b>Provisions</b>			
Employees	11	1,385,697	1,150,691
<i>Total provisions</i>		<u>1,385,697</u>	<u>1,150,691</u>
<b>Payables</b>			
Suppliers	12	290,246	731,551
Other		16,148	16,100
<i>Total payables</i>		<u>306,394</u>	<u>747,651</u>
<b>Total liabilities</b>		<u><b>1,802,697</b></u>	<u><b>2,075,676</b></u>
<b>NET ASSETS</b>		<u><b>156,598,704</b></u>	<u><b>156,172,590</b></u>
<b>EQUITY</b>			
<b>Parent Entity Interest</b>			
Capital	13	53,426,540	53,426,540
Reserves	13	102,115,418	102,115,418
Accumulated surplus (deficits)	13	1,056,746	630,632
<i>Total parent entity interest</i>		<u>156,598,704</u>	<u>156,172,590</u>
<b>Total equity</b>		<u><b>156,598,704</b></u>	<u><b>156,172,590</b></u>
<b>Current assets</b>		<b>3,975,535</b>	<b>4,156,476</b>
<b>Non-current assets</b>		<b>154,425,866</b>	<b>154,091,790</b>
<b>Current liabilities</b>		<b>1,053,267</b>	<b>1,339,982</b>
<b>Non-current liabilities</b>		<b>749,430</b>	<b>735,694</b>

The above statement should be read in conjunction with the accompanying notes.

# HIGH COURT OF AUSTRALIA STATEMENT OF CASH FLOWS

for the year ended 30 June 2003

	Notes	2003 \$	2002 \$
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Sales of goods and services			
Non-government		155,474	20,620
Appropriations		25,817,000	25,177,000
Interest		239,105	181,759
Other		101,862	98,403
<i>Total cash received</i>		<u>26,313,441</u>	<u>25,477,782</u>
<b>Cash used</b>			
Employees		(4,783,177)	(4,401,883)
Suppliers		(5,064,108)	(3,538,152)
GST payments		(44,419)	(2,620)
<i>Total cash used</i>		<u>(9,891,704)</u>	<u>(7,942,655)</u>
<b>Net cash from operating activities</b>	14A	<u>16,421,737</u>	<u>17,535,127</u>
<b>INVESTING ACTIVITIES</b>			
<b>Cash received</b>			
Proceeds from sales of property, plant and equipment		2,386	62
<i>Total cash received</i>		<u>2,386</u>	<u>62</u>
<b>Cash used</b>			
Purchase of property, plant and equipment		(2,027,877)	(1,270,399)
<i>Total cash used</i>		<u>(2,027,877)</u>	<u>(1,270,399)</u>
<b>Net cash used in investing activities</b>		<u>(2,025,491)</u>	<u>(1,270,337)</u>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Appropriation – contributed equity		-	-
<i>Total cash received</i>		<u>-</u>	<u>-</u>
<b>Cash used</b>			
Finance leases (repaid) raised		(66,728)	(53,875)
Capital use paid		(14,653,000)	(14,553,770)
<i>Total cash used</i>		<u>(14,719,728)</u>	<u>(14,607,645)</u>
<b>Net cash used by financing activities</b>		<u>(14,719,728)</u>	<u>(14,607,645)</u>
Net increase in cash held		(323,482)	1,657,145
Cash at the beginning of the reporting period		3,498,766	1,841,621
<b>Cash at the end of the reporting period</b>		<u>3,498,766</u>	<u>1,841,621</u>

The above statement should be read in conjunction with the accompanying notes.



# HIGH COURT OF AUSTRALIA

## SCHEDULE OF COMMITMENTS

for the year ended 30 June 2003

	Notes	2003	2002
BY TYPE		\$	\$
<b>CAPITAL COMMITMENTS</b>			
ADP software <sup>1</sup>		33,283	133,130
ADP equipment <sup>2</sup>		50,890	38,431
Infrastructure, plant and equipment <sup>3</sup>		1,265,340	7,189
<b>Total capital commitments</b>		<b>1,349,513</b>	<b>178,750</b>
<b>OTHER COMMITMENTS</b>			
Operating leases <sup>4</sup>		707,907	613,324
Finance leases	10	119,904	204,276
Other commitments <sup>5</sup>		172,817	143,088
<b>Total other commitments</b>		<b>1,000,628</b>	<b>960,688</b>
<b>Commitments Receivable</b>		<b>(213,649)</b>	<b>(103,585)</b>
<b>Net commitments</b>		<b>2,136,492</b>	<b>1,035,853</b>
<b>BY MATURITY</b>			
<b>All net commitments</b>		<b>1,826,528</b>	<b>664,397</b>
One year or less			
From one to five years		309,964	371,456
Over five years		-	-
<b>Net commitments</b>		<b>2,136,492</b>	<b>1,035,853</b>
<b>Operating lease commitments</b>			
One year or less		365,890	295,116
From one to five years		277,662	262,451
Over five years		-	-
<b>Net operating lease commitments</b>		<b>643,552</b>	<b>557,567</b>

*Commitments are GST inclusive where relevant.*

The above schedule should be read in conjunction with the accompanying notes.

- 1 Outstanding contractual agreement for library database software implementation.
- 2 Outstanding commitments for computer equipment.
- 3 Outstanding contractual payments for the upgrade of the High Court's lifts and replacement chillers.
- 4 Operating leases included are effectively non-cancellable and comprise:
  - agreements for the provision of motor vehicles - senior executives;
  - lease of computer equipment; and
  - lease of office equipment.
- 5 Outstanding commitments for building maintenance and lift upgrade project management.

## HIGH COURT OF AUSTRALIA SCHEDULE OF CONTINGENCIES

*for the year ended 30 June 2003*

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As at 30 June 2003 there are no contingencies which create uncertainty as to possible gain or loss for the High Court of Australia.

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The above schedule should be read in conjunction with the accompanying notes.

## HIGH COURT OF AUSTRALIA SCHEDULE OF ADMINISTERED ITEMS

	Notes	2003 \$	2002 \$
REVENUES ADMINISTERED ON BEHALF OF GOVERNMENT <i>for the year ended 30 June 2003</i>			
NON-TAXATION REVENUE			
Goods and services	22A	910,660	779,441
<b>Total Revenues Administered on behalf of Government</b>		<b>910,660</b>	<b>779,441</b>
ASSETS ADMINISTERED ON BEHALF OF GOVERNMENT <i>for the year ended 30 June 2003</i>			
Financial assets	22C	-	-
<b>Total Assets Administered on behalf of Government</b>		<b>-</b>	<b>-</b>
LIABILITIES ADMINISTERED ON BEHALF OF GOVERNMENT <i>for the year ended 30 June 2003</i>			
Liabilities	22D	-	-
<b>Total Liabilities Administered on behalf of Government</b>		<b>-</b>	<b>-</b>
ADMINISTERED CASH FLOW <i>for the year ended 30 June 2003</i>			
<b>Operating Activities</b>			
<b>Cash received</b>			
Other taxes, fines and fees	22E	910,660	779,441
<b>Total cash received</b>		<b>910,660</b>	<b>779,441</b>
<b>Cash used</b>			
Cash to the Official Public Account		910,660	779,441
<b>Total Cash Used</b>		<b>910,660</b>	<b>779,441</b>
<b>Net Cash used in operating activities</b>		<b>(910,660)</b>	<b>(779,441)</b>
<i>Cash at the beginning of the reporting period</i>		-	-
<b>Cash at the end of the reporting period</b>		<b>-</b>	<b>-</b>

The Court administers the collection of Court fees and charges on behalf of the Commonwealth. The level of these fees and charges is set by the Executive Government, pursuant to the *High Court of Australia (Fees) Regulations 1991*. The revenues from these fees and charges are not available to be used by the Court for its own purposes and are remitted to the Commonwealth's Official Public Account.

The previous schedule should be read in conjunction with the accompanying notes.

# HIGH COURT OF AUSTRALIA

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

*for the year ended 30 June 2003*

### **NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

#### **1.1 Basis of Accounting**

The financial statements are required by section 47(1) of the *High Court of Australia Act 1979* and are a general purpose financial report.

The financial statements of the High Court of Australia (the Court) have been prepared in accordance with:

- Australian Accounting Standards and Accounting Interpretations issued by the Accounting Standards Board; and
- Consensus Views of the Urgent Issues Group.

The statements have been prepared having regard to:

- Statements of Accounting Concepts;
- the Explanatory Notes to Schedule 1 issued by the Department of Finance and Administration; and
- Guidance Notes issued by that Department.

The Court's Statements of Financial Performance and Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or on the financial position.

Assets and liabilities are recognised in the Court's Statement of Financial Position when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionally unperformed are, however, not recognised unless required by an Accounting Standard. Liabilities and assets that are recognised are reported in the Schedule of Commitments.

Revenues and expenses are recognised in the Court's Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

## 1.2 Changes in Accounting Policy

The accounting policies used in the preparation of these financial statements are consistent with those used in 2001-02, except in respect of:

- presentation and disclosure of administered items in the Schedule of Administered Items, where in 2001-02 items were presented in the Notes To and Forming Part of the Financial Statements.
- measurement of certain employee benefits at nominal amounts (refer to Note 1.5).

## 1.3 Revenue

The revenues described in this Note are revenues relating to the core activities of the Court.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Revenue from the disposal of non-current assets is recognised when control of the asset has passed to the buyer.

### *Revenues from Government - Output Appropriations*

The full amount of the appropriation for the Court's output for the year is recognised as revenue.

## 1.4 Transactions by the Government as Owner

### *Capital Use Charge*

A capital use charge is imposed by the Commonwealth on the net assets of the Court.

In accordance with the recommendations of a review of Budget Estimates and Framework, the Government has decided that the charge will not operate after 30 June 2003. Therefore, the amount of the charge payable in respect of 2003 is the amount appropriated (2002: 11 per cent of adjusted net assets).

## 1.5 Employee Benefits

### *Benefits*

Liabilities for services rendered by employees are recognised at the reporting date to the extent that they have not been settled.

Liabilities for wages and salaries (including non-monetary benefits), annual leave and sick leave are measured at their nominal amounts. Other employee benefits expected to be settled within 12 months of their reporting date are also measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability. This is a change in accounting policy from last year required by initial application of a new Accounting Standard AASB 1028 from 1 July 2002. As the Court's certified agreement raises pay rates on 1 July each year, the financial effect of this change is not material.

All other employee benefit liabilities are measured as the present value of the estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

### *Leave*

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and average sick leave taken in future years by employees is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration, including the Court's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2003. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

### *Superannuation*

Employees of the Court are members of the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme. The liability for their superannuation benefits is recognised in the financial statements of the Commonwealth and is settled by the Commonwealth in due course.

The Court makes employer contributions to the Commonwealth at rates determined by the Commonwealth to be sufficient to meet the cost to the Commonwealth of the superannuation entitlements of the Court's employees.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

### **1.6 Leases**

A distinction is made between finance leases, which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased non-current assets, and operating leases, under which the lessor effectively retains substantially all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is capitalised at the present value of minimum lease payments at the inception of the lease and a liability recognised for the same amount. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are treated as expenses on a basis which is representative of the pattern of benefits derived from the leased assets.

### **1.7 Cash**

Cash includes notes and coins held, and deposits held at call with a bank or financial institution.

### **1.8 Financial Instruments**

Accounting policies in relation to financial instruments are disclosed in Note 21.

## 1.9 Non-Current Assets

### *Asset recognition threshold*

Purchases of property, plant and equipment are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than \$2,000 (or building improvements less than \$10,000) which are treated as expenses in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

### *Intangibles*

Internally developed and externally acquired computer software for internal use is initially recognised and capitalised at the cost of development or acquisition. These costs of development or acquisition are amortised over the useful life of the asset.

### *Revaluations*

Land, buildings, infrastructure, plant and equipment are carried at valuation. Revaluations undertaken up to 30 June 2001 were done on a deprival basis; future revaluations will be at fair value. This change in accounting policy is required by Australian Accounting Standard AASB 1041: Revaluation of Non-Current Assets.

In accordance with the deprival methodology, land is measured at its current market buying price. Property other than land, plant and equipment are measured at their depreciated replacement cost. Where assets are held which would not be replaced or are surplus to requirements, measurement is at net realisable value. At 30 June 2003, the High Court and the economic entity had no assets in this situation.

The table below shows the date of last valuation for each class of asset.

<b>Asset Class</b>	<b>Date of last Valuation</b>
Land	June 2001
Buildings	June 2001
Plant and Equipment	June 2001
Library holdings	June 2001
Artworks	June 2001



### *Frequency*

The asset classes above were last revalued as at 30 June 2001 and will be revalued on a fair value basis in 2003-04. Assets in each class acquired after the commencement of a revaluation cycle are not captured by the revaluation then in progress.

### *Conduct*

All valuations are conducted by an independent qualified valuer.

### *Recoverable amount test*

From 1 July 2002, Schedule 1 no longer requires the application of the recoverable amount test in AAS 10: Recoverable Amount of Non-Current Assets to the assets of authorities when the primary purpose of the asset is not the generation of net cash inflows.

No property, plant and equipment assets have been written to recoverable amount per AAS 10. Accordingly, the change in policy has had no financial effect.

### *Depreciation and amortisation*

Depreciable property, plant and equipment assets are written off to their estimated useful lives to the Court using, in all cases, the straight-line method of depreciation. Leasehold improvements are amortised on a straight-line basis over the lesser of the estimated life of the improvements or the expected period of the lease.

Depreciation/amortisation rates (useful lives) and methods are reviewed at each balance date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate. Residual values are re-estimated for a change in prices only when assets are revalued.

Depreciation/amortisation rates applying to each class of depreciable assets are as follows:

	2002-03	2001-02
Land	Nil	Nil
Art, prints and artefacts	Nil	Nil
Library Collection – heritage items	Nil	Nil
Library Collection – non-heritage items	0.5%	0.5%
Building	1%	1%
Plant and Equipment	10%	10%
ADP equipment	20%	20%
Intangibles	20%	20%

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 4C.

### 1.10 Taxation

The High Court of Australia is exempt from all forms of taxation except Fringe Benefits Tax and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST:

- except where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- except for receivables and payables.

### 1.11 Foreign currency transactions

Transactions denominated in a foreign currency are converted at the rate of exchange prevailing at the date of the transaction.

### 1.12 Insurance

The Court has insured for risks through the Government's insurable risk managed fund, called Comcover. Workers compensation is insured through Comcare Australia.

### 1.13 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the Schedule of Administered Items and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for Court items, including the application to the greatest extent possible for Accounting Standards, Accounting Interpretations and UIG Consensus Views.

Administered revenues transferred or transferable to the Official Public Account (OPA) are not reported as administered expenses or payables. These transactions or balances are internal to the Administered activity. These transfers of cash are reported as administered (operating) cash flows and in the administered reconciliation table in Note 22.

All administered revenues are revenues relating to the core operating activities performed by the Court on behalf of the Commonwealth.

#### NOTE 2: ECONOMIC DEPENDENCY

The Court is dependent on appropriations from the Parliament of the Commonwealth for its ability to carry out its normal activities.

#### NOTE 3: OPERATING REVENUES

##### 3A: Revenues from Government

The Court received the following appropriation during the year out of the Consolidated Revenue Fund.

	2003	2002
	\$	\$
Appropriation	<b>25,913,000</b>	25,177,000
<b>Total revenues from government</b>	<b>25,913,000</b>	25,177,000

### 3B: Sales of Goods and Services

The item “Sales of goods and services” in the Statement of Financial Performance consists of the following:

	2003	2002
	\$	\$
Food service operator’s licence fee	7,182	-
Subscriptions to Court transcripts and judgments	29,700	29,100
Room hire	34,913	45,424
Other revenue	4,168	4,419
<b>Total</b>	<b>75,963</b>	<b>78,943</b>
<b>Provision of goods to:</b>		
External entities	33,868	33,519
<b>Total sales of goods</b>	<b>33,868</b>	<b>33,519</b>
<b>Rendering of services to:</b>		
External entities	42,095	45,424
<b>Total rendering of services</b>	<b>42,095</b>	<b>45,424</b>
<b>Cost of sales of goods</b>	<b>11,237</b>	<b>10,759</b>

### 3C: Interest Revenue

The item “Interest Revenue” in the Statement of Financial Performance consists of the following:

	2003	2002
	\$	\$
Deposits	269,485	145,348
<b>Total interest revenue</b>	<b>269,485</b>	<b>145,348</b>

### 3D: Other

The item "Other" in the Statement of Financial Performance consists of the following:

	2003	2002
	\$	\$
Federal Court contribution		
– Brisbane chambers	-	95,855
Sale of minor items at tender	<b>2,586</b>	2,548
Prepayment not previously recognised	<b>99,276</b>	-
<b>Total other revenues</b>	<b>101,862</b>	98,403

### NOTE 4: OPERATING EXPENSES

#### 4A: Employee Expenses

This item in the Statement of Financial Performance consists of:

	2003	2002
	\$	\$
Wages and salaries	<b>4,033,826</b>	3,798,926
Superannuation	<b>749,356</b>	579,069
Leave and other entitlements	<b>208,343</b>	85,442
<b>Total employee benefits expenses</b>	<b>4,991,525</b>	4,463,437
Workers compensation premiums	<b>26,660</b>	28,726
<b>Total employee expenses</b>	<b>5,018,185</b>	4,492,163

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 2002-03 financial year, contributions were fixed at a rate of 21.1 per cent for the Commonwealth Superannuation Scheme and 11.2 per cent for the Public Sector Superannuation Scheme. An additional 3 per cent is contributed for employer productivity benefits.

#### 4B: Supplier Expenses

Included in "Expenses from ordinary activities" are the following Supplier Expenses:

	2003	2002
	\$	\$
Goods from external entities	412,532	271,793
Services from external entities	3,750,269	3,171,507
Operating lease rentals	390,962	340,578
<b>Total supplier expenses</b>	<b>4,553,763</b>	<b>3,783,878</b>

#### 4C: Depreciation and Amortisation

	2003	2002
	\$	\$
Depreciation of property, plant and equipment	1,652,884	1,699,209
Amortisation of leased assets	26,158	26,486
<b>Total depreciation and amortisation</b>	<b>1,679,042</b>	<b>1,725,695</b>

The aggregate amounts of depreciation or amortisation allocated during the reporting period, either treated as expenses or as part of the carrying amount of other assets, for each class of depreciable asset, are as follows:

	2003	2002
	\$	\$
Building and building improvements	1,444,335	1,455,348
Plant and equipment	116,785	187,190
Library holdings	47,520	36,000
Intangibles	70,402	47,157
<b>Total depreciation and amortisation</b>	<b>1,679,042</b>	<b>1,725,695</b>

#### 4D: Net Loss from Sale of Assets

	2003	2002
	\$	\$
<b>Infrastructure, plant and equipment:</b>		
Proceeds from disposal	5,914	62
Book value of assets disposed	(9,702)	(8,687)
<b>Net gain/(loss) from disposal of infrastructure, plant and equipment</b>	<b>(3,788)</b>	<b>(8,625)</b>

#### 4E: Write-Down of Assets

	2003	2002
	\$	\$
Bad and doubtful debts	2,035	-
Intangibles – software write-off	5,056	-
<b>Total write-down of assets</b>	<b>7,091</b>	<b>-</b>

#### NOTE 5: BORROWING COST EXPENSES

	2003	2002
	\$	\$
Leases	19,327	26,735
<b>Total borrowing cost expenses</b>	<b>19,327</b>	<b>26,735</b>

**NOTE 6: 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 Financial Position.

The Federal Court of Australia and State Supreme Courts provide the 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 Court in Canberra. The value of this assistance is not shown in the accounts.

**NOTE 7: RECEIVABLES**

The item "Receivables" in the Statement of Financial Position represents:

	2003	2002
	\$	\$
Goods and Services	7,832	88,034
Appropriation receivable	96,000	-
Interest receivable	55,014	24,634
GST receivable	94,241	49,821
<b>Total receivables</b>	<b>253,087</b>	<b>162,489</b>

No provision is required for doubtful debts. All receivables are current assets.

	2003	2002
	\$	\$
<b>Receivables are aged as follows:</b>		
Not overdue	249,077	136,413
Overdue by:		
- less than 30 days	2,213	6,691
- 30 to 60 days	671	897
- 60 to 90 days	1,126	450
- more than 90 days	-	18,038
<b>Total receivables</b>	<b>253,087</b>	<b>162,489</b>



## NOTE 8: NON-FINANCIAL ASSETS

The figures shown in the Statement of Financial Position represent the written-down value of property, plant, and equipment as at 30 June 2003 as follows:

	2003	2002
<b>8A: Land and Buildings</b>	<b>\$</b>	<b>\$</b>
<b>Freehold Land</b>		
Land at June 2001 valuation	5,500,000	5,500,000
<b>Total freehold land</b>	<b>5,500,000</b>	<b>5,500,000</b>
<b>Buildings on freehold land</b>		
Buildings at June 2001 valuation	180,000,000	180,000,000
Accumulated depreciation	(42,800,000)	(41,400,000)
<b>Total buildings on freehold land</b>	<b>137,200,000</b>	<b>138,600,000</b>
<b>Total Land and Buildings</b>	<b>142,700,000</b>	<b>144,100,000</b>

	2003	2002
<b>8B: Plant and Equipment</b>	<b>\$</b>	<b>\$</b>
Plant and equipment at 2001 valuation	2,785,468	2,827,468
Accumulated depreciation	(1,229,363)	(1,211,065)
Plant and equipment at cost	1,243,485	843,283
Accumulated depreciation	(216,557)	(109,485)
Chillers – in progress	451,550	-
<b>Total Plant and Equipment</b>	<b>3,034,583</b>	<b>2,350,201</b>

In the prior year, adjustments for disposals of revalued assets, and their related depreciation, were offset against plant and equipment at cost. This impacts on classification only and total plant and equipment remains unchanged.

	2003	2002
<b>8C: Intangibles</b>	<b>\$</b>	<b>\$</b>
Intangibles at cost	540,808	509,709
Accumulated depreciation	(367,321)	(393,051)
Library database – in progress	-	33,282
Webification of CRS – in progress	7,920	-
<b>Total Intangibles</b>	<b>181,407</b>	<b>149,940</b>

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	2003	2002
<b>8D: Library Holdings</b>	\$	\$
Library at June 2001 valuation	7,896,145	7,896,145
Accumulated depreciation	(1,511,699)	(1,469,507)
Library at cost	2,136,110	1,070,363
Accumulated depreciation	(10,680)	(5,352)
<b>Total Library Holdings</b>	<b>8,509,876</b>	<b>7,491,649</b>

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**8E: Reconciliation of the opening and closing balances of property, plant and equipment and intangibles**

	Land	Buildings	Total Land & Buildings	Total Plant & Equipment	Library Holdings	Total Plant, Equipment & Library Holdings	Intangibles	Total
	\$	\$	\$	\$	\$	\$	\$	\$
<b>As at 1 July 2002:</b>								
Gross book value	5,500,000	180,000,000	185,500,000	3,670,751	8,966,508	12,637,259	542,991	198,680,250
Accumulated depreciation/ amortisation	-	(41,400,000)	(41,400,000)	(1,320,550)	(1,474,859)	(2,795,409)	(393,051)	(44,588,460)
<b>Net book value</b>	<b>5,500,000</b>	<b>138,600,000</b>	<b>144,100,000</b>	<b>2,350,201</b>	<b>7,491,649</b>	<b>9,841,850</b>	<b>149,940</b>	<b>154,091,790</b>
Additions by purchase	-	-	-	400,202	1,065,747	1,465,949	135,740	1,601,689
Depreciation/ amortisation expense	-	(1,400,000)	(1,400,000)	(161,120)	(47,520)	(208,640)	(70,402)	(1,679,042)
Disposals	-	-	-	(42,000)	-	(42,000)	(92,641)	(134,641)
Depreciation/ amortisation disposals	-	-	-	35,750	-	35,750	89,189	124,939
Write-downs	-	-	-	-	-	-	(12,000)	(12,000)
Depreciation on write-downs	-	-	-	-	-	-	6,943	6,943
Assets under construction	-	-	-	451,550	-	451,550	(25,362)	426,188
<b>As at 30 June 2003:</b>								
Gross book value	5,500,000	180,000,000	185,500,000	4,480,503	10,032,255	14,512,758	548,728	200,561,486
Accumulated depreciation/ amortisation	-	(42,800,000)	(42,800,000)	(1,445,920)	(1,522,379)	(2,968,299)	(367,321)	(46,135,620)
<b>Net book value</b>	<b>5,500,000</b>	<b>137,200,000</b>	<b>142,700,000</b>	<b>3,034,583</b>	<b>8,509,876</b>	<b>11,544,459</b>	<b>181,407</b>	<b>154,425,866</b>

**8F: Summary of balances of assets at valuation for the year ended 30 June 2003**

	Land	Buildings	Total Land & Buildings	Total Plant & Equipment	Library Holdings	Total Plant, Equipment & Library Holdings	Intangibles	Total
	\$	\$	\$	\$	\$	\$	\$	\$
<b>As at 30 June 2003</b>								
Gross value	5,500,000	180,000,000	185,500,000	2,785,468	7,896,145	10,681,613	-	196,181,613
Accumulated depreciation/ amortisation	-	(42,800,000)	(42,800,000)	(1,229,363)	(1,511,699)	(2,741,062)	-	(45,541,062)
<b>Net book value</b>	<b>5,500,000</b>	<b>137,200,000</b>	<b>142,700,000</b>	<b>1,556,105</b>	<b>6,384,446</b>	<b>7,940,551</b>	<b>-</b>	<b>150,640,551</b>
<b>As at 30 June 2002</b>								
Gross book value	5,500,000	180,000,000	185,500,000	2,827,468	7,896,145	10,723,613	-	196,223,613
Accumulated depreciation/ amortisation	-	(41,400,000)	(41,400,000)	(1,211,065)	(1,469,507)	(2,680,572)	-	(44,080,572)
<b>Net book value</b>	<b>5,500,000</b>	<b>138,600,000</b>	<b>144,100,000</b>	<b>1,616,403</b>	<b>6,426,638</b>	<b>8,043,041</b>	<b>-</b>	<b>152,143,041</b>

**8G: Summary of balances of assets held under finance leases for the year ended 30 June 2003**

	Land	Buildings	Total Land & Buildings	Total Plant & Equipment	Library Holdings	Total Plant, Equipment & Library Holdings	Intangibles	Total
<b>As at 30 June 2003</b>								
Gross value	-	-	-	275,372	-	275,372	-	275,372
Accumulated depreciation/ amortisation	-	-	-	(67,377)	-	(67,377)	-	(67,377)
<b>Net book value</b>	-	-	-	<b>207,995</b>	-	<b>207,995</b>	-	<b>207,995</b>
<b>As at 30 June 2002</b>								
Gross book value	-	-	-	275,372	-	275,372	-	275,372
Accumulated depreciation/ amortisation	-	-	-	(41,219)	-	(41,219)	-	(41,219)
<b>Net book value</b>	-	-	-	<b>234,153</b>	-	<b>234,153</b>	-	<b>234,153</b>

**8H: Summary of assets under construction for the year ended June 2003**

	Land	Buildings	Total Land & Buildings	Total Plant & Equipment	Library Holdings	Total Plant, Equipment & Library Holdings	Intangibles	Total
	\$	\$	\$	\$	\$	\$	\$	\$
<b>As at 30 June 2003</b>								
Gross value	-	-	-	451,550	-	451,550	7,920	459,470
Accumulated depreciation/ amortisation	-	-	-	-	-	-	-	-
<b>Net book value</b>	-	-	-	<b>451,550</b>	-	<b>451,550</b>	<b>7,920</b>	<b>459,470</b>
<b>As at 30 June 2002</b>								
Gross book value	-	-	-	-	-	-	33,282	33,282
Accumulated depreciation/ amortisation	-	-	-	-	-	-	-	-
<b>Net book value</b>	-	-	-	-	-	-	<b>33,282</b>	<b>33,282</b>

## NOTE 9: OTHER NON-FINANCIAL ASSETS

The amounts shown as “Other” in the Statement of Financial Position represent the following:

	2003	2002
	\$	\$
Prepaid property rentals	303,872	305,332
Other prepayments	241,710	188,999
<b>Total other non-financial assets</b>	<b>545,582</b>	<b>494,331</b>

## NOTE 10: LEASES

	2003	2002
	\$	\$
<b>Finance Lease Commitments:</b>		
Within one year	84,372	84,372
In one to five years	35,532	119,904
In more than five years	-	-
Minimum lease payments	119,904	204,276
Deduct: future finance charges	(9,298)	(26,942)
<b>Total lease liability</b>	<b>110,606</b>	<b>177,334</b>
<b>Lease Liability is represented by:</b>		
Current	75,718	66,728
Non-current	34,888	110,606
<b>Total lease liability</b>	<b>110,606</b>	<b>177,334</b>

Finance leases exist in relation to certain office equipment assets. The leases are non-cancellable and for fixed terms averaging four years with five per cent residual. The High Court guarantees the residual of all assets leased. There are no contingent rentals.

**NOTE 11: EMPLOYEE PROVISIONS**

The item “Employees” shown in the Statement of Financial Position is comprised of:

	2003	2002
	\$	\$
Salaries and wages	127,145	104,128
Superannuation	13,514	9,866
Leave	1,245,038	1,036,697
<b>Aggregate employee entitlement liability</b>	<b>1,385,697</b>	<b>1,150,691</b>
<b>Employee provisions are categorised as follows:</b>		
Current	671,156	525,603
Non-current	714,541	625,088
<b>Aggregate employee entitlement liability</b>	<b>1,385,697</b>	<b>1,150,691</b>

**NOTE 12: SUPPLIERS PAYABLES**

The item “Suppliers” shown in the Statement of Financial Position is comprised of:

	2003	2002
	\$	\$
Trade creditors	290,246	731,551
<b>Total supplier payables</b>	<b>290,246</b>	<b>731,551</b>

All supplier payables are current.



**NOTE 13: EQUITY**

	Accumulated Results		Asset Revaluation Reserve		Contributed Equity		TOTAL EQUITY	
	2003	2002	2003	2002	2003	2002	2003	2002
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
<b>Opening balance</b>								
1 July 2002	631	(278)	102,115	102,115	53,427	53,427	156,173	155,264
Operating result	15,079	15,463	-	-	-	-	15,079	15,463
<b>Transactions with owner:</b>								
Capital Use Charge	(14,653)	(14,554)	-	-	-	-	(14,653)	(14,554)
<b>Closing balance</b>								
30 June 2003	1,057	631	102,115	102,115	53,427	53,427	156,599	156,173
Less: Outside equity interests	-	-	-	-	-	-	-	-
<b>Total equity attributable to the Commonwealth</b>	<b>1,057</b>	<b>631</b>	<b>102,115</b>	<b>102,115</b>	<b>53,427</b>	<b>53,427</b>	<b>156,599</b>	<b>156,173</b>

## NOTE 14: CASH FLOW RECONCILIATION

### 14A: Reconciliation of Operating Surplus to Net Cash provided by Operating Activities:

	2003	2002
	\$	\$
<b>Operating surplus before extraordinary items</b>	<b>15,079,114</b>	<b>15,462,598</b>
<b>Non-Cash items:</b>		
Depreciation of property, plant and equipment	1,608,640	1,678,538
Amortisation of intangible assets	70,402	47,157
Loss on sale of property, plant and equipment	7,315	8,625
Write-down of property, plant and equipment	5,056	-
<b>Changes in assets and liabilities:</b>		
Increase/(decrease) in employees provisions	235,006	90,280
Increase/(decrease) in supplier payables	(441,257)	383,985
(Increase)/decrease in prepayments	(51,251)	(111,525)
(Increase)/decrease in inventories	(692)	2,483
(Increase)/decrease in receivables	(90,596)	(27,014)
<b>Net cash from/(used by) operating activities</b>	<b>16,421,737</b>	<b>17,535,127</b>

### 14B: Reconciliation of Cash

	2003	2002
	\$	\$
<b>Cash balance comprises:</b>		
Cash on hand	3,175,284	3,498,766
<b>Total cash</b>	<b>3,175,284</b>	<b>3,498,766</b>
<b>Balance of cash for the year ended 30 June shown in the Statement of Cash Flows</b>	<b>3,175,284</b>	<b>3,498,766</b>

**NOTE 15: REMUNERATION OF AUDITORS**

	2003	2002
	\$	\$
Remuneration to the Auditor-General for auditing the financial statements for the reporting period	<u>28,500</u>	<u>24,000</u>

No other services were provided by the Auditor-General during the reporting period.

**NOTE 16: AVERAGE STAFFING LEVELS**

	2003	2002
Court average staffing levels during the year were	<u>85</u>	<u>84</u>

**NOTE 17: PUBLIC MONEY IN THE CUSTODY OF THE COURT**

*Suitors' Funds:*

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

	2003	2002
	\$	\$
Balance as at 1 July 2002	4,895	4,425
Amount received	45,600	22,180
Amount deducted/paid out	(1,500)	(21,710)
<b>Balance for the year ended 30 June 2003</b>	<u>48,995</u>	<u>4,895</u>

**NOTE 18: REMUNERATION OF EXECUTIVES**

Number of executives who received or were due to receive total remuneration of \$100,000 or more:

<b>Income Band 2003</b>	<b>2003 Number</b>	<b>2002 Number</b>
\$120,000 - \$129,999	-	1
\$140,000 - \$149,999	1	-
\$150,000 - \$159,999	1	1
\$160,000 - \$169,999	1	1
\$250,000 - \$259,999	-	1
\$290,000 - \$299,999	1	-
	4	4
<b>Aggregate amount of total remuneration of officers shown above</b>	<b>\$767,068</b>	<b>\$693,248</b>

The 2001-02 comparative figures have been adjusted to remove a non-executive officer previously included.

**NOTE 19: ADMINISTRATION OF THE COURT**

The Court is administered by the Justices, who are assisted by the Chief Executive and Principal Registrar of the Court.

**Chief Justice:**

The Honourable Murray Gleeson, AC

**Justices:**

The Honourable Mary Gaudron (retired February 2003)

The Honourable Michael McHugh, AC

The Honourable William Gummow, AC

The Honourable Michael Kirby, AC, CMG

The Honourable Kenneth Hayne, AC

The Honourable Ian Callinan, AC

The Honourable Dyson Heydon (appointed February 2003)

**Chief Executive and Principal Registrar:**

Christopher Doogan

Under section 10 of the *High Court of Australia Act 1979* a Justice is not capable of accepting or holding any other office of profit within Australia. No related party transactions have occurred during the 2002-03 financial year.

**NOTE 20: AFTER BALANCE DATE EVENTS**

No events have occurred after balance date that affect the financial statements.

**NOTE 21: FINANCIAL INSTRUMENTS**

**(a) Terms, conditions and accounting policies**

Financial Instruments	Notes	Accounting Policies and Methods (including recognition criteria and measurement basis)	Nature of Underlying Instrument (including significant terms and conditions affecting the amount, timing and certainty of cash flows)
<b>(i) Financial Assets</b>		Financial assets are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Cash at bank	14B	Cash is recognised at the nominal amount. Interest is credited to revenue as it accrues.	Interest is calculated on a daily balance at the prevailing daily rate for money on call and is paid at month end.
Receivables	7	Receivables are recognised at the nominal amounts due less any provision for bad and doubtful debts. Provisions are made when collection of the debt is judged to be less rather than more likely.	Credit terms are net 30 days (2002: 30 days).

<b>Financial Instruments</b>	<b>Notes</b>	<b>Accounting Policies and Methods (including recognition criteria and measurement basis)</b>	<b>Nature of Underlying Instrument (including significant terms and conditions affecting the amount, timing and certainty of cash flows)</b>
Appropriation receivable	7	These receivables are recognised at the nominal amounts due.	Balance of departmental appropriations made by the Parliament to the High Court which has not been drawn by the Court at the reporting date.
GST receivable	7	Receivables are recognised at the nominal amounts due.	Credit terms are 14 days following the lodgement of the Business Activity Statement.
<b>(ii) Financial Liabilities</b>		Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.	
Finance lease liabilities	10	Liabilities are recognised at the present value of the minimum lease payments at the beginning of the lease. The discount rates used are estimates of the interest rates implicit in the leases.	At reporting date, the High Court had finance leases with terms of 4 years. The interest rate implicit in the leases averaged 11% (2002:11%). The lease assets secure the lease liabilities.
Trade creditors and accruals	12	Creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).	Settlement is usually made net 30 days.

**(b) Interest Rate Risk**

Financial Instrument	Notes	Floating Interest Rate		Fixed Interest Rates						Non Interest Bearing		Total		Weighted Average Effective Interest Rate			
		Interest Rate		1 year or less		1 to 5 years		> 5 years		01-02		02-03		01-02		02-03	
		02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	
		\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	%	%		
<b>Financial Assets</b>																	
Cash at bank	14B	3,168	3,481	-	-	-	-	-	-	-	-	-	3,168	3,481	4.15	4.15	
Cash on hand	14B	-	-	-	-	-	-	-	-	7	18	7	18	n/a	n/a		
Receivables	7	-	-	-	-	-	-	-	-	8	88	8	88	n/a	n/a		
Appropriation receivable	7	-	-	-	-	-	-	-	-	96	-	96	-	n/a	n/a		
Interest Receivable	7	55	25	-	-	-	-	-	-	-	-	55	25	4.15	4.15		
GST receivable	7	-	-	-	-	-	-	-	-	94	50	94	50	n/a	n/a		
<b>Total Financial Assets</b>		<b>3,223</b>	<b>3,506</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>205</b>	<b>156</b>	<b>3,428</b>	<b>3,662</b>				
<b>Financial Liabilities</b>																	
Finance leases	10	-	-	76	67	34	110	-	-	-	-	110	177	11.00	11.00		
Trade Creditors and Accruals	12	-	-	-	-	-	-	-	-	290	732	290	732	n/a	n/a		
<b>Total Financial Liabilities</b>		<b>-</b>	<b>76</b>	<b>67</b>	<b>34</b>	<b>110</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>732</b>	<b>400</b>	<b>909</b>					

**(c) Net fair values of Financial Assets and Liabilities**

		Total carrying amount		Aggregate net fair value	
	Notes	2002-03 \$	2001-02 \$	2002-03 \$	2001-02 \$
<b>Financial Assets:</b>					
Cash at bank	14B	<b>3,168,134</b>	3,481,216	<b>3,168,134</b>	3,481,216
Cash on hand	14B	<b>7,150</b>	17,550	<b>7,150</b>	17,550
Trade debtors	7	<b>103,832</b>	88,034	<b>103,832</b>	88,034
Interest receivable	7	<b>55,014</b>	24,634	<b>55,014</b>	24,634
GST receivable	7	<b>94,241</b>	49,821	<b>94,241</b>	49,821
<b>Total Financial Assets</b>		<b>3,428,371</b>	3,661,255	<b>3,428,371</b>	3,661,255
<b>Financial Liabilities:</b>					
Finance leases	10	<b>110,606</b>	177,334	<b>110,606</b>	177,334
Trade creditors and accruals	12	<b>290,246</b>	731,551	<b>290,246</b>	731,551
<b>Total Financial Liabilities</b>		<b>400,852</b>	908,885	<b>400,852</b>	908,885

**(d) Credit Risk Exposures**

The Court’s maximum exposure to credit risk at reporting date in relation to each class of recognised financial asset is the carrying amount of those assets as indicated in the Statement of Financial Position.

The Court has no significant exposures to any concentrations of credit risk.



**NOTE 22: ADMINISTERED ITEMS**

	2003 \$	2002 \$
<b>22A: Revenues Administered on behalf of Government</b>		
<i>for the year ended 30 June 2003</i>		
Filing and hearing fees	777,952	669,223
Sales of judgments and transcripts	25,368	24,285
Practitioners' certificates	43,573	36,368
Taxing of costs	49,892	38,448
Other	13,875	11,117
<b>Total Revenues Administered on behalf of Government</b>	<b>910,660</b>	<b>779,441</b>
<b>22B: Expenses Administered on behalf of Government</b>		
<i>for the year ended 30 June 2003</i>		
Expenses	-	-
<b>Total Expenses Administered on behalf of Government</b>	<b>-</b>	<b>-</b>
<b>22C: Assets Administered on behalf of Government</b>		
<i>for the year ended 30 June 2003</i>		
Assets	-	-
<b>Total Assets Administered on behalf of Government</b>	<b>-</b>	<b>-</b>
<b>22D: Liabilities Administered on behalf of Government</b>		
<i>for the year ended 30 June 2003</i>		
Liabilities	-	-
<b>Total Liabilities Administered on behalf of Government</b>	<b>-</b>	<b>-</b>

2003                      2002  
\$                              \$

**22E: Administered Cash Flows**  
*for the year ended 30 June 2003*

**Operating Activities**

*Cash received*

Other taxes, fines and fees	910,660	779,441
<i>Total cash received</i>	<b>910,660</b>	779,441

*Cash used*

Cash to Official Public Account	910,660	779,441
<i>Total cash used</i>	<b>910,660</b>	779,441

<b>Net cash (used in) operating activities</b>	-	-
--	---	---

**Investing Activities**

	-	-
--	---	---

**Financing Activities**

	-	-
--	---	---

**Net increase (decrease) in cash held**

	-	-
--	---	---

Cash at the beginning of  
the reporting period

	-	-
--	---	---

<b>Cash at the end of the reporting period</b>	-	-
--	---	---

**22F: Administered Reconciliation Table**

*Opening Administered Assets less*

	-	-
--	---	---

*Administered Liabilities at 1 July 2002*

Plus: Administered revenues	910,660	779,441
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Less: Transfers to Official Public Account	(910,660)	(779,441)
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<b>Closing Administered Assets less</b>		
---	--	--

**Administered Liabilities**

<b>for the year ended 30 June 2003</b>	-	-
--	---	---

**22G: Administered Commitments**

There were no administered commitments for 2002-03 (2002: Nil)

**22H: Administered Contingencies**

There were no administered contingencies for 2002-03 (2002: Nil).

## NOTE 23: APPROPRIATIONS

Particulars	Departmental Outputs		Equity		Total	
	2003 \$000	2002 \$000	2003 \$000	2002 \$000	2003 \$000	2002 \$000
for the year ended 30 June 2003						
Balance carried forward from previous year	-	-	-	-	-	-
Appropriation Acts 1 and 3	25,817	25,177	96	-	25,913	25,177
Available for payment of CRF	25,817	25,177	96	-	25,913	25,177
Payment made out of CRF	25,817	25,177	-		25,817	25,177
Balance carried forward to next year	-	-	96	-	96	-
Represented by: Appropriations receivable	-	-	96	-	96	-

This table reports on appropriations made by the Parliament out of the Consolidated Revenue Fund (CRF) in respect of the Court. When received by the Court, the payments made are legally the money of the Court and do not represent any balance remaining in the CRF.

## NOTE 24: REPORTING OF OUTCOMES

### 24A: Outcomes of the Court

The Court operates solely in Australia and is structured to meet one outcome:

- to interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court in Australia.

## 24B: Net Cost of Outcome Delivery

	Outcome 1		Total	
	2003	2002	2003	2002
	\$	\$	\$	\$
Departmental expenses	<b>11,281,196</b>	10,037,096	<b>11,281,196</b>	10,037,096
<b>Total expenses</b>	<b>11,281,196</b>	10,037,096	<b>11,281,196</b>	10,037,096
<b>Costs recovered from provision of goods and services to the non-government sector</b>				
Departmental	-	-	-	-
<b>Total costs recovered</b>	-	-	-	-
<b>Other External Revenues</b>				
<i>Departmental:</i>				
Interest	<b>269,485</b>	145,348	<b>269,485</b>	145,348
Other	<b>101,862</b>	98,403	<b>101,862</b>	98,403
Total Departmental	<b>371,347</b>	243,751	<b>371,347</b>	243,751
<b>Total Other External Revenues</b>	<b>371,347</b>	243,751	<b>371,347</b>	243,751
<b>Net Costs/ (Contribution) of Outcome</b>	<b>10,909,849</b>	9,793,345	<b>10,909,849</b>	9,793,345

The net costs shown include intra-government costs that would be eliminated in calculating the actual Budget outcome. The Capital Use Charge is not included in any of the Net Costs/(Contribution) of Outcomes as it is not an operating expense.

## 24C: Departmental Revenues and Expenses by Outputs

	Outcome 1		Total	
	Output 1			
	2003	2002	2003	2002
	\$	\$	\$	\$
<b>Operating expenses</b>				
Employees	5,018,185	4,492,163	5,018,185	4,492,163
Suppliers	4,553,763	3,783,878	4,553,763	3,783,878
Depreciation and amortisation	1,679,042	1,725,695	1,679,042	1,725,695
Net loss from sale of assets	3,788	8,625	3,788	8,625
Write-down of assets	7,091	-	7,091	-
Borrowing costs expense	19,327	26,735	19,327	26,735
<b>Total operating expenses</b>	<b>11,281,196</b>	<b>10,037,096</b>	<b>11,281,196</b>	<b>10,037,096</b>
<b>Funded by:</b>				
Revenues from Government	25,913,000	25,177,000	25,913,000	25,177,000
Sales of goods and services	75,963	78,943	75,963	78,943
Interest	269,485	145,348	269,485	145,348
Other	101,862	98,403	101,862	98,403
<b>Total operating revenues</b>	<b>26,360,310</b>	<b>25,499,694</b>	<b>26,360,310</b>	<b>25,499,694</b>

The Court's outcome and output is described at Note 24A. The net costs shown include intra-government costs that would be eliminated in calculating the actual Budget outcome. The Capital Use Charge is not included in any of the Net Costs/(Contribution) of Outcomes as it is not an operating expense.





## 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 organisation 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; and
- internal working documents and correspondence.

The following category of documents is 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; and
- 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; and
- 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 officers authorised to deny access to documents are the Chief Executive and Principal Registrar and the Marshal 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.



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

Marshal

High Court of Australia

Parkes Place

OR

PO Box 6309

Parkes ACT 2600

Kingston ACT 2604

Telephone: (02) 6270 6983

Facsimilie: (02) 6270 6868

Email: lhoward@hcourt.gov.au

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

### **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 following officers:

*Registry matters -*

Senior Registrar

Telephone: (02) 6270 6862

Facsimile: (02) 6273 3025

Email: crogers@hcourt.gov.au

*Marshal's Branch matters -*

Marshal

Telephone: (02) 6270 6983

Fax: (02) 6270 6868

Email: lhoward@hcourt.gov.au

If necessary, special arrangements can be made with the above officers to overcome any difficulties in physical access.

Publications produced for the High Court are usually available through Australian Government Bookshops. They may be inspected at the High Court building. Brochures on the High Court are available free of charge from the High Court building. Documents 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 17, Commonwealth Law Courts Building, 305 William 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.



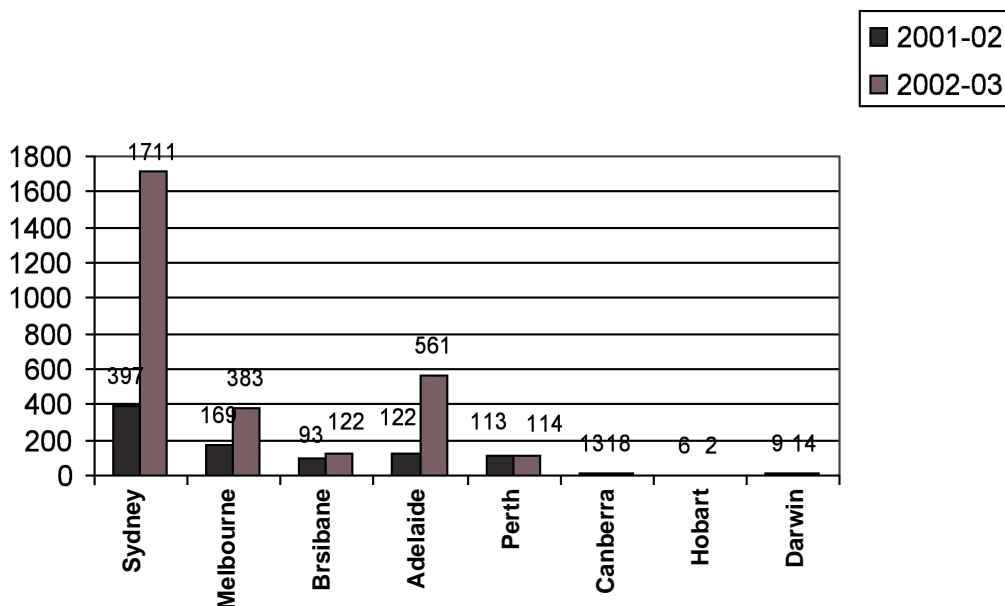
## PART VII – ANNEXURE B

### 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 Full Court matters heard in all jurisdictions
8. Categories of Full Court 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 Full Court decisions related to matters filed in all jurisdictions
14. Categories of Full Court decisions related to matters filed in all jurisdictions
15. Civil special leave applications decided
16. Results of civil special leave applications decided
- 16A. Results of 2002-03 civil special leave applications decided showing lower courts
17. Criminal special leave applications decided
18. Results of 2002-03 criminal special leave applications decided
- 18A. Results of 2002-03 criminal special leave applications decided showing lower courts
19. Civil appeals decided
20. Results of civil appeals decided
- 20A. Results of 2002-03 civil appeals decided showing lower courts
21. Criminal appeals decided
22. Results of criminal appeals decided
- 22A. Results of 2002-03 criminal appeals decided showing lower courts
23. Elapsed time for civil special leave applications finalised – All matters
- 23A. Elapsed time for civil special leave applications finalised – Legally Represented
- 23B. Elapsed time for civil special leave applications finalised – Self-Represented

- 24. Elapsed time for civil appeals finalised – All matters
- 24A. Elapsed time for civil appeals finalised – Legally Represented
- 24B. Elapsed time for civil appeals finalised – Self-Represented
- 25. Elapsed time for criminal special leave applications finalised – All matters
- 25A. Elapsed time for criminal special leave applications finalised – Legally Represented
- 25B. Elapsed time for criminal special leave applications finalised – Self-Represented
- 26. Elapsed time for criminal appeals finalised – All matters
- 26A. Elapsed time for criminal appeals finalised – Legally Represented
- 26B. Elapsed time for criminal appeals finalised – Self-Represented
- 27. Elapsed time for constitutional matters and electoral petitions finalised – All matters
- 27A. Elapsed time for constitutional matters and electoral petitions finalised – Legally Represented
- 27B. Elapsed time for constitutional matters and electoral petitions finalised – Self-Represented
- 28. Elapsed time for Constitutional Writs finalised – All matters
- 28A. Elapsed time for Constitutional Writs finalised – Legally Represented
- 28B. Elapsed time for Constitutional Writs finalised – Self-Represented
- 29. Matters heard before a single Justice
- 30. Categories of matters heard before a single Justice

## 1. TOTAL MATTERS FILED IN ALL JURISDICTIONS



## 2. CATEGORIES OF MATTERS FILED IN ALL JURISDICTIONS

Category	2001-02	2002-03
Special Leave Applications (Civil)	393	478
Special Leave Applications (Criminal)	104	127
Appeals (Civil)	63	54
Appeals (Criminal)	15	10
Writ of Summons <sup>1</sup>	13	93
Applications for Removal of Cause <sup>2</sup>	19	12
Constitutional Writs <sup>3</sup>	300	2,131
Electoral Act <sup>4</sup>	4	0
Other <sup>5</sup>	11	17
<b>TOTAL</b>	<b>922</b>	<b>2,925</b>

1 Of the 93 writs of summons issued in 2002-03, four were remitted to another Court and 80 were discontinued during the reporting period. Matters are remitted pursuant to section 44 of the *Judiciary Act 1903 (Cth)*.

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

3 Applications for constitutional writs made within the original jurisdiction of the Court conferred by section 75(v) of the Constitution. Of the 2,131 applications filed in 2002-03 1947 were remitted to another Court during the reporting period.

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.

5 Including causes removed pursuant to section 40 of the *Judiciary Act 1903 (Cth)* and 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										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	58	104	2	1	121	83 <sup>1</sup>	6	3	187	191
Melbourne	23	32	2	3	15	39	3	2	43	76
Brisbane	8 <sup>2</sup>	11	3	3	34	42	3	4	48	60
Adelaide	9	34	0	2	18	16	0	0	27	52
Perth	45	54	2	1	27	27	1	0	75	82
Canberra	1	3	1	1	0	3	1	0	3	7
Hobart	2	0	0	0	2	1	0	0	4	1
Darwin	3	5	1	0	2	4	0	0	6	9
<b>TOTAL</b>	<b>149</b>	<b>243</b>	<b>11</b>	<b>11</b>	<b>219</b>	<b>215</b>	<b>14</b>	<b>9</b>	<b>393</b>	<b>478</b>

1 Includes one application filed from the Industrial Relations Commission of New South Wales.

2 Includes one application filed from the Industrial Relations Court of Australia.

### 4. CRIMINAL SPECIAL LEAVE APPLICATIONS FILED

Court Appealed From						
Registry	Federal Court		Supreme Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	1	0	27	46	28	46
Melbourne	0	0	16	18	16	18
Brisbane	0	0	21	32	21	32
Adelaide	0	0	13	14	13	14
Perth	0	0	22	18	22	12
Canberra	0	0	0	1	0	1
Hobart	0	0	2	0	2	0
Darwin	0	0	2	4	2	4
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>103</b>	<b>127</b>	<b>104</b>	<b>127</b>

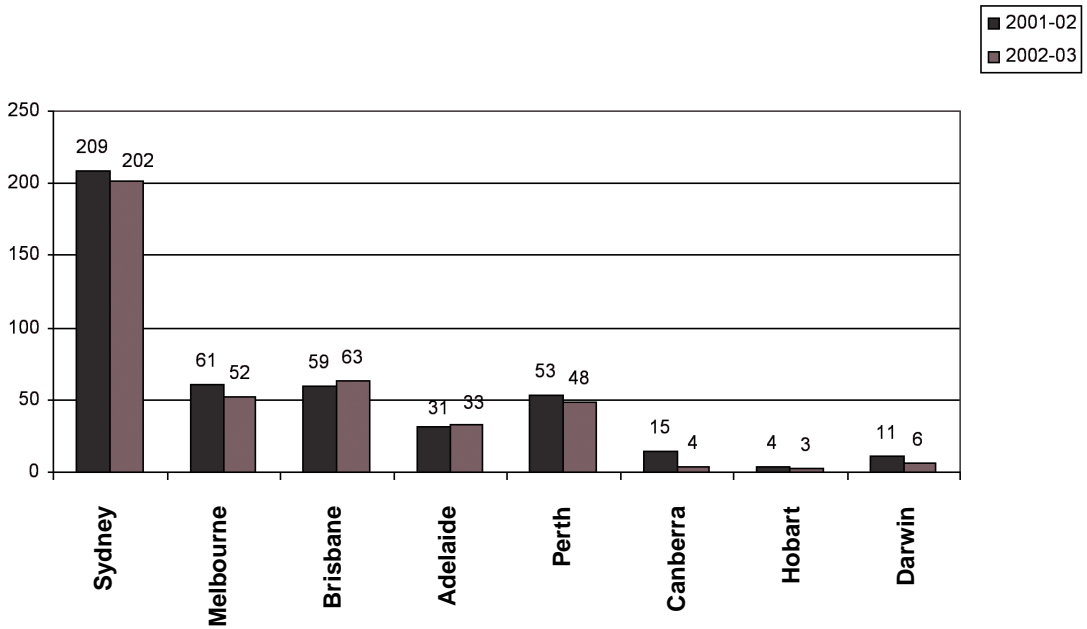
## 5. CIVIL APPEALS FILED

Court Appealed From										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	10	14	2	0	16	22	1	0	29	36
Melbourne	5	1	0	0	3	0	0	0	8	1
Brisbane	8	1	0	0	5	5	0	0	13	6
Adelaide	0	4	0	0	3	0	0	1	3	5
Perth	3	1	0	0	6	3	0	0	9	4
Canberra	0	1	0	0	0	0	0	0	0	1
Hobart	0	0	0	0	0	0	0	0	0	0
Darwin	1	1	0	0	0	0	0	0	1	1
<b>TOTAL</b>	<b>27</b>	<b>23</b>	<b>2</b>	<b>0</b>	<b>33</b>	<b>30</b>	<b>1</b>	<b>1</b>	<b>63</b>	<b>54</b>

## 6. CRIMINAL APPEALS FILED

Court Appealed From						
Registry	Federal Court		Supreme Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	-	-	9	1	9	1
Melbourne	-	-	0	2	0	2
Brisbane	-	-	3	2	3	2
Adelaide	-	-	1	3	1	3
Perth	-	-	2	1	2	1
Canberra	0	0	-	-	0	0
Hobart	-	-	0	1	0	1
Darwin	-	-	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>10</b>	<b>15</b>	<b>10</b>

## 7. TOTAL FULL COURT MATTERS HEARD IN ALL JURISDICTIONS



## 8. CATEGORIES OF FULL COURT MATTERS HEARD IN ALL JURISDICTIONS

Category	2001-02	2002-03
Special Leave Applications (Civil)	281	240
Special Leave Applications (Criminal)	89	85
Appeals (Civil)	45	59
Appeals (Criminal)	11	11
Constitutional and Other Full Court Matters <sup>1</sup>	8	4
Applications for Removal of Cause <sup>2</sup>	0	3
Constitutional Writs <sup>3</sup>	9	9
Electoral Act <sup>4</sup>	0	0
<b>TOTAL</b>	<b>443</b>	<b>411</b>

<sup>1</sup> 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)* and causes removed in accordance with section 40 of the *Judiciary Act 1903 (Cth)*.

<sup>2</sup> Applications made in accordance with section 40 of the *Judiciary Act 1903 (Cth)*.

<sup>3</sup> Applications for constitutional writs made within the original jurisdiction of the Court conferred by section 75(v) of the Constitution.

<sup>4</sup> 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										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	51	37	6	2	82	81	0	2	139	122
Melbourne	20 <sup>1</sup>	17	3	0	17	17	3	0	43	34
Brisbane	9	9	2	3	21	17	1	0	33	29
Adelaide	3	6	0	0	13	8	0	0	16	14
Perth	4	15	0	1	23	17	0	0	27	33
Canberra	10	1	0	0	0	0	1	1	11	2
Hobart	0	0	0	0	4	1	0	0	4	1
Darwin	3	4	1	0	4	1	0	0	8	5
<b>TOTAL</b>	<b>100</b>	<b>89</b>	<b>12</b>	<b>6</b>	<b>164</b>	<b>142</b>	<b>5</b>	<b>3</b>	<b>281</b>	<b>240</b>

1 Includes 1 application filed from the Industrial Relations Court of Australia.

## 10. CRIMINAL SPECIAL LEAVE APPLICATIONS HEARD

Court Appealed From						
Registry	Federal Court		Supreme Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	-	-	38	27	38	27
Melbourne	-	-	10	13	10	13
Brisbane	-	-	14	22	14	22
Adelaide	-	-	8	14	8	14
Perth	-	-	17	6	17	6
Canberra	0	0	-	-	0	0
Hobart	-	-	0	2	0	2
Darwin	-	-	2	1	2	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>89</b>	<b>85</b>	<b>89</b>	<b>85</b>

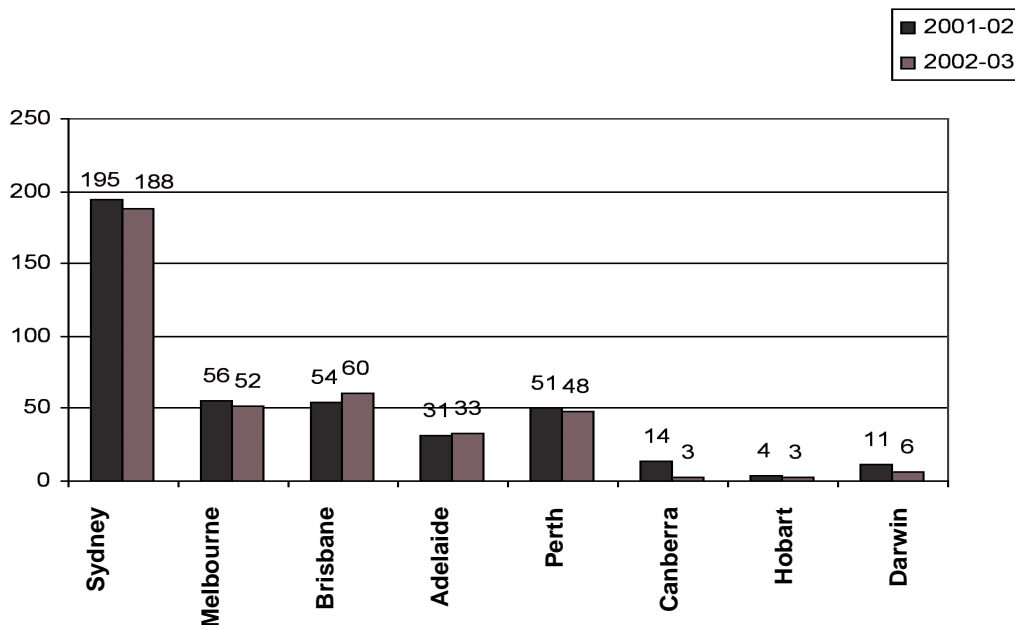
## 11. CIVIL APPEALS HEARD

Court Appealed From										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	9	13	2	0	9	25	0	1	20	39
Melbourne	3	1	0	0	1	1	1	0	5	2
Brisbane	6	1	0	0	1	6	0	0	7	7
Adelaide	2	0	0	0	4	2	0	1	6	3
Perth	0	2	0	0	6	5	0	0	6	7
Canberra	0	1	0	0	0	0	0	0	0	1
Hobart	0	0	0	0	0	0	0	0	0	0
Darwin	1	0	0	0	0	0	0	0	1	0
<b>TOTAL</b>	<b>21</b>	<b>18</b>	<b>2</b>	<b>0</b>	<b>21</b>	<b>39</b>	<b>1</b>	<b>2</b>	<b>45</b>	<b>59</b>

## 12. CRIMINAL APPEALS HEARD

Court Appealed From						
Registry	Federal Court		Supreme Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	-	-	5	5	5	5
Melbourne	-	-	0	1	0	1
Brisbane	-	-	2	2	2	2
Adelaide	-	-	0	2	0	2
Perth	-	-	3	1	3	1
Canberra	0	0	0	0	1	0
Hobart	-	-	0	0	0	0
Darwin	-	-	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>11</b>	<b>11</b>	<b>11</b>

### 13. TOTAL FULL COURT DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS



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

Category	2001-02	2002-03
Special Leave Applications (Civil)	267	223
Special Leave Applications (Criminal)	86	81
Appeals (Civil)	41	59
Appeals (Criminal)	15	11
Constitutional and Other Full Court Matters <sup>1</sup>	3	6
Applications for Removal of Cause <sup>2</sup>	0	2
Constitutional Writs <sup>3</sup>	4	11
Electoral Act <sup>4</sup>	0	0
<b>TOTAL</b>	<b>416</b>	<b>393</b>

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)* 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 constitutional writs made within the original jurisdiction of the Court conferred by section 75(v) of the Constitution.

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		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	47	34	6	2	79	79	0	2	132	117
Melbourne	19	14	3	0	14	15	3	0	39	29
Brisbane	8	8	2	3	22	16	1	0	33	27
Adelaide	3	5	0	0	14	8	0	0	17	13
Perth	4	13	0	1	22	15	0	0	26	29
Canberra	9	1	0	0	0	0	1	1	10	2
Hobart	0	0	0	0	3	1	0	0	3	1
Darwin	3	4	1	0	3	1	0	0	7	5
<b>TOTAL</b>	<b>93</b>	<b>79</b>	<b>12</b>	<b>6</b>	<b>157</b>	<b>135</b>	<b>5</b>	<b>3</b>	<b>267</b>	<b>223</b>

### 16. RESULTS OF CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	2001-02			2002-03		
	Special Leave Granted	Special Leave Refused	TOTAL	Special Leave Granted	Special Leave Refused	TOTAL
Sydney	30 <sup>1</sup>	102	132	36 <sup>3</sup>	81	117
Melbourne	8 <sup>2</sup>	31	39	3 <sup>4</sup>	26	29
Brisbane	11	22	33	6	21	27
Adelaide	3	14	17	2	11	13
Perth	8	18	26	5 <sup>4</sup>	24	29
Canberra	0	10	10	1	1	2
Hobart	0	3	3	0	1	1
Darwin	1	6	7	1	4	5
<b>TOTAL</b>	<b>61</b>	<b>206</b>	<b>267</b>	<b>54</b>	<b>169</b>	<b>223</b>

1 Includes one application where the appeal was allowed instanter.  
 2 Includes two applications where the appeal was allowed instanter.  
 3 Includes one application where the appeal was dismissed instanter.  
 4 Includes one application where the appeal was allowed instanter.

16A. RESULTS OF 2002-03 CIVIL SPECIAL LEAVE APPLICATIONS DECIDED SHOWING LOWER COURTS

Registry	Federal Court			Family Court			Supreme Court			High Court			TOTAL		
	Special Leave Granted	Special Leave Refused		Special Leave Granted	Special Leave Refused		Special Leave Granted	Special Leave Refused		Leave Granted	Leave Refused		Special Leave Granted	Special Leave Refused	
Sydney	15 <sup>1</sup>	19		0	2		21	58		0	2		36	81	
Melbourne	1	13		0	0		2 <sup>2</sup>	13		0	0		3	26	
Brisbane	1	7		0	3		5	11		0	0		6	21	
Adelaide	2	3		0	0		0	8		0	0		2	11	
Perth	1	12		0	1		4 <sup>2</sup>	11		0	0		5	24	
Canberra	1	0		0	0		0	0		0	1		1	1	
Hobart	0	0		0	0		0	1		0	0		0	1	
Darwin	1	3		0	0		0	1		0	0		1	4	
<b>TOTAL</b>	<b>22</b>	<b>57</b>		<b>0</b>	<b>6</b>		<b>32</b>	<b>103</b>		<b>0</b>	<b>3</b>		<b>4</b>	<b>169</b>	

1 Includes one application where leave was granted but appeal was dismissed *instanter*.

2 Includes one application where the appeal was allowed *instanter*.

### 17. CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED

Court Appealed From						
Registry	Federal Court		Supreme Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	-	-	37	27	37	27
Melbourne	-	-	11	11	11	11
Brisbane	-	-	11	20	11	20
Adelaide	-	-	9	15	9	15
Perth	-	-	17	5	17	5
Canberra	0	0	0	0	0	0
Hobart	-	-	0	2	0	2
Darwin	-	-	1	1	1	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>86</b>	<b>81</b>	<b>86</b>	<b>81</b>

### 18. RESULTS OF CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	2001-02			2002-03		
	Special Leave Granted	Special Leave Refused	TOTAL	Special Leave Granted	Special Leave Refused	TOTAL
Sydney	12 <sup>1</sup>	25	37	1	26	27
Melbourne	0	11	11	2	9	11
Brisbane	2	9	11	3 <sup>3</sup>	17	20
Adelaide	2 <sup>2</sup>	7	9	3	12	15
Perth	3 <sup>2</sup>	14	17	1	4	5
Canberra	0	0	0	0	0	0
Hobart	0	0	0	1	1	2
Darwin	0	1	1	0	1	1
<b>TOTAL</b>	<b>19</b>	<b>67</b>	<b>86</b>	<b>11</b>	<b>70</b>	<b>81</b>

1 Includes two applications where the appeal was allowed instanter.

2 Includes one application where the appeal was allowed instanter.

3 Includes one application where the appeal was dismissed instanter.

## 18A. RESULTS OF 2002-03 CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED SHOWING LOWER COURTS

Court Appealed From						
Registry	Federal Court		Supreme Court		TOTAL	
	Special Leave Granted	Special Leave Refused	Special Leave Granted	Special Leave Refused	Special Leave Granted	Special Leave Refused
Sydney	-	-	1	26	1	26
Melbourne	-	-	2	9	2	9
Brisbane	-	-	3 <sup>1</sup>	17	3 <sup>1</sup>	17
Adelaide	-	-	3	12	3	12
Perth	-	-	1	4	1	4
Canberra	0	0	0	0	0	0
Hobart	-	-	1	1	1	1
Darwin	-	-	0	1	0	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>70</b>	<b>11</b>	<b>70</b>

1 Includes one application where the appeal was dismissed instanter.

## 19. CIVIL APPEALS DECIDED

Court Appealed From										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	4	10	1	1	12 <sup>1</sup>	15	0	1	17	27
Melbourne	3	3	0	0	2	2	0	1	5	6
Brisbane	2	5	0	0	3	5	0	0	5	10
Adelaide	2	0	0	0	3	3	0	1	5	4
Perth	1	6	0	0	4	5	0	0	5	11
Canberra	0	1	0	0	0	0	0	0	0	1
Hobart	0	0	0	0	1	0	0	0	1	0
Darwin	3	0	0	0	0	0	0	0	3	0
<b>TOTAL</b>	<b>15</b>	<b>25</b>	<b>1</b>	<b>1</b>	<b>25</b>	<b>30</b>	<b>0</b>	<b>3</b>	<b>41</b>	<b>59</b>

1 Includes one appeal in which special leave was revoked.

## 20. RESULTS OF CIVIL APPEALS DECIDED

Registry	2001-02			2002-03		
	Appeals Allowed	Appeals Dismissed	Total	Appeals Allowed	Appeals Dismissed	Total
Sydney	9	8 <sup>1</sup>	17	17	10	27
Melbourne	3	2	5	2	4 <sup>2</sup>	6
Brisbane	1	4	5	7	3	10
Adelaide	2	3	5	4	0	4
Perth	2	3	5	9 <sup>3</sup>	2	11
Canberra	0	0	0	1	0	1
Hobart	1	0	1	0	0	0
Darwin	0	3	3	0	0	0
<b>TOTAL</b>	18	23	41	40	19	59

1 Includes one appeal in which special leave was revoked.

2 Includes one appeal which was struck out as incompetent.

3 Includes one appeal which was allowed by consent.



20A. RESULTS OF 2002-03 CIVIL APPEALS DECIDED SHOWING LOWER COURTS

Registry	Court Appealed From											
	Federal Court		Family Court		Supreme Court		High Court		TOTAL			
	Appeals Allowed	Appeals Dismissed	Appeals Allowed	Appeals Dismissed	Appeals Allowed	Appeals Dismissed	Appeals Allowed	Appeals Dismissed	Appeals Allowed	Appeals Dismissed		
Sydney	6	4	0	1	11	4	0	1	17	10		
Melbourne	1	2	0	0	1	1	0	1 <sup>1</sup>	2	4		
Brisbane	5	0	0	0	2	3	0	0	7	3		
Adelaide	0	0	0	0	3	0	1	0	4	0		
Perth	5 <sup>2</sup>	1	0	0	4	1	0	0	9	2		
Canberra	1	0	0	0	0	0	0	0	1	0		
Hobart	0	0	0	0	0	0	0	0	0	0		
Darwin	0	0	0	0	0	0	0	0	0	0		
<b>TOTAL</b>	<b>18</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>21</b>	<b>9</b>	<b>1</b>	<b>2</b>	<b>40</b>	<b>19</b>		

1 Includes one appeal which was struck out as incompetent.

2 Includes one appeal which was allowed by consent.

## 21. CRIMINAL APPEALS DECIDED

Court Appealed From						
Registry	Federal Court		Supreme Court		TOTAL	
	01-02	02-03	01-02	02-03	01-02	02-03
Sydney	-	-	7	8	7	8
Melbourne	-	-	0	0	0	0
Brisbane	-	-	4	1	4	1
Adelaide	-	-	0	1	0	1
Perth	-	-	3	1	3	1
Canberra	1	0	0	0	1	0
Hobart	-	-	0	0	0	0
Darwin	-	-	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>14</b>	<b>11</b>	<b>15</b>	<b>11</b>

## 22. RESULTS OF CRIMINAL APPEALS DECIDED

Registry	2001-02			2002-03		
	Appeals Allowed	Appeals Dismissed	Total	Appeals Allowed	Appeals Dismissed	Total
Sydney	4	3	7	2	6	8
Melbourne	0	0	0	0	0	0
Brisbane	2	2	4	0	1	1
Adelaide	0	0	0	1	0	1
Perth	3	0	3	0	1	1
Canberra	0	1	1	0	0	0
Hobart	0	0	0	0	0	0
Darwin	0	0	0	0	0	0
<b>TOTAL</b>	<b>9</b>	<b>6</b>	<b>15</b>	<b>3</b>	<b>8</b>	<b>11</b>

22A. RESULTS OF 2002-03 CRIMINAL APPEALS DECIDED  
SHOWING LOWER COURTS

Court Appealed From						
Registry	Federal Court		Supreme Court		TOTAL	
	Appeal Allowed	Appeal Dismissed	Appeal Allowed	Appeal Dismissed	Appeal Allowed	Appeal Dismissed
Sydney	-	-	2	6	2	6
Melbourne	-	-	0	0	0	0
Brisbane	-	-	0	1	0	1
Adelaide	-	-	1	0	1	0
Perth	-	-	0	1	0	1
Canberra	0	0	0	0	0	0
Hobart	-	-	0	0	0	0
Darwin	-	-	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>3</b>	<b>8</b>

23. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – ALL MATTERS

	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time									
	01-02	%	02-03	%	01-02	%	02-03	%								
90 or less	13	5	9	4	154	58	101	45	266	99	220	98	6	2	1	1
91 to 180	100	37	103	46	60	22	90	40	1	1	1	1	15	6	18	8
181 to 270	90	34	72	32	27	10	19	9	0	0	0	0	75	28	65	29
271 to 365	46	17	24	11	19	7	6	3	0	0	2	1	99	37	84	38
over 365	18	7	15	7	7	3	7	3	0	0	0	0	72	27	55	24
<b>TOTAL</b>	267	100	223	100	267	100	223	100	267	100	223	100	267	100	223	100

23A. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – LEGALLY REPRESENTED

	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time									
	01-02	%	02-03	%	01-02	%	02-03	%								
90 or less	10	5	7	5	11	2	60	62	44	188	99	138	99	5	3	1
91 to 180	84	44	70	50	42	22	64	46	1	1	0	0	13	7	13	9
181 to 270	68	36	40	29	19	10	9	7	0	0	0	0	64	34	40	29
271 to 365	20	11	13	9	12	6	2	1	0	0	2	1	65	34	56	40
over 365	7	4	10	7	4	2	3	2	0	0	0	0	42	22	30	21
<b>TOTAL</b>	189	100	140	100	189	100	140	100	189	100	140	100	189	100	140	100

23B. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED

	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	01-02	%	02-03	%	01-02	%	02-03	%	01-02	%	02-03	%				
90 or less	3	4	2	2	42	54	39	47	78	100	82	99	1	1	0	0
91 to 180	16	21	33	40	18	23	26	31	0	0	1	1	2	3	5	6
181 to 270	22	28	32	39	8	10	10	12	0	0	0	0	11	14	25	30
271 to 365	26	33	11	13	7	9	4	5	0	0	0	0	34	44	28	34
over 365	11	14	5	6	3	4	4	5	0	0	0	0	30	38	25	30
<b>TOTAL</b>	78	100	83	100	78	100	83	100	78	100	83	100	78	100	83	100

24. ELAPSED TIME FOR CIVIL APPEALS FINALISED – ALL MATTERS

	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	01-02	%	02-03	%	01-02	%	02-03	%	01-02	%	02-03	%				
90 or less	9	22	21	35	34	83	44	75	9	22	11	18	1	2	0	0
91 to 180	21	51	33	56	7	17	11	18	15	37	10	17	6	15	4	7
181 to 270	8	20	4	7	0	0	1	2	16	39	28	48	6	15	5	8
271 to 365	3	7	1	2	0	0	1	2	0	0	6	10	12	29	16	27
Over 365	0	0	0	0	0	0	2	3	1	2	4	7	16	39	34	58
<b>TOTAL</b>	41	100	59	100	41	100	59	100	41	100	59	100	41	100	59	100

24A. ELAPSED TIME FOR CIVIL APPEALS FINALISED – LEGALLY REPRESENTED

Days	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	01-02	%	02-03	%	01-02	%	02-03	%	01-02	%	02-03	%				
90 or less	9	22	19	33	34	83	43	75	9	22	10	18	1	2	0	0
91 to 180	21	51	33	58	7	17	11	19	15	37	10	18	6	15	4	7
181 to 270	8	20	4	7	0	0	1	2	16	39	28	49	6	15	4	7
271 to 365	3	7	1	2	0	0	1	2	0	0	5	8	12	29	16	28
Over 365	0	0	0	0	0	0	1	2	1	2	4	7	16	39	33	58
<b>TOTAL</b>	41	100	57	100	41	100	57	100	41	100	57	100	41	100	57	100

24B. ELAPSED TIME FOR CIVIL APPEALS FINALISED – SELF-REPRESENTED

Days	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	01-02	%	02-03	%	01-02	%	02-03	%	01-02	%	02-03	%				
90 or less	0	0	2	100	0	0	1	50	0	0	1	50	0	0	0	0
91 to 180	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
181 to 270	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	50
271 to 365	0	0	0	0	0	0	0	0	0	0	1	50	0	0	0	0
Over 365	0	0	0	0	0	0	1	50	0	0	0	0	0	0	1	50
<b>TOTAL</b>	0	0	2	100	0	0	2	100	0	0	2	100	0	0	2	100

25. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED – ALL MATTERS

	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	01-02	%	02-03	01-02	%	02-03	01-02	%	02-03	01-02	%	02-03				
90 or less	4	5	3	4	42	49	44	54	86	100	79	98	2	2	0	0
91 to 180	32	37	31	38	23	27	22	27	0	0	1	1	4	5	6	7
181 to 270	37	43	27	34	12	14	7	9	0	0	1	1	21	24	25	31
271 to 365	10	12	14	17	6	7	5	6	0	0	0	0	34	40	25	31
over 365	3	3	6	7	3	3	3	4	0	0	0	0	25	29	25	31
<b>TOTAL</b>	86	100	81	100	86	100	81	100	86	100	81	100	86	100	81	100

25A. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED – LEGALLY REPRESENTED

	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	01-02	%	02-03	01-02	%	02-03	01-02	%	02-03	01-02	%	02-03				
90 or less	4	6	3	4	31	47	37	56	66	100	64	96	2	3	0	0
91 to 180	27	41	25	38	16	24	20	30	0	0	1	2	4	6	6	10
181 to 270	30	45	24	36	11	17	3	4	0	0	1	2	16	24	22	33
271 to 365	5	8	9	14	6	9	5	8	0	0	0	0	27	41	18	27
over 365	0	0	5	8	2	3	1	2	0	0	0	0	17	26	20	30
<b>TOTAL</b>	66	100	66	100	66	100	66	100	66	100	66	100	66	100	66	100

25B. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED

	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	01-02	%	02-03	%	01-02	%	02-03	%	01-02	%	02-03	%				
90 or less	0	0	0	0	11	55	7	47	20	100	15	100	0	0	0	0
91 to 180	5	25	6	40	7	35	2	13	0	0	0	0	0	0	0	0
181 to 270	7	35	3	20	1	5	4	27	0	0	0	0	5	25	3	20
271 to 365	5	25	5	33	0	0	0	0	0	0	0	0	7	35	7	47
over 365	3	15	1	7	1	5	2	13	0	0	0	0	8	40	5	33
<b>TOTAL</b>	20	100	15	100	20	100	15	100	20	100	15	100	20	100	15	100

26. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – ALL MATTERS

	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	01-02	%	02-03	%	01-02	%	02-03	%	01-02	%	02-03	%				
90 or less	5	33	3	27	12	80	9	82	3	20	3	27	0	0	0	0
91 to 180	5	33	8	73	3	20	2	18	6	40	3	27	2	13	1	10
181 to 270	5	34	0	0	0	0	0	0	6	40	5	46	4	27	2	18
271 to 365	0	0	0	0	0	0	0	0	0	0	0	0	2	13	4	36
over 365	0	0	0	0	0	0	0	0	0	0	0	0	7	47	4	36
<b>TOTAL</b>	15	100	11	100	15	100	11	100	15	100	11	100	15	100	11	100



26A. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – LEGALLY REPRESENTED

Days	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
90 or less	5	2	12	8	3	2	0	0
91 to 180	5	8	3	2	6	3	2	13
181 to 270	5	0	0	0	6	5	4	27
271 to 365	0	0	0	0	0	0	2	13
over 365	0	0	0	0	0	0	7	47
<b>TOTAL</b>	15	10	15	10	15	10	15	10

26B. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – SELF-REPRESENTED

Days	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
90 or less	0	1	0	1	0	1	0	1
91 to 180	0	0	0	0	0	0	0	0
181 to 270	0	0	0	0	0	0	0	0
271 to 365	0	0	0	0	0	0	0	0
over 365	0	0	0	0	0	0	0	0
<b>TOTAL</b>	0	1	0	1	0	1	0	1

27. ELAPSED TIME FOR CONSTITUTIONAL MATTERS<sup>1</sup> AND ELECTORAL PETITIONS FINALISED – ALL

Days	Filing to Ready for Hearing		Ready for Hearing		Hearing to Decision		Total Elapsed Time	
	01-02	02-03	01-02	02-03	01-02	02-03	01-02	02-03
90 or less	0	0	1	1	1	0	0	0
91 to 180	0	3	1	3	0	33	0	0
181 to 270	2	67	1	0	2	67	0	0
271 to 365	0	0	0	0	0	0	0	1
over 365	1	33	0	1	0	0	3	3
<b>TOTAL</b>	3	100	3	100	3	100	3	100

27A. ELAPSED TIME FOR CONSTITUTIONAL MATTERS<sup>1</sup> AND ELECTORAL PETITIONS FINALISED – LEGALLY REPRESENTED

As for Table 27.

27B. ELAPSED TIME FOR CONSTITUTIONAL MATTERS<sup>1</sup> AND ELECTORAL PETITIONS FINALISED – SELF-REPRESENTED

No self-represented litigants in this category.

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) and causes removed in accordance with section 40 of the Judiciary Act 1903 (Cth).

28. ELAPSED TIME FOR CONSTITUTIONAL WRITS FINALISED<sup>1</sup> – ALL MATTERS

	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	01-02	%	02-03	%	01-02	%	02-03	%
90 or less	2	50	1	10	2	50	5	46
91 to 180	1	25	3	27	0	0	2	18
181 to 270	0	0	2	18	2	50	4	36
271 to 365	1	25	3	27	0	0	0	0
over 365	0	0	2	18	0	0	0	0
<b>TOTAL</b>	4	100	11	100	4	100	11	100

28A. ELAPSED TIME FOR CONSTITUTIONAL WRITS FINALISED<sup>1</sup> – LEGALLY REPRESENTED

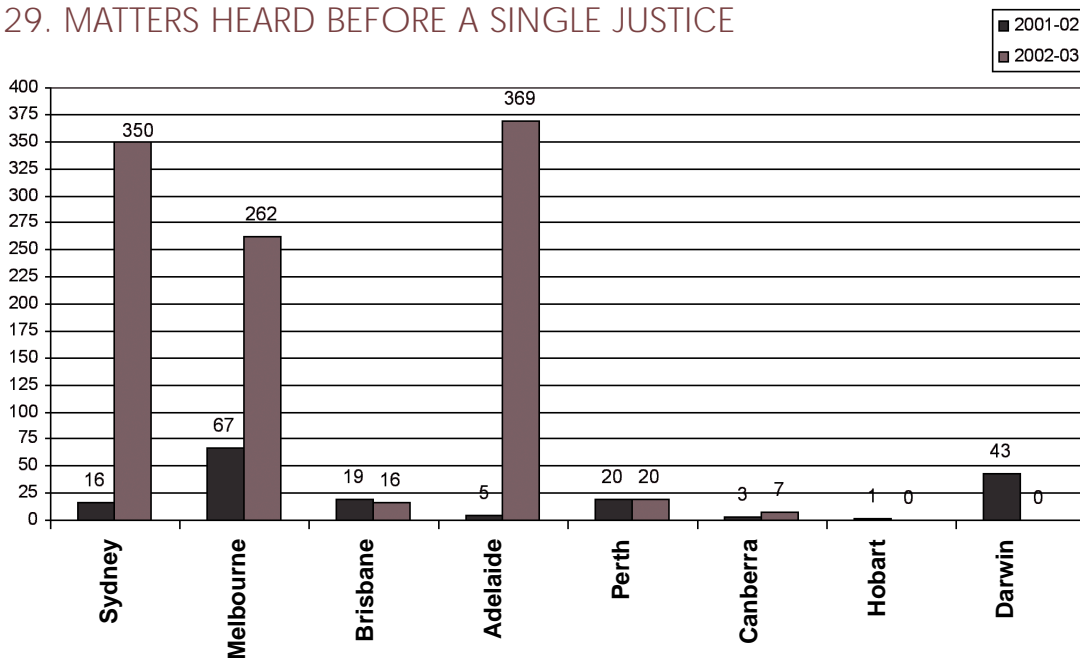
	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	01-02	%	02-03	%	01-02	%	02-03	%
90 or less	2	50	1	11	2	50	4	44
91 to 180	1	25	3	34	0	0	0	0
181 to 270	0	0	2	22	2	50	5	56
271 to 365	1	25	2	22	0	0	0	0
over 365	0	0	1	11	0	0	0	0
<b>TOTAL</b>	4	100	9	100	4	100	9	100

28B. ELAPSED TIME FOR CONSTITUTIONAL WRITS FINALISED<sup>1</sup> – SELF-REPRESENTED

	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	01-02	%	02-03	%	01-02	%	02-03	%
90 or less	2	50	0	0	4	100	2	100
91 to 180	1	25	0	0	0	0	0	0
181 to 270	0	0	0	0	0	0	0	0
271 to 365	1	25	1	50	0	0	0	0
over 365	0	0	1	50	0	0	0	0
<b>TOTAL</b>	4	100	2	100	4	100	2	100

<sup>1</sup> Applications made within the original jurisdiction of the Court conferred by section 75(v) of the Constitution.

## 29. MATTERS HEARD BEFORE A SINGLE JUSTICE



## 30. CATEGORIES OF MATTERS HEARD BEFORE A SINGLE JUSTICE

Category	2001-02	2002-03
Directions hearing <sup>1</sup>	16	829
Order nisi application	67	134
Interlocutory injunction/stay/bail application	19	17
Application for leave to issue process	5	6
Application to vacate/expedite hearing date	20	22
Trial of election petition	4	0
Solicitor ceasing to act	1	0
Other	43	16
<b>TOTAL</b>	<b>175</b>	<b>1,024</b>

<sup>1</sup> There were 191 matters called over in Sydney on 6 February 2003 and 111 Melbourne and 362 Adelaide matters called over in Melbourne on 7 February 2003.





## 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 2003;
- High Court of Australia (Fees) Regulations – Schedule 2: Scale of professional costs; and
- 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 2003

### 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	1,148.00
2	Writ of summons or petition	1,148.00
3	Civil leave or special leave application	1,148.00
4	Criminal special leave application	72.00
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)	1,148.00
5A	Application for summons for directions	287.00
6	Civil notice of appeal	1,148.00
6A	Criminal notice of appeal	422.00
7	Certificate of the Registrar other than a certificate of taxation	41.00
8	Taxing a bill of costs for every \$100.00, or part of \$100.00	9.00

#### 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	13.00
10	Making a photocopy or office copy of any document: For each page	3.00
11	Copy of reasons for judgment: (a) for each copy issued to a person not a part 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	3.00 3.00 1.00 28.00
12	Annual subscription for copies of reasons for judgments (including the cost of postage)	494.00
13	Copy of transcript of proceedings prepared by the Court Reporting Service: For each page	8.00

[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	17.9.01 to 30.9.02 \$	1.10.02 to date \$
<b>INSTRUCTIONS</b>		
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	191.60	197.70
2 To make or oppose any interlocutory application	85.00	87.70
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	191.60	197.70
4 For any pleading (other than a statement of claim)	148.80	153.60
5 To amend any pleading	51.30	52.90
6 For a statement of facts or an agreed statement of facts in a matter	148.80	153.60
7 For interrogatories, answers to interrogatories, special affidavits or an affidavit (not being a formal affidavit)	114.80	118.50
8 For Counsel to advise	82.00	84.60
9 For a document not otherwise provided for	32.40	33.00
10 For a brief for Counsel on a hearing or application in Court or in Chambers or brief notes for solicitor	106.50	109.90

**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	88.60	91.40
12 Concurrent Writ of Summons	31.80	32.80
13 Writ of Subpoena	46.30	47.80
14 If any of the above writs exceeds 3 folios, for each extra folio	6.40	6.60

**NOTE:** These costs include all endorsements, and copies (for the officers sealing them) and attendances to issue or seal, but not the Court fees.

Item	17.9.01 to 30.9.02 \$	1.10.02 to date \$
<b>SUMMONSES AND MOTIONS</b>		
15 Any Chamber Summons or motion, including preparation, copies and attendance to issue, including attendance to fix return date	54.40	56.10
- if more than 3 folios, for each extra folio	6.40	6.60
<b>APPEARANCES AND NOTICES</b>		
16 Preparing and entering an appearance including duplicate memorandum and Notice of Appearance for service	89.60	92.50
17 Any necessary or proper notice or memorandum not otherwise provided for, or any demand	29.90	30.90
- if more than 3 folios, for each extra folio	6.40	6.60

**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.

<b>DRAWING</b>		
18 Drawing any pleading or affidavit not exceeding 5 folios	85.00	87.70
- or, per folio	11.90	12.30
19 Drawing any other document where no other provision is made		
- per folio	11.70	12.10
<b>ENGROSSING</b>		
20 Marking each exhibit to an affidavit	2.10	2.20
21 Engrossing any document - per folio	4.40	4.50
<b>COPIES</b>		
22 Of any document including carbon, photographic or machine made copy - per page	2.10	2.20
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.		

Item	17.9.01 to 30.9.02	1.10.02 to date
	\$	\$
<b>PERUSAL AND EXAMINATION</b>		
23		
Perusal of any document including special letter, telegram, telex or similar document	31.70	32.70
- or, per folio	4.40	4.50
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	31.80	32.80
- clerk	10.40	10.70
<b>CORRESPONDENCE</b>		
25		
Short letter including a formal acknowledgment, making appointments, forwarding documents without comment	15.10	15.60
26		
Ordinary letter (including letters between principal and agent)	25.70	26.50
27		
Circular letter (after the first) each	8.50	8.80
28		
Special letter or letter containing opinion and including letters of substance between principal and agent	42.40	43.80
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)	42.40	43.80
Or		
Such sum as the Taxing Officer thinks reasonable in the circumstances.		
30		
Receiving and filing any incoming special letter, facsimile, telegram or telex	2.10	2.20

**NOTE:** Postage and transmission fees may be claimed as a disbursement properly incurred.

**SERVICE**

31		
Personal service of any process or proceeding where necessary	52.80	54.50
Or		
Such sum may be allowed as is reasonable having regard to time occupied, distance travelled and other relevant circumstances.		

Item	17.9.01 to 30.9.02 \$	1.10.02 to date \$
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	47.00	89.70
(b) agent's charges	48.50	92.60
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	18.10	18.70
<b>ATTENDANCES</b>		
34 An attendance which requires the attendance of a solicitor - per quarter hour	50.80	52.40
35 An attendance which is capable of being made by a clerk - or, per quarter hour	31.70 8.30	32.70 8.60
36 Making an appointment or similar attendance by telephone	15.10	15.60
37 An attendance on counsel:		
- with brief or other papers	32.30	33.30
- to appoint a conference or consultation	14.10	14.60
38 A conference or consultation with counsel	85.00	87.70
- or, per half hour	64.10	66.20
39 On a summons or other application in Chambers	47.90	49.40
- or, per half hour	85.00	87.70
40 In Court or in Chambers instructing counsel on any hearing or application:		
- if a solicitor attends, per hour	204.40	210.90
- or, if a clerk attends, per hour	85.10	87.80
41 On an application or appearance before a Registrar or a Taxing Officer	106.50	109.90
- or, per hour	127.60	131.70

**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	55.70	57.50
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	427.10	440.80

Item	17.9.01 to 30.9.02 \$	1.10.02 to date \$
44	Where the Taxing Officer is satisfied that a solicitor's principal place of practice is in a place other than that in which the Court is sitting, and it is necessary for the solicitor 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 the solicitor is necessarily absent from the 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	954.20    984.70
45	An attendance for which no other provision is made	
	- not exceeding per day	42.40    43.80
<b>PREPARATION OF APPEAL AND APPLICATION BOOKS</b>		
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	138.10    142.50
	- clerk	46.00    47.50
47	Where appeal or application books are prepared in a solicitor's office, the Taxing Officer may in his or her discretion allow such sum as the Taxing Officer thinks just and reasonable having regard to work and labour properly performed and charged for material used. In exercising his or her 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.	
<b>GENERAL CARE AND CONDUCT</b>		
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 exercising his or her discretion the Taxing Officer may have regard to any matters which the Taxing Officer considers 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;	

Item	17.9.01 to 30.9.02 \$	1.10.02 to date \$
(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	777.20	802.10
50	Witnesses called, other than those covered in item 49 - per day	82.00	84.60
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 he or she thinks 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 or her discretion allow such additional charges or disbursements as the Taxing Officer considers reasonable.		

## WAIVER OF FEES DURING 2002-03

<b>Exemption Category</b>	<b>Sources of Exemption</b>	<b>No.</b>	<b>Amount</b>
Legal Aid	Reg.4(4)(a)/4A(2)(b)/5(2)(b)	29	\$20,703
Social security law concession cardholder or Veterans' Affairs cardholder	Reg.4(4)(b)(i)&(ii)/4A(2)(c)(i) & (ii)/5(2)(c)(i)&(ii)	131	\$166,680
Prison inmate/ person in lawful detention	Reg.4(4)(b)(iii)/4A(2)(c)(iii)/5(2)(c)(iii)	262	\$195,469
Child under the age of 18 years	Reg.4(4)(b)(iv)/4A(2)(c)(iv)/5(2)(c)(iv)	4	\$10,045
Youth allowance or Austudy payment recipient	Reg.4(4)(b)(v)/4A(2)(c)(v)/5(2)(c)(v)	1	\$72
ABSTUDY recipient	Reg.4(4)(b)(vi)/4A(2)(c)(vi)/5(2)(c)(vi)	0	Nil
Financial hardship	Reg.4(4)(c)/4A(2)(d)/5(2)(d)	2,085	\$3,151,045
<b>TOTAL</b>		<b>2,512</b>	<b>\$3,544,014</b>







## 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 2003. 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	Chambers	Registry Branch	Library Branch	Marshal's Branch	Total
<b>Full-time Staff</b>						
<i>Permanent</i>						
Men	1	1	3	2	12	19
Women	2	8	8	8	4	30
<b>Total</b>	<b>3</b>	<b>9</b>	<b>11</b>	<b>10</b>	<b>16</b>	<b>49</b>
<i>Temporary</i>						
Men		7				7
Women		6				6
<b>Total</b>		<b>13</b>				<b>13</b>
<i>All Full-time Staff</i>						
Men	1	8	3	2	12	26
Women	2	14	8	8	4	36
<b>Total</b>	<b>3</b>	<b>22</b>	<b>11</b>	<b>10</b>	<b>16</b>	<b>62</b>
<b>Part-time Staff</b>						
<i>Permanent</i>						
Men					3	3
Women			1	4	5	10
<b>Total</b>			<b>1</b>	<b>4</b>	<b>8</b>	<b>13</b>
<i>Temporary</i>						
Men			1			1
Women						
<b>Total</b>			<b>1</b>			<b>1</b>
<i>All Part-time Staff</i>						
Men			1		3	4
Women			1	4	5	10
<b>Total</b>			<b>2</b>	<b>4</b>	<b>8</b>	<b>14</b>
<b>All Staff</b>						
Men	1	8	4	2	15	30
Women	2	14	9	12	9	46
<b>TOTAL</b>	<b>3</b>	<b>22</b>	<b>13</b>	<b>14</b>	<b>24</b>	<b>76</b>

## 2. Composition of Staff by Salary Classification

Classification and Salary	Office of the Chief Executive		Chambers		Registry Branch		Library Branch		Marshal's Branch		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Holder of Public Office	1											
Senior Executive (above \$100,000)					1		1		1		1	2
High Court Executive Levels 1–2 (\$64,588–\$90,311)		1			1	3	1		1	1	2	6
High Court Officer Levels 5–6 (\$46,639–\$57,864)			7	14			1	2	4	3	12	19
High Court Officer Levels 1–4 (\$29,379–\$45,401)	1		1		3	5	1	8	9	5	14	19
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>8</b>	<b>14</b>	<b>4</b>	<b>9</b>	<b>2</b>	<b>12</b>	<b>15</b>	<b>9</b>	<b>30</b>	<b>46</b>





