

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



High Court of Australia

Annual Report

2004 - 2005



HIGH COURT OF AUSTRALIA

ANNUAL REPORT 2004-05

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High Court of Australia
Canberra ACT 2600

22 November 2005

Dear Attorney,

In accordance with section 47 of the *High Court of Australia Act 1979* (Cth), 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 2005, together with financial statements in respect of the year in the form approved by the Minister for Finance.

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 & Principal Registrar
of the High Court of Australia

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

TABLE OF CONTENTS

	Page
PART I – PREAMBLE	1
PART II – INTRODUCTION	
Chief Justice Gleeson	3
Justice McHugh	4
Justice Gummow	4
Justice Kirby	5
Justice Hayne	5
Justice Callinan	6
Justice Heydon	6
PART III – THE YEAR IN REVIEW	
Workload Changes	7
Self-Represented Litigants	7
High Court Rules	7
Retirement of Justice McHugh	8
Death of the Right Honourable Sir Harry Gibbs	8
Death of the Honourable Sir Ronald Wilson	9
Funding	10
Courtroom Technology	10
Links and Visits	11
PART IV – BACKGROUND INFORMATION	
Establishment	13
Functions and Powers	13
Sittings of the Court	13
Seat of the Court	16
Appointment of Justices of the High Court	16
Composition of the Court	17
Chief Justices and Justices of the Court	17
PART V – ADMINISTRATION	
General	19
External Scrutiny	19
Ecologically Sustainable Development	19
Fraud Control	20
Organisational Chart	21
Registry Branch	
Functions	22
Registry Goals	22

Registry Services	22
Registry Workload	23
Judicial Workload of the Court	24
Case-flow Management	25
Rules of Court	26
Cost of Litigation	26

Library and Research Branch

Functions	28
Corporate Goals	28
Reference and Research	28
Moys Classification Seminar	29
ALLG Pacific Twinning Scheme	29
Conferences	29
Staff	30
Court Librarian	30

Marshal's Branch

Functions	31
Marshal's Branch Goals	31
Financial Management	31
Human Resource Management	33
Information Technology	34
Court Reporting Service	35
Building Operations	36

PART VI – FINANCIAL STATEMENTS 2003-04

Independent Audit Report	37
Financial Statements of the High Court	41

PART VII – ANNEXURES

Annexure A: <i>Freedom of Information Act 1982 (Cth)</i>	
– Supplementary Material	79
Annexure B: Tables of Judicial Workload	83
Annexure C: Costs of Litigation Information	105
Annexure D: Staffing Overview	115



PART I – PREAMBLE

This is the 26th report prepared as required by the *High Court of Australia Act 1979* (Cth).

Contact Officer

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Freedom of Information

The information required by section 8 of the *Freedom of Information Act 1982* (Cth), 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 website, 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 either 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 2005, 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 NSW Bar in 1963. He was appointed a Queen's Counsel in 1974. He was president of the NSW Bar Association in 1985-85 and was Lieutenant Governor of NSW 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 NSW Bar in 1961 and was appointed a Queen's Counsel in 1973. He was president of the NSW 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 from 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 NSW Bar in 1967. He was appointed a Deputy President of the Australian Conciliation and Arbitration Commission in 1975. He served as the first chairman 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* (1984), *Through the World's Eye* (2000) and *Judicial Activism* (Hamlyn Lectures, 2004). Justice Kirby 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 Victoria's Rhodes Scholar 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 NSW in 1964, graduated as Master of Arts and Bachelor of Civil Law from Oxford University.

He was admitted to the NSW 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. Justice Heydon was appointed a Companion in the General Division of the Order of Australia in 2004.



PART III – THE YEAR IN REVIEW

Workload changes

The tables of judicial workload annexed to this report record the number of matters filed, heard and determined during the reporting year, all of which continue to rise. In the past few years the immigration workload has been most obvious in the number of applications for constitutional writs filed in the High Court, peaking at more than 2,000 applications in 2002-03. During the reporting period, the number of applications for constitutional writs filed in the Court has fallen to 64 applications, 88 per cent of which were immigration matters. This number is more in line with the number of immigration applications filed prior to the peak recorded in 2002-03. However, the number of applications for special leave to appeal involving immigration matters increased from 307 filed during 2003-04 (representing more than 50 per cent of all civil special leave applications filed) to 457 filed during 2004-05 (representing 60 per cent of all civil special leave applications filed).

Self-Represented Litigants

The number of self-represented litigants commencing or seeking to commence proceedings in the Court increased again during 2004-05. In the 10 years since 1995-96, the number of applications for special leave involving self-represented litigants has increased from 76 (or 20 per cent of the special leave workload) to 510 (or 58 per cent of the special leave workload) in 2004-05. Approximately 88 per cent of the applications for special leave to appeal involving immigration matters filed during 2004-05 were brought by self-represented litigants. In addition, 80 per cent of the applications for constitutional writs filed in the Court during the reporting period were filed by self-represented litigants and 45 per cent of the matters heard by a single Justice involved self-represented litigants.

High Court Rules 2004

As foreshadowed in last year's Annual Report, the High Court Rules 2004 commenced on 1 January 2005. The new Rules reflect the significant changes in the work of the Court that have occurred since the making of the former Rules. In particular, they reflect the fact that – apart from some matters in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth, and some matters arising under the Constitution or involving its interpretation – most matters arising in the original jurisdiction of the Court are now remitted to another Court for hearing. Many of the provisions made by the former Rules for trial of actions find no application in the day-to-day business of the Court. Numerous changes have been made to the Rules to simplify their drafting and to make them easier to follow and use.

In the appellate jurisdiction of the Court, the new Rules introduced some changes to the procedures governing applications for leave or special leave to appeal. These changes recognise the increase in the Court's workload in relation to applications to commence appeals. In the year ended 30 June 1998, 358 applications for leave or special leave to appeal were filed. By the year ended 30 June 2005, that number had grown to 876. Fifty-eight per cent of the applications were made by applicants who were not represented by a legal practitioner.

In all applications for leave or special leave to appeal, both under the new Rules and under the former Rules, the written submissions of the applicant are the principal vehicle for demonstrating that the case is one in which leave should be given. In some cases, the Court is assisted by presentation of short oral argument. In order to deal with the increasing number of applications by self-represented applicants, many of which have no prospect of success and put respondents to needless expense, new procedures have been established. Applications may first be considered on the papers. If two Justices conclude that the application has no prospect of success, it will be dismissed without calling on the respondent to answer. In addition, any application for leave or special leave to appeal, whether the applicant is legally represented or self-represented, may be determined on the papers without oral hearing if two Justices consider it appropriate to do so. It is anticipated that these measures will also reduce the time taken to progress applications for leave or special leave to appeal to final determination.

Retirement of Justice Michael McHugh

Justice McHugh will retire on 31 October 2005 after more than 16 years on the High Court. On 20 September 2005, Commonwealth Attorney-General Philip Ruddock announced that Justice Susan Crennan, a Justice of the Federal Court of Australia, will fill the vacancy on the Court created by the retirement of Justice McHugh. She will be sworn in on 8 November.

Death of The Right Honourable Sir Harry Talbot Gibbs, GCMG, AC, KBE

Sir Harry Gibbs died on 25 June 2005 aged 88. The Court held a memorial sitting on 3 August attended by former Chief Justice Sir Anthony Mason and former Justice and former Governor-General Sir William Deane and other judges and members of the profession. Between 1967 and 1970, Sir Harry served as a judge of the Federal Court of Bankruptcy and as a judge of the Supreme Court of the Australian Capital Territory. In August 1970, he was appointed a Justice of the High Court, and in 1981 he was appointed Chief Justice. He served as Chief Justice until 1987.

Sir Harry was appointed a Privy Councillor in 1972, the last Chief Justice of Australia to hold that office. During his 17 years on the Court appeals to the Privy Council from federal and State courts were abolished by a process of



legislative steps culminating in the Australia Acts of 1986. The High Court became the court of last resort in all Australian civil and criminal cases.

Another change that occurred while Sir Harry was on the Court, but before he became Chief Justice, was the construction of the High Court building in Canberra, which opened in 1980.

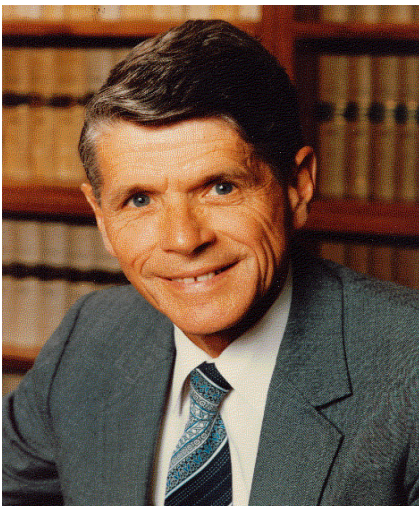
Chief Justice Murray Gleeson said during the memorial sitting: “Unfailing civility was one of Sir Harry’s most notable personal and professional characteristics. It is not a quality that attracts attention, or excited applause,

and we tend to value it most when it is absent. This Court benefited greatly from Sir Harry’s courtesy, tact and manifest decency in his dealings with lawyers, litigants, the executive government, and his colleagues.”

Chief Justice Gleeson said Sir Harry brought to the work of the Court “a powerful intellect, a deep understanding of legal principle, wide practical experience, and a capacity for strong and clear expression of his opinions”.

Sir Gerard Brennan wrote of Sir Harry: “I had the benefit of his abilities as lecturer, as colleague and leader at the Bar, as a Judge of the Supreme Court and Justice of the High Court before I joined the Court on the day when he assumed the office of Chief Justice. The quality of his judgments, his efficient industry and his strength of character gave leadership to the Court during some difficult times. It was a privilege to have been a member of that Court.”

Death of The Honourable Sir Ronald Darling Wilson, AC, KBE, CMG



Sir Ronald Wilson, who served as a member of the High Court of Australia between 1979 and 1989, passed away on 15 July 2005 aged 82.

A ceremonial sitting will be held to pay tribute to Sir Ronald on 25 October when the Court is on circuit in Perth, Sir Ronald’s home town.

In a statement after Sir Ronald died, Chief Justice Gleeson said: “He was a most distinguished judge and made a major contribution to the jurisprudence of the Court, especially in the areas of constitutional and criminal law.

“Before his appointment to the High Court he was Solicitor-General for Western Australia. In that capacity he appeared in many major constitutional cases. He was a notable advocate and, in his capacity as Solicitor-General, was called upon to defend the interests of the States at a time when the Commonwealth was pursuing a policy of exploring the outer limits of its powers. When Sir Ronald was appointed to the High Court he brought with him a wealth of practical experience in, and a deep understanding of, constitutional law.

“Following his retirement from the High Court in 1989, he continued to serve the community, especially in his role as president of the Human Rights and Equal Opportunity Commission. Sir Ronald took a strong interest in human rights issues, including issues concerning the welfare of indigenous Australians. He also gave long and distinguished service to his church.”

Funding

The increasing workload of the Court makes it particularly important that the Court be properly resourced. The Government has responded to a request for additional funding. This support has prevented the Court from having to operate at a loss during the forthcoming financial year and has enabled the Court to obtain additional staff to cope with the increasing workload.

Courtroom Technology

This year a major project to update technology in the three courtrooms in the High Court building was completed. The project, which commenced in January 2004, involved:

- replacement of outdated audio-video systems;
- installation of broadband communications;
- refurbishment of court reporting areas; and
- design, building and installation of an integrated control system to operate the new systems.

The project was substantially completed by February 2005, with subsequent minor adjustments taking place as operational experience grows. As-built documentation, maintenance and operation manuals are still being developed, and these are expected to be completed by November 2005. The cost to date of this project is \$2.9 million.

The results have been very pleasing, and the Court now boasts some of the most modern, sophisticated and flexible audio-visual technology in the world (as a replacement for technology which was developed in the 1970s as part of the original construction of the building).

Links and Visits

During 2004-05, 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, Fiji, India, Indonesia, Japan, Malaysia, New Zealand, Tonga, the United Kingdom, the United States; diplomats from Bangladesh, Egypt, France, India, Iraq, Mexico; parliamentarians from Great Britain and the US; parliamentary officials from South-East Asia; and law students from the United States.

The number of visitors to the building during the year totalled 90,312, a decrease of 2.9 per cent from the previous year. In addition, five cultural exhibitions and 16 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 Philippines, the Embassy of the Czech Republic and the Canberra Institute of Technology.



PART IV – BACKGROUND INFORMATION

Establishment

In 1901 the High Court of Australia was established by section 71 of the Constitution and, to the extent that legislative provision was necessary, was given the power to administer its own affairs by the *High Court of Australia* 1979 (Cth), 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 uses 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 2004 and 2005 sittings are shown below:

2004

CANBERRA	2 February – 12 February
CANBERRA	2 March – 11 March
CANBERRA	30 March – 1 April
CANBERRA	20 April – 22 April
CANBERRA	27 April – 29 April
CANBERRA	19 May – 27 May
CANBERRA	15 June – 17 June
BRISBANE	21 June – 22 June
CANBERRA	3 August – 5 August
ADELAIDE	9 August – 12 August
CANBERRA	31 August – 9 September
CANBERRA	28 September – 7 October
PERTH	25 October – 28 October
CANBERRA	9 November – 18 November
CANBERRA	1 December – 9 December

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

SYDNEY	13 February
MELBOURNE	13 February
SYDNEY	17 February
SYDNEY	12 March
CANBERRA	12 March (by video-link from Brisbane)
SYDNEY	16 March
SYDNEY	2 April
CANBERRA	2 April (by video-link from Perth and Brisbane)
SYDNEY	30 April
CANBERRA	30 April (by video-link from Adelaide)
SYDNEY	4 May
SYDNEY	28 May
CANBERRA	28 May (by video-link from Perth)
SYDNEY	1 June
SYDNEY	18 June
MELBOURNE	18 June
BRISBANE	23 June
SYDNEY	6 August
CANBERRA	6 August (by video-link from Perth)
ADELAIDE	12 August
SYDNEY	17 August
SYDNEY	10 September
MELBOURNE	10 September
SYDNEY	14 September
SYDNEY	8 October
CANBERRA	8 October (by video-link from Darwin and Brisbane)
SYDNEY	12 October
PERTH	28 October
CANBERRA	12 November (by video-link from Brisbane)

CANBERRA	12 November (by video-link from Perth)
SYDNEY	19 November
CANBERRA	19 November (by video-link to Adelaide)
SYDNEY	23 November
SYDNEY	30 November
CANBERRA	3 December (by video-link from Melbourne)
CANBERRA	3 December (by video-link from Brisbane)
SYDNEY	10 December
MELBOURNE	10 December

2005

CANBERRA	31 January – 10 February
CANBERRA	1 March – 10 March
CANBERRA	5 April – 8 April
CANBERRA	19 April – 28 April
CANBERRA	17 May – 26 May
CANBERRA	14 June – 16 June
BRISBANE	20 June – 23 June
CANBERRA	2 August – 4 August
ADELAIDE	8 August – 11 August
CANBERRA	29 August – 8 September
CANBERRA	27 September – 6 October
PERTH	24 October – 27 October
CANBERRA	8 November – 17 November
CANBERRA	6 December – 15 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	4 February
CANBERRA	4 February (by video-link to Perth)
SYDNEY	11 February
MELBOURNE	11 February
SYDNEY	4 March
CANBERRA	4 March (by video-link to Adelaide)
SYDNEY	11 March
MELBOURNE	11 March
BRISBANE	21 March
SYDNEY	22 April
CANBERRA	22 April (by video-link to Darwin and Perth)
SYDNEY	29 April
MELBOURNE	29 April
SYDNEY	27 May
SYDNEY	17 June
CANBERRA	17 June (by video-link to Hobart and Adelaide)
BRISBANE	23 June
SYDNEY	5 August
CANBERRA	5 August (by video-link to Perth)
ADELAIDE	11 August

SYDNEY	2 September
SYDNEY	9 September
MELBOURNE	9 September
SYDNEY	13 September (by video-link to Melbourne)
SYDNEY	30 September
CANBERRA	30 September (by video-link to Brisbane)
SYDNEY	7 October
PERTH	27 October
SYDNEY	18 November
MELBOURNE	18 November
CANBERRA	16 December
MELBOURNE	16 December

Seat of the High Court

Section 14 of the *High Court of Australia Act 1979* (Cth) 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* (Cth) 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 a court created by the parliament or of a court of a State or Territory; or
 - he or she has been enrolled as a barrister or solicitor or as a legal practitioner of the High Court or of a Supreme Court of a State or Territory for not less than 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 the dates they were sworn in, are as follows:

Chief Justice Gleeson	22 May 1998
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 Governor-General. The name and years of service of each Chief Justice and Justice are listed opposite.

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 Aicken	1976-1982
Sir Ronald Darling Wilson	1979-1989
Sir (Francis) Gerard Brennan	1981-1995
Sir William Patrick Deane	1982-1995
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* (Cth) makes provision for the High Court to administer its own affairs subject to and in accordance with the Act. Section 46 of the Act provides for the Justices (or a majority of them) to exercise the powers of the High Court and allows the Court to delegate to one or more of the Justices any or all of the powers of the Court set out in the Act.

The administrative functions of the Court are in general discharged by the Chief Executive & 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

2003-04 Annual Report

The Court's 2003-04 Annual Report was submitted to the Attorney-General on 29 October 2004 and tabled in Parliament on 7 December 2004.

Auditor-General's Report

Results of the Auditor-General's audit of the Court's 2003-04 financial statements were reported in Auditor-General's Audit Report No. 21 of 2004-05, and tabled in Parliament on 12 January 2005. The results of the audit of the High Court's financial statements were satisfactory, with no significant agency or administrative issues arising from the audit.

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* (Cth).

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.

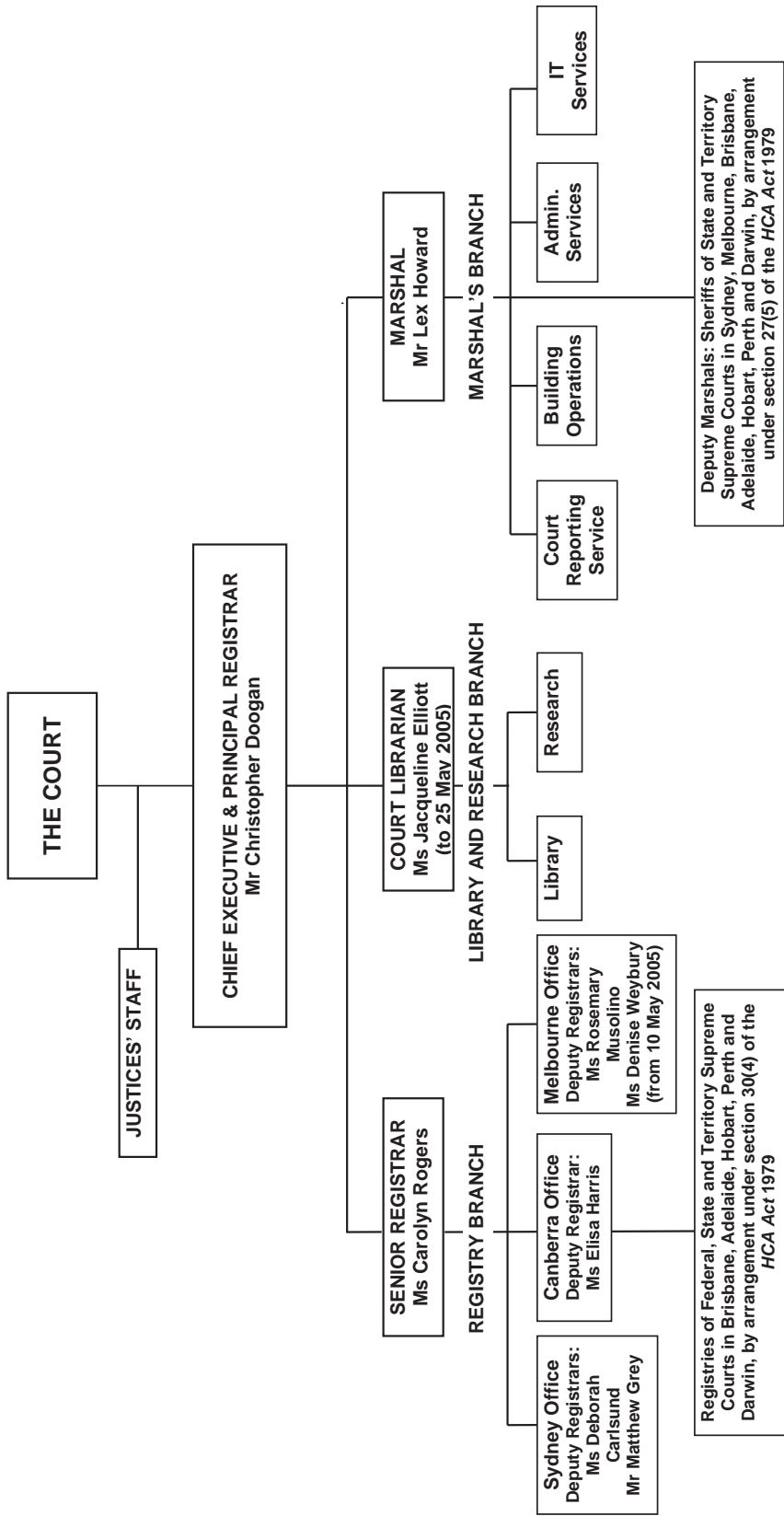
Fraud Control

The High Court of Australia is not subject to the *Financial Management and Accountability Act 1997* (Cth) or the *Commonwealth Authorities and Companies Act 1997* (Cth). Consequently, it is not subject to the requirements of the Commonwealth Fraud Control Guidelines. However, in recognition that the Commonwealth Guidelines represents best practice in the public sector, the Court voluntarily adopts the policies and standards contained in those Guidelines, including the definition of fraud contained in Guideline No. 2.

During 2004-05, the Court continued fraud control activity in accordance with its 2004-2006 Fraud Control Plan. A number of staff awareness sessions on fraud control were held during the year, and the Court's Information Technology Security Manual was updated to reflect the changing use of technology.

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 (Cth) 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 Canberra, Sydney and Melbourne 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 the Northern Territory under ministerial arrangements. Registry functions in Brisbane and Perth are performed by officers of the Federal Court of Australia by arrangement between the Chief Justices of the respective Courts.

Registry Goals

The goals of the Registry are to:

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

Registry 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 & 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 website, www.hcourt.gov.au.

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, transcripts of cases heard can be accessed from the Court's website. 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 these offices. The cost of transcripts is provided in the High Court of Australia (Fees) Regulations 2004.

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 judgments when sitting in other cities. The Court's website also provides free 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 1,894 new practitioners were added to the register in 2004-05, which is a slight increase in the number of practitioners added to the Register in 2003-04.

The demand for registry services, such as the purchase of judgments and transcripts, remained at a high level during 2004-05, as did inquiries concerning the registration of practitioners on the Register of Practitioners and the status of matters pending before the Court.

Registry Workload

A comparison of the number of matters filed in each Registry during 2003-04 and 2004-05 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. Eighteen special leave hearing days were held in Sydney during 2004-05 and 20 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 23 per cent of total filings in 2004-05. Five

special leave hearing days were held in Melbourne and the Melbourne Registry supervised 58 per cent of the single Justice hearings.

The Registry in Canberra processed matters filed in Canberra, Brisbane, Darwin and Perth (accounting for 18 per cent of all filings). The Registry in Canberra supervised 11 sittings of the Full Court in Canberra, circuit sittings in Adelaide, Perth and Brisbane and video-link hearings of special leave applications from Adelaide, Brisbane, Darwin, Hobart, Melbourne and Perth. The Registry in Canberra supervised 22 per cent of the single Justice hearings.

Judicial Workload of the Court

Tables 3 and 4 provide details of the total matters heard by the Full Court during 2003-04 and 2004-05, together with a breakdown of the categories of those matters. Tables 5 and 6 provide details of the total number of decisions of the Full Court delivered during 2003-04 and 2004-05 together with a breakdown of the categories of those decisions by type of matter. Tables 7 and 8 provide details of the total matters heard before a single Justice during 2003-04 and 2004-05, together with a breakdown of the categories of those hearings.

Tables 9 to 13 provide a comparison by Registry and by court appealed from of all **civil special leave applications** filed, heard and decided during 2003-04 and 2004-05. Tables 17 to 21 provide a comparison by Registry and by court appealed from of all **criminal special leave applications** filed, heard and decided during 2003-04 and 2004-05. Tables 25 to 29 provide a comparison by Registry and by court appealed from of all **civil appeals** filed, heard and decided during 2003-04 and 2004-05. Tables 33 to 37 provide a comparison by Registry and by court appealed from of all **criminal appeals** filed, heard and decided during 2003-04 and 2004-05.

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. Two election petitions relating to the federal election held on 9 October 2004 were filed during the reporting year. Both election petitions were referred for trial to the Federal Court of Australia.

A comparison of the number of matters heard by a single Justice during 2004-05 and the reporting year is recorded in Table 7. A breakdown of the categories of matters heard by a single Justice during 2004-05 is provided in Table 8. Forty-five per cent of applications heard by a single Justice during the reporting period involved self-represented persons, which is consistent with the number of self-represented litigants appearing before a single Justice during 2003-04.

Once again, considerable assistance was provided to the Court throughout the year by counsel acting on a pro bono basis.

Case-flow Management

The provisions of Chapter 4 of the High Court Rules 2004 impose time standards for the filing of applications for special leave to appeal and appeals. These provisions assist 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 from other courts into the High Court under section 40 of the *Judiciary Act* 1903 (Cth), cases stated, references under section 18 of the *Judiciary Act*, and election 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 2003-04 and 2004-05.

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 14 to 16 provide a comparison of the elapsed period between the date of filing of **civil special leave applications** to the date they were ready for hearing, the elapsed time between applications being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. Tables 22 to 24 provide a comparison of the elapsed period between the date of filing of **criminal special leave applications** to the date they were ready for hearing, the elapsed time between applications being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. Tables 30 to 32 provide a comparison of the elapsed period between the date of filing of **civil appeals** to the date they were ready for hearing, the elapsed time between appeals being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. Tables 38 to 40 provide a comparison of the elapsed period between the date of filing of **criminal appeals** to the date they were ready for hearing, the elapsed time between appeals 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.

Rules of Court

The Justices have 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. As noted earlier in this Report, the Rules of Court have been completely redrafted and the revised Rules, the High Court Rules 2004, commenced operating on 1 January 2005.

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 Rules of Court in 2004-05:

Statutory Rule No. S377 of 2004 – Annual Sittings of the High Court;
Statutory Rule No. 304 of 2004 – High Court Rules 2004;
Select Legislative Instrument No. 13 of 2005 – Amendment to Schedule 2 (Costs).

The following Practice Directions were issued by the Court during 2004-05:

Practice Direction No. 1 of 2004 – Applications for Leave or Special Leave to Appeal;
Practice Direction No. 2 of 2004 – Rescission of Practice Directions.

Cost of Litigation

Court Fees and Charges

Fees and charges in the High Court form an integral part of litigation costs and, since 1 April 1992, have been set by the High Court of Australia (Fees) Regulations on the initiative of the Attorney-General. Fees payable for filing, issuing or sealing a document in an office of the Registry of the High Court, or for obtaining a document or service, are set out in Schedule 1 of the Regulations. The schedule of fees payable as at 30 June 2005 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 five refusals to waive a fee in the reporting period.

In 2004-05 a total of 1,048 matters attracting a filing fee and/or hearing fees were filed in the Court. Of these, 577 matters, or approximately 55 per cent, were exempt from payment of fees, resulting in a total of \$714,349 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 Schedule in operation since 1 March 2005 is included in Annexure C to Part VII of this report.

The Court has limited access to information about the actual costs involved in litigation. The information that it has is confined to costs which have been taxed and allowed on a party-and-party basis by taxing officers pursuant to an order of the Court. However costs orders do not necessarily reflect the total cost to the litigant and are not made in all cases. Bills of costs are not lodged for taxation in all matters that come before the Court as the parties may agree on the costs to be paid by the unsuccessful party. In some cases there are statutory provisions to the effect that costs should not be ordered, costs are not usually awarded in criminal cases, and in constitutional cases costs are sometimes the subject of agreement between governments.

Taxation of Costs

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

There is a considerable spread of fees charged. Not all fees and charges are subsequently allowed on taxation. During the reporting period a bill of costs in a successful appeal in Sydney was presented for taxation seeking an amount of \$74,168.61. Of this amount, \$69,556.21 was allowed on taxation. In an unsuccessful application for special leave to appeal filed in Brisbane the respondent claimed an amount of \$40,642.76, of which only \$19,287.26 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

Millennium Library System

An upgrade was completed allowing for utilisation of the statistics function which will allow for future planning of the budget.

Retrospective Copying of High Court Unreported Judgments

The first phase of the copying project from 1917 to 1944 is complete. The next phase requires photocopies to be checked against the original files in Archives.

Legal Research Officer

During the past 12 months the Legal Research Officer has undertaken research and analysis on a variety of legal issues at the direction of the Justices. The Legal Research Officer has also been responsible for producing the High Court Bulletin, which provides information to the public about cases currently before the Court, and the Overseas Decisions Bulletin, which provides information to the Justices about relevant decisions from overseas jurisdictions.

Online Subscriptions

In November 2004 the Court commenced an online subscription, through Ovid, to the *Index to Foreign Legal Periodicals*. This affords users easier and more up-to-date access of articles of public and private international law, comparative and foreign law, and the law of all jurisdictions other than the United States, the United Kingdom, Canada and Australia.

Collection Development and Organisation

Material on levels 7, 8 and 9 was relocated in order to allow for growth in the collection.

Sydney and Melbourne Libraries

The Court Librarian visited the Sydney Library in March. A set of *Words and Phrases* together with duplicates of old editions on criminal law and contract were sent to the Melbourne Library throughout the year.

Moys Classification Seminar

The Court Librarian was invited to present a Moys Classification Seminar at the Caribbean Law Librarians' Conference (CARALL) held at Nassau, the Bahamas, in July. The Cataloguing Librarian presented a second Moys Classification Seminar in conjunction with the ALLG Symposium in Canberra in September. The Court Librarian presented a third Moys Classification Seminar in Sydney for the ALLG (NSW Division) in November.

ALLG Pacific Twinning Scheme

Shipments of Books

The Library arranged for large shipments of law material to various Pacific Libraries including Solomon Islands High Court, Tonga Supreme Court, Kiribati Attorney-General and Fiji Director of Public Prosecutions. The twin library at the High Court of Fiji also received law material. Thanks are due to the Federal Court Librarian who provided funds to assist the ALLG Pacific Twinning Project by paying the freight for most of the shipments.

Pacific Libraries' Scholarship

The Court Librarian was on the selection panel for the Pacific Libraries' Scholarship in July. This year a record three Pacific Scholarships were offered to assist our colleagues in the Pacific to attend the 2004 ALLG Symposium in Canberra. The ALLG, Thomson, and Blake Dawson Waldron each provided sponsorship for a scholarship. Ten applications were received for the Pacific scholarships. The three scholarships were awarded to Kesa Tuikoro, Assistant Librarian, High Court Library, Suva, Fiji; Wilma Marakan, Deputy Librarian, Department of Justice and Attorney-General, Port Moresby, Papua New Guinea; and Jason Pombo Beiye, Deputy Court Librarian, Supreme Court of Papua New Guinea.

Conferences

The Court Librarian attended the International Association of Law Libraries' 23rd Annual Course on International Law Librarianship in Helsinki, Finland, in August 2004. The Court Librarian, Senior Reference Librarian and other staff attended sessions at the ALLG Symposium held at the Australian National University, Canberra, in September. The Senior Reference Librarian was President of the ALLG (ACT Division) and was also a member of the Symposium Organising Committee.

Staff

Staff member Vicki Dwyer was seconded to the Commonwealth Attorney-General's Department, from April to June and from July to the end of August.

Court Librarian



The Court Librarian, Jacqueline Elliott, retired after 20 years' service in May. During her time at the Court Ms Elliott witnessed the change in the library from manual to computer-assisted library systems. In 1988 she undertook the transfer of the traditional card catalogue system on to a computerised library system, Dynix, which was upgraded in 2002 to an integrated library management system, Millenium.

Ms Elliott was instrumental in setting up the Pacific Twinning Scheme. The scheme provides assistance to smaller law libraries in the Pacific Islands through donations of books and granting scholarships to attend the annual Australian Law Librarians' Group conference.

She was replaced in July by Petal Kinder, who was the manager of the Library and Information Services at the Federal Court in Melbourne for the previous five years.

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* (Cth) 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 resources, 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

Monthly reporting to the Department of Finance and Administration, in accordance with the Budget Estimates and Framework Review, commenced in July 2004. Funding obtained through the 2003-04 Additional Estimates process enabled the recruitment of an additional finance staff member and the upgrade of the Court's financial management system to fulfil these reporting requirements. As a result a major financial software upgrade was successfully undertaken in January and February 2005.

Resources

The table below details the 2004-05 financial and staffing resources applied to the Court's outputs and outcomes, together with the budgeted resources for 2004-05. 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 2004-05 \$'000	(2) Actual Expenses 2004-05 \$'000	(3) Variation (2) - (1) \$'000	(4) Budget 2005-06 \$'000
Administered Items				
Court fees and charges collected	870	976	106	920
LESS: fees and charges remitted to Official Public Account	870	976	106	920
Net contribution or cost to outcome	-	-	-	-
High Court Output				
Output 1.1: High Court Business:				
- Justices' remuneration and allowances*	2,053	2,542	489	2,554
- High Court administration	12,044	12,044	-	13,799
Revenue from government appropriations	14,097	14,586	489	16,353
Revenue from other sources:				
- High Court administration	256	259	3	256
Total price of output	14,353	14,845	492	16,609
TOTAL PRICE OF OUTCOME	14,353	14,845	492	16,609
Staff years (in full-time equivalent positions)	86.0	90.0	4.0	93.0

* 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.

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 & 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 & Principal Registrar.

In accordance with section 47(2) of the *High Court of Australia Act 1979* (Cth), 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 2004-05 financial statements can be found at Part VI of this report.

Consultants

During the year, 23 consultancy contracts, with a total value of \$584,056, were entered into by the Court. Contracts with a total value of \$10,000 or more (including GST) were:

Name	Description	\$
Integrated Media Pty Ltd	Project management & design services, courtroom technology project	216,480
Evidence Technology Pty Ltd	Control systems programming, courtroom technology project	86,039
Acoustic Directions Pty Ltd	Acoustic engineering services, courtroom technology project	61,682
Bond University	Video systems design and installation, courtroom technology project	58,089
Synergy Innovation Pty Ltd	Website maintenance	29,766
Spotless P & F Pty Ltd	Project management – elevator upgrade	28,853
Open Integration Pty Ltd	Computer network support	18,450
HBO + EMTB Architects	Interior design and fit-out, courtroom technology project	16,643
HBO + EMTB Architects	Waterproofing feasibility study, trafficable roofs, High Court building	13,123
Studio Systems	Concept & working drawings for control and monitoring areas, courtroom technology project	10,010

Human Resource Management

Terms and Conditions of Employment

Staff of the High Court are employed under the *High Court of Australia Act 1979* (Cth). Section 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 eighth Certified Agreement, under section 170LK of the *Workplace Relations Act 1996* (Cth), was certified on 1 November 2004. This agreement, containing pay increases totalling seven per cent over 18 months, is due to expire on 30 June 2006.

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 under the Court's current Workplace Diversity Plan include:

- Increasing the proportion of women at the executive level from 67 per cent to 69 per cent;
- providing greater flexibility to staff in managing family and work; and
- continuing to actively promote 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* (Cth). 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 or 47 of the Act during the year.

Human Resource Management Information System

At the beginning of the financial year the Court was told that Perspect, its human resource management information system (HRMIS), would not continue to be developed or supported after 30 June 2005. After an extensive process researching systems available and receiving quotations from various suppliers, a decision was made to implement a package of modules known as Chris21, developed by Frontier Software Pty Ltd. An intensive implementation programme commenced in March 2005, while simultaneously maintaining the Perspect HRMIS, resulting in the achievement of live operation for the new system on 1 July 2005.

Information Technology (IT)

During the year significant IT resources were directed to supporting the Courtroom Technology Project. In addition, key developments were:

- completion of the IT security framework, including installation of a "spam" email firewall and an update of the IT security manual;
- commencement of the implementation of a High Court intranet;

- improvements to the Court's Wide Area Network links;
- software development to support changes to the High Court Rules from January 2005;
- continued replacement of IT assets in accordance with the IT asset management plan; and
- ongoing IT training for users to improve efficiency and effectiveness.

Court Reporting Service (CRS)

Operation

The goal of the CRS is to provide, in a timely and efficient manner, accurate transcripts 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 transcripts from appeal hearings are available each evening on the Court's website. Transcripts of other matters are available on the website within a few days. Transcripts dating back to 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 hearings.

Staffing

The CRS comprises one full-time and two part-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 772 individual transcripts, containing 9,977 pages, were produced during the year. This represents a 41 per cent increase from the previous year in the number of transcripts produced, but a one per cent reduction in the number of pages.

Developments

As reported in Part III of this report, a major technology redevelopment project was completed during the year. Part of this project involved modernising court reporting systems and a major refurbishment of associated accommodation, both of which were successfully completed in early 2005.

New control software is now being used to integrate audio and video control systems and to deliver these via a single touch-screen in the court reporting monitoring area. One staff member now controls all technology simultaneously in three courtrooms.

Both the court reporting monitoring room and the transcript production area have been completely refurbished and provide modern office accommodation for court reporting staff, designed specifically around workflows associated with the new technology.

Building Operations

Roof Repairs

Following several years of persistent water leaks, the Federal Government provided funds to replace the roof of the High Court building. A new roof was constructed over the top of the existing one, and this was successful in stopping the leaks. However, in more recent years, water leaks have emerged from several balconies and the building's roof garden, areas not covered by the 1997-98 works. These leaks are caused by the breakdown of the waterproof membrane installed under these areas during the original construction of the building almost 30 years ago.

During 2004-05, the High Court's consulting architects, Hoadley Budge Olphert & Edwards Madigan Torzillo Briggs Pty Ltd, were engaged to conduct a feasibility study and recommend options to the Court for a permanent solution. The study, completed in May 2005, recommended a substantial redesign of these roofs. At 30 June 2005, three options were under consideration by the Court. The Court hopes that design work on the chosen option can begin early in the 2005-06 financial year.

Elevator Upgrade

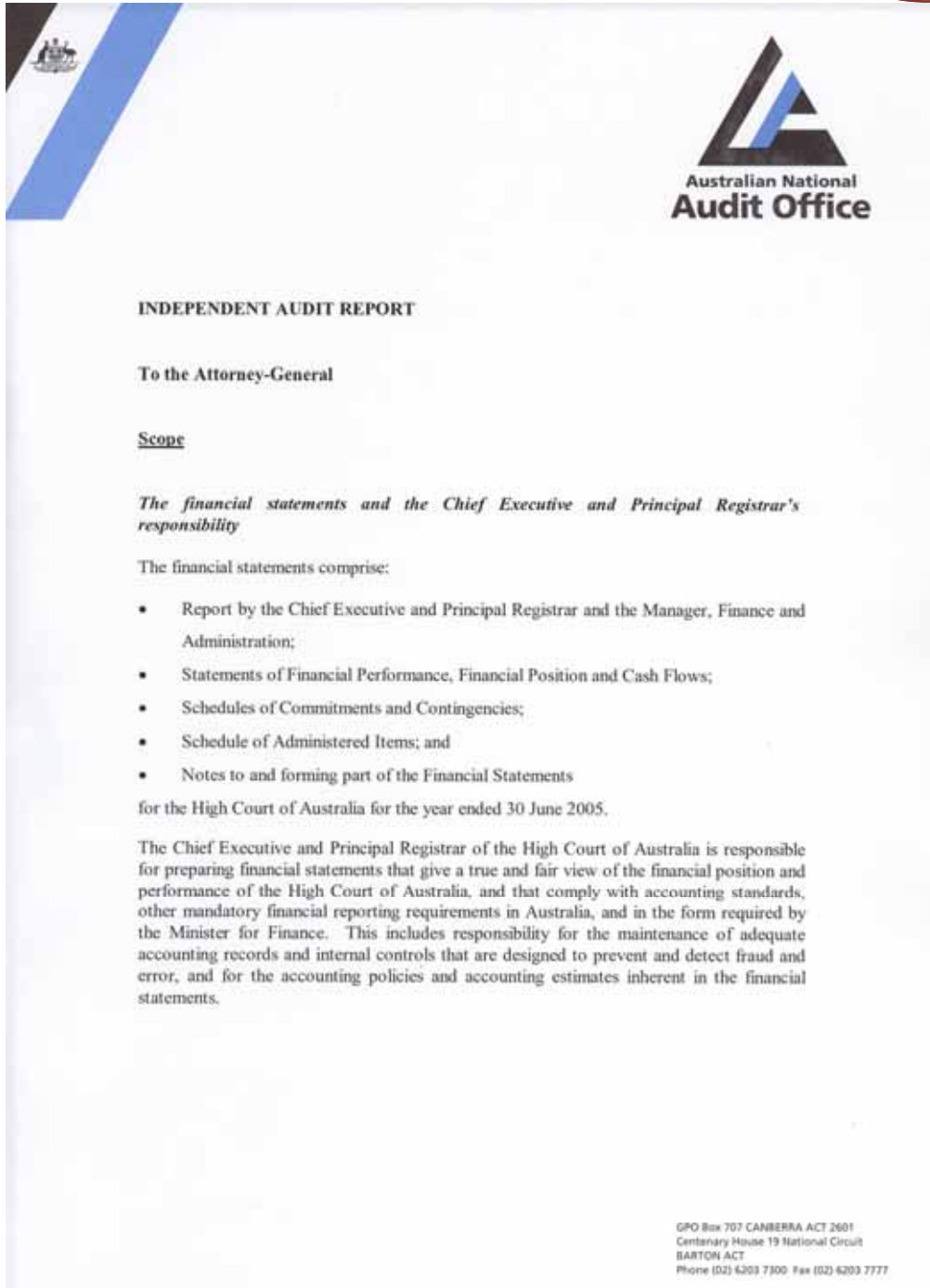
The program, commenced in mid-2003, to upgrade the High Court building's elevators was partially completed during the year. All elevators have had their speed of travel increased by 50 per cent. Stage II of this project, involving refurbishment of the lift interiors and upgrade of controls to comply with current OH&S standards, is well-advanced. Completion is scheduled for August 2005.

Recarpeting

The program of replacing carpet throughout the Court in Canberra continued in 2004-05, with one more office floor and the public areas of the building recarpeted.



PART VI – FINANCIAL STATEMENTS



Audit approach

I have conducted an independent audit of the financial statements in order to express an opinion on them to you. My audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing and Assurance Standards, in order to provide reasonable assurance as to whether the financial statements are free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive, rather than conclusive, evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

While the effectiveness of management's internal controls over financial reporting was considered when determining the nature and extent of audit procedures, the audit was not designed to provide assurance on internal controls.

I have performed procedures to assess whether, in all material respects, the financial statements present fairly, in accordance with the requirements of the Finance Minister, including accounting standards and other mandatory financial reporting requirements in Australia, a view which is consistent with my understanding of the High Court of Australia's financial position, and of its performance as represented by the statements of financial performance and cash flows.

The audit opinion is formed on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial statements; and
- assessing the appropriateness of the accounting policies and disclosures used, and the reasonableness of significant accounting estimates made by the Chief Executive and Principal Registrar.

Independence

In conducting the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the ethical requirements of the Australian accounting profession.

Audit Opinion

In my opinion, the financial statements of the High Court of Australia for the year ended 30 June 2005:

- (a) are based on proper accounts and records;
- (b) are in agreement with the accounts and records; and
- (c) give a true and fair view of the financial position of the High Court of Australia as at 30 June 2005 and of its performance and cash flows for the year then ended, in accordance with:
 - (i) the form of financial statements approved by the Finance Minister under the *High Court of Australia Act 1979*; and
 - (ii) applicable accounting standards and other mandatory financial reporting requirements in Australia.

In my opinion, the receipts, expenditure and investment of moneys, and the acquisition and disposal of assets during the year ended 30 June 2005, have been in accordance with the *High Court of Australia Act 1979*.

Australian National Audit Office



Brandon Jarrett
Executive Director

Delegate of the Auditor-General
Canberra

27 August 2005

HIGH COURT OF AUSTRALIA

Report by the Chief Executive & 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 2005.

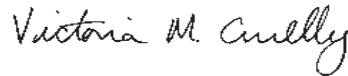
The accompanying financial statements of the High Court of Australia for the year ended 30 June 2005 have been prepared as required by section 47(1) of the *High Court of Australia Act 1979* (Cth) and include:

- Statement of Financial Performance;
- Statement of Financial Position;
- Statement of Cash Flows;
- Schedule of Commitments;
- Schedule of Contingencies;
- Schedule of Administered Items; and
- Notes to and forming part of the Financial Statements.

In our opinion, the attached financial statements for the year ended 30 June 2005 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister.



Christopher M. Doogan
Chief Executive & Principal Registrar
26 August 2005



Victoria M. Cuskelly
Manager, Finance & Administration
26 August 2005

HIGH COURT OF AUSTRALIA
STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 30 June 2005

	Notes	2005	2004
		\$	\$
Revenues from ordinary activities			
Revenues from Government	4A	12,044,000	12,244,000
Sales of goods and services	4B	84,339	82,609
Interest	4C	165,645	253,447
Revenue from sale of assets	5D	1,240	93,033
Other	4D	7,932	75,967
Total revenues from ordinary activities		12,303,156	12,749,056
Expenses from ordinary activities (excluding borrowing cost expense)			
Employees	5A	5,579,792	5,393,798
Suppliers	5B	4,620,068	4,968,980
Depreciation and amortisation	5C	2,021,900	1,865,175
Value of assets sold	5D	26,188	81,403
Write-down of assets	5E	-	-
Total expenses from ordinary activities (excluding borrowing cost expense)		12,247,948	12,309,356
Borrowing cost expense	6	-	5,432
Operating surplus from ordinary activities		55,208	434,268
Net surplus		55,208	434,268
Net credit to asset revaluation reserve	13	1,193,195	18,475,215
Total valuation adjustments recognised directly in equity		1,193,195	18,475,215
Total changes in equity other than those resulting from transactions with the Australian Government as owner		1,248,403	18,909,483

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

HIGH COURT OF AUSTRALIA
STATEMENT OF FINANCIAL POSITION
as at 30 June 2005

	Notes	2005	2004
		\$	\$
ASSETS			
Financial Assets			
Cash	14B	1,718,189	2,793,679
Receivables	8	73,156	197,397
Total financial assets		1,791,345	2,991,076
Non-financial Assets			
Land and buildings	9A	160,468,890	159,691,428
Infrastructure, plant and equipment	9B	4,239,149	5,073,294
Inventories		1,977	832
Intangibles	9C	259,021	196,601
Library holdings	9D	12,050,358	9,639,490
Other	10	322,924	572,788
Total non-financial assets		177,342,319	175,174,433
Total assets		179,133,664	178,165,509
LIABILITIES			
Provisions			
Employees	11	1,523,915	1,598,464
Total provisions		1,523,915	1,598,464
Payables			
Suppliers	12	438,658	993,358
Other		15,500	15,500
Total payables		454,158	1,008,858
Total liabilities		1,978,073	2,607,322
NET ASSETS		177,155,591	175,558,187
EQUITY			
Parent entity interest			
Contributed equity	13	53,825,540	53,476,540
Reserves	13	121,783,828	120,590,633
Accumulated surpluses/(deficits)	13	1,546,223	1,491,014
Total parent entity interest		177,155,591	175,558,187
Total equity		177,155,591	175,558,187
Current assets		2,116,246	3,564,697
Non-current assets		177,017,418	174,600,812
Current liabilities		1,086,664	1,782,331
Non-current liabilities		891,409	824,991

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 2005

	Notes	2005	2004
		\$	\$
OPERATING ACTIVITIES			
Cash received			
Sales of goods and services		86,256	82,078
Appropriations		12,044,000	12,339,353
Interest		171,356	293,376
GST receipts from ATO		876,938	494,584
Other		7,932	75,967
Total cash received		13,186,482	13,285,358
Cash used			
Employees		(5,654,341)	(5,181,032)
Suppliers		(5,670,451)	(4,768,364)
GST paid to ATO		(15,922)	(10,756)
Total cash used		(11,340,714)	(9,960,152)
Net cash from operating activities	14A	1,845,768	3,325,206
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of property, plant and equipment		1,240	105
Total cash received		1,240	105
Cash used			
Purchase of property, plant, equipment		(3,271,498)	(3,646,310)
Total cash used		(3,271,498)	(3,646,310)
Net cash used in investing activities		(3,270,258)	(3,646,205)
FINANCING ACTIVITIES			
Cash received			
Appropriation – contributed equity		349,000	50,000
Total cash received		349,000	50,000
Cash used			
Finance leases repaid		-	(110,606)
Total cash used		-	(110,606)
Net cash used by financing activities		349,000	(60,606)
Net increase/(decrease) in cash held		(1,075,490)	(381,605)
Cash at beginning of the reporting period		2,793,679	3,175,284
Cash at end of the reporting period	14B	1,718,189	2,793,679

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

HIGH COURT OF AUSTRALIA
SCHEDULE OF COMMITMENTS
as at 30 June 2005

	Notes	2005	2004
		\$	\$
BY TYPE			
Capital commitments			
Infrastructure, plant and equipment ¹		99,994	-
Infrastructure, plant and equipment ²		246,805	-
Infrastructure, plant and equipment ³		32,491	940,723
Total capital commitments		379,290	940,723
Other commitments			
Operating leases ⁴		503,051	1,043,928
Other commitments ⁵		32,044	143,600
Total other commitments		535,095	1,187,528
Commitments receivable		(83,126)	(193,477)
Net commitments by type		831,259	1,934,774
BY MATURITY			
Capital commitments			
One year or less		379,290	940,723
From one to five years		-	-
More than five years		-	-
Total capital commitments		379,290	940,723
Operating lease commitments			
One year or less		243,787	448,522
From one to five years		259,264	595,406
More than five years		-	-
Total operating lease commitments		503,051	1,043,928
Other commitments			
One year or less		32,044	143,600
From one to five years		-	-
More than five years		-	-
Total other commitments		32,044	143,600
Commitments receivable		(83,126)	(193,477)
Net commitments by maturity		831,259	1,934,774

Commitments are GST-inclusive where relevant.

¹ Outstanding commitments for computer equipment & building improvements

² Outstanding contractual payments for the upgrade of the High Court's lifts.

³ Outstanding contractual payments for the upgrade of the High Court's Courtroom technology.

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 minor equipment.

HIGH COURT OF AUSTRALIA
SCHEDULE OF CONTINGENCIES
as at 30 June 2005

As at 30 June 2005 there are no contingencies which create uncertainty as to possible gain or loss for the High Court of Australia.

HIGH COURT OF AUSTRALIA SCHEDULE OF ADMINISTERED ITEMS

	Notes	2005	2004
		\$	\$
Revenues administered on behalf of Government			
<i>for the year ended 30 June 2005</i>			
Non-taxation revenue			
Goods and services	22A	975,771	964,852
Total revenues administered on behalf of Government		975,771	964,852
Assets administered on behalf of Government			
<i>as at 30 June 2005</i>			
Financial assets		-	-
Total assets administered on behalf of Government		-	-
Liabilities administered on behalf of Government			
<i>as at 30 June 2005</i>			
Liabilities		-	-
Total liabilities administered on behalf of Government		-	-
Administered Cash Flow			
<i>for the year ended 30 June 2005</i>			
Operating Activities			
Cash received			
Other taxes, fines and fees		975,771	964,852
Total cash received		975,771	964,852
Net cash from operating activities		975,771	964,852
Net increase in cash held		975,771	964,852
Cash at the beginning of the reporting period		-	-
		975,771	964,852
Cash to the Official Public Account		(975,771)	(964,852)
Cash at the end of the reporting period		-	-

The Court administers the collection of Court fees and charges on behalf of the Australian Government. 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 Australian Government's Official Public Account.

The above 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 2005*

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* (Cth) and are a general purpose financial report.

Under section 47(1) the financial statements are required to be in such a form as the Minister for Finance approves. On that basis 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 Australian Accounting Standards Board;
- Urgent Issues Group Abstracts; and
- the Finance Minister's Orders.

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 unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies.

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.

Administered revenues, expenses, assets, liabilities and cash flows reported in the Schedule of Administered Items and related notes are accounted for on the same basis and using the same policies as for the Court's items, except where stated in Note 1.13.

1.2 Changes in Accounting Policy

The accounting policies used in the preparation of these financial statements are consistent with those used in 2003-04, except in respect of the initial revaluation of certain plant and equipment and library holdings on a fair value basis (refer to Note 1.9).

1.3 Revenue

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

Revenue from the sale of goods and services is recognised upon the delivery of goods to customers.

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

Equity injections

Amounts appropriated by the Parliament as equity injections are recognised as "contributed equity" in accordance with the Finance Minister's Orders.

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. The Court's certified agreement raises pay rates on 1 July each year. The financial effect of this 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 independent 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. The actuarial assessment is scheduled for review in the 2005-06 financial year.

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 Australian Government and is settled by the Australian Government in due course.

The Court makes employer contributions to the Australian Government at rates determined by the Australian Government to be sufficient to meet the cost to the Australian Government 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 and operating leases. Finance leases, effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased non-current assets, and in operating leases, 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 beginning of the lease term and a liability recognised at the same time 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. All leases held by the Court in 2004-05 were operating leases.

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

1.7 Cash

Cash includes notes and coins on hand, and deposits held at call with a bank or financial institution. Cash is recognised at its nominal amount. Interest is credited to revenue as it accrues.

1.8 Other Financial Instruments

Trade 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).

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 \$3,000 (or building improvements less than \$10,000) which are expensed 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 on a straight-line basis over the useful life of the asset. All software assets were assessed for impairment as at 30 June 2005 (refer to *Impairment of Non-Current Assets* below). None were found to be impaired.

Revaluations

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

Fair values for each class of asset are determined as shown below:

Asset Class	Fair Value Measured at:
Land	Highest and best use with recognition of the restrictive zoning within the Parliamentary Triangle and the inability of the asset to be disposed of due to legislation or government policy.
Building	Depreciated replacement cost recognising that the High Court Building is a special-purpose heritage building.
Plant and equipment	Current market selling price.

Assets that are surplus to requirements are measured at net realisable value. At 30 June 2005 and at 30 June 2004, the High Court held no surplus assets.

The financial effect of this change in policy relates to those assets recognised at fair value for the first time in the current period where the measurement basis for fair value is different to that previously used for deprival value. The financial effect of the change is given by the difference between the fair values obtained for these assets in the current period and the deprival-based values recognised at the end of the previous period.

The financial effect by class is as follows:

Asset class	Increment/(decrement) to asset class	Contra account
Library holdings	\$1,289,845	Asset revaluation reserve
Plant and equipment	\$(96,650)	Asset revaluation reserve

The total financial effect was a credit to the asset revaluation reserve of \$1,193,195.

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

Asset class	Date of last valuation	Valuation method
Land	June 2004	Fair value
Buildings	June 2004	Fair value
Plant and equipment	June 2004 (except building improvements)	Fair value
Plant and equipment	June 2005 (building improvements only)	Fair value
Artworks	June 2004	Fair value
Library holdings	June 2005	Fair value

Frequency

Except for the Court's library holdings and building improvements the asset classes above were revalued as at 30 June 2004 on a fair-value basis. Library holdings and building improvements were revalued at fair value as at 30 June 2005. 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.

Impairment of non-current assets

Non-current assets carried at up-to-date fair value at the reporting date are not subject to impairment testing.

The non-current assets carried at cost, which are not held to generate net cash inflows, have been assessed for indications of impairment. Where indications of impairment exist, the asset is written down to the higher of its net selling price and, if the entity would replace the asset's service potential, its depreciated replacement cost.

Depreciation and amortisation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives 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 unexpired period of the lease.

Depreciation/amortisation rates (useful lives) and methods are reviewed at each reporting 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:

	2004-05	2003-04
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%
Computer equipment	33.33%	33.33%
Intangibles	33.33%	33.33%

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 9E.

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 at the date of the transaction.

1.12 Insurance

The Court has insured for risks through the Australian 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 of Accounting Standards, Accounting Interpretations and UIG Abstracts.

Administered cash transfers to and from the Official Public Account

Revenue collected by the Court for use by the Australian Government rather than the Court is Administered Revenue.

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 cash flows and in the administered reconciliation table in Note 22.

Revenue

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

NOTE 2: ADOPTION OF AUSTRALIAN EQUIVALENTS TO INTERNATIONAL FINANCIAL REPORTING STANDARDS FROM 2005-06

The Australian Accounting Standards Board has issued replacement Australian Accounting Standards to apply from 2005-06. The new standards are the Australian Equivalents to International Financial Reporting Standards (AEIFRS) which are issued by the International Accounting Standards Board. The new standards cannot be adopted early. The standards being replaced are to be withdrawn with effect from 2005-06, but continue to apply in the meantime, including reporting periods ending on 30 June 2005.

The purpose of issuing AEIFRS is to enable Australian entities reporting under the *Corporations Act 2001* (Cth) to be able to more readily access overseas capital markets by preparing their financial reports according to accounting standards more widely used overseas.

For-profit entities complying fully with AEIFRS will be able to make an explicit and unreserved statement of compliance with International Financial Reporting Standards (IFRS) as well as a statement that the financial report has been prepared in accordance with Australian Accounting Standards.

AEIFRS contain additional provisions which will apply to not-for-profit entities, including the High Court of Australia. Some of these provisions are in conflict with IFRS, therefore the Court will only be able to assert that the financial report has been prepared in accordance with Australian Accounting Standards.

Accounting Standard AASB 1047 *Disclosing the Impact of Adopting Australian Equivalents to International Financial Reporting Standards* requires that the financial statements for 2004-05 disclose:

- an explanation of how the transition to the AEIFRS is being managed;
- narrative explanation of the key policy differences arising from the adoption of AEIFRS;
- any known or reliably estimable information about the impacts on the financial report had it been prepared using the Australian equivalents to IFRS; and
- if the impacts of the above are not known or reliably estimable, a statement to that effect.

The purpose of this Note is to make these disclosures.

Management of the transition to AEIFRS

The Court has taken the following steps in the preparation towards the implementation of AEIFRS:

1. The Court has developed a comprehensive Plan of Transition to AEIFRS. The Court's Chief Finance Officer is formally responsible for the project and reports regularly to the Chief Executive & Principal Registrar on progress against the formal plan approved by the Court.

The plan requires the following key steps to be undertaken and sets deadlines for their achievement:

- identification of all major accounting policy differences between AASB standards and the Australian Equivalents to IFRS progressively to 30 June 2004;
- identification of systems changes necessary to be able to report under the Australian Equivalents, including those necessary to enable capture of data under both sets of rules for 2004-05, and the testing and implementation of those changes;
- preparation of a transitional balance sheet as at 1 July 2004, under AEIFRS, within two months of 30 June 2004;
- preparation of an AEIFRS compliant balance sheet at the same time or just after the 30 June 2005 statements are prepared; and
- meeting reporting deadlines set by Finance for the 2004-05 balance sheet under AEIFRS.

2. The plan also addresses the risks to successful achievement of the above objectives and includes strategies to keep implementation on track to meet deadlines.

Major changes in accounting policy

The High Court believes that the first financial report prepared under AEIFRS, i.e. at 30 June 2006, will be prepared on the basis that the High Court will be a first-time adopter under AASB 1 *First-time Adoption of Australian Equivalents to International Financial Reporting Standards*. Changes in accounting policies under AEIFRS are applied retrospectively, i.e. as if the new policy had always applied except in relation to the exemptions available and prohibitions under AASB 1. This means that an

AEIFRS compliant balance sheet has to be prepared as at 1 July 2004. This will enable the 2005-06 financial statements to report comparatives under the AEIFRS.

Changes to major accounting policies are discussed in the following paragraphs.

Management's review of the quantitative impacts of AEIFRS represents the best estimate of the impacts of the changes as at reporting date. The actual effects of the impacts of AEIFRS may differ from these estimates due to:

- continuing review of the impacts of AEIFRS on the Court;
- potential amendments of the AEIFRS and the AEIFRS Interpretations; and
- emerging interpretation as to the accepted practice in the application of the AEIFRS and the AEIFRS Interpretations.

Property, plant and equipment

It is expected that the Finance Minister's Orders will continue to require property, plant and equipment assets to be valued at fair value in 2005-06.

Intangible assets

The Court currently recognises internally-developed software assets on the cost basis. The AEIFRS standard on intangibles does not permit intangibles to be measured at valuation unless there is an active market for the intangible. The Court's internally-developed software is specific to the needs of the Court and is not traded. Accordingly, the Court, on adoption of the AEIFRS, will continue to carry these assets at cost.

Impairment of non-current assets

The Court's policy on impairment of non-current assets is at Note 1.9.

Under the AEIFRS, these assets will be subject to assessment for impairment and, if there are indications of impairment, measurement of any impairment (impairment measurement must also be done, irrespective of any indications of impairment, for intangible assets not yet available for use). The impairment test is that the carrying amount of an asset must not exceed the greater of (a) its fair value less costs to sell, and (b) its value in use. "Value in use" is the depreciated replacement cost for assets that would be replaced if the Court were deprived of them.

An impairment assessment of the Court's assets indicated that no adjustments will be required.

Employee benefits

The provision for long service leave is measured at the present value of estimated future cash outflows using market yields as at the reporting date on national government bonds.

The 2003-04 financial reports noted that AEIFRS may require the market yield on corporate bonds to be used. The AASB has decided that a deep market in high-quality corporate bonds does not exist and therefore national government bonds will be referenced.

AEIFRS also require that annual leave that is not expected to be taken within 12 months of balance date is to be discounted. Upon review of the Court’s Actuarial Report as at 30 June 2003 there is no requirement to adjust non-current annual leave.

Financial instruments

AEIFRS include an option for entities not to restate comparative information in respect of financial instruments in the first AEIFRS report. It is expected that Finance Minister’s Orders will require entities to use this option. Therefore, the amounts for the financial instruments presented in the Court’s 2004-05 primary financial statements are not expected to change as a result of the adoption of AEIFRS.

The Court will be required by AEIFRS to restate the carrying amount of financial instruments as at 1 July 2005 to align with the accounting policies required by AEIFRS. It is expected that the carrying amounts of all financial instruments will be unaffected by this requirement.

Administered items

Assessment of the administered assets and liabilities of the Court indicate that there are no adjustments required to administered items due to the transition to AEIFRS.

NOTE 3: ECONOMIC DEPENDENCY

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

NOTE 4: OPERATING REVENUES

4A: Revenues from Government

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

	2005	2004
	\$	\$
Appropriation for outputs	12,044,000	12,244,000
Total revenues from government	12,044,000	12,244,000

4B: Sales of Goods and Services

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

	2005	2004
	\$	\$
Food service operator’s licence fee	6,793	6,791
Subscriptions to Court transcripts and judgments	28,500	29,100
Room hire	39,027	43,416
Other revenue	10,019	3,302
Total	84,339	82,609
Provision of goods to:		
External entities	38,519	32,403
Total sales of goods	38,519	32,403
Rendering of services to:		
External entities	45,820	50,206
Total rendering of services	45,820	50,206
Cost of sales of goods	10,752	11,639

4C: Interest Revenue

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

	2005	2004
	\$	\$
Deposits	165,645	253,447
Total interest revenue	165,645	253,447

4D: Other

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

	2005	2004
	\$	\$
Sale of commemorative items	1,086	75,206
Sale of minor items at tender	5,957	761
Other minor items	889	-
Total other revenues	7,932	75,967

NOTE 5: OPERATING EXPENSES

5A: Employee Expenses

This item in the Statement of Financial Performance consists of:

	2005	2004
	\$	\$
Wages and salaries	4,616,891	4,442,133
Superannuation	833,911	756,027
Leave and other entitlements	81,219	142,297
Total employee benefits expenses	5,532,021	5,340,457
Workers' compensation premiums	47,771	53,341
Total employee expenses	5,579,792	5,393,798

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* (Cth) of the Australian Government, 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 Australian Government on a regular basis for each contributor. The employer contribution is calculated as a percentage of contributors' salaries, estimated by the Australian Government to be sufficient to meet the Court's share of benefits liability under the schemes. Throughout the 2004-05 financial year, contributions were fixed at a rate of 27.6 per cent for the Commonwealth Superannuation Scheme and 11.3 per cent for the Public Sector Superannuation Scheme. An additional three per cent is contributed for employer productivity benefits.

5B: Supplier Expenses

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

	2005	2004
	\$	\$
Goods from external entities	444,565	710,783
Services from external entities	3,815,343	3,863,424
Operating lease rentals	360,160	394,773
Total supplier expenses	4,620,068	4,968,980

5C: Depreciation and Amortisation

	2005	2004
	\$	\$
Depreciation of property, plant and equipment	2,021,900	1,865,175
Total depreciation and amortisation	2,021,900	1,865,175

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

	2005	2004
	\$	\$
Building and building improvements	1,705,969	1,606,397
Plant and equipment	182,958	142,422
Library holdings	54,890	53,160
Intangibles	78,083	63,196
Total depreciation and amortisation	2,021,900	1,865,175

5D: Revenue from Sale of Assets

	2005	2004
	\$	\$
Infrastructure, plant and equipment:		
Proceeds from disposal	1,240	469
Disposal of assets under Finances Leases	-	92,564
	1,240	93,033
Net book value of assets disposed	(26,188)	(81,403)
Net gain/(loss) from disposal of infrastructure, plant and equipment	(24,948)	11,630

5E: Write-Down of Assets

	2005	2004
	\$	\$
Plant and equipment – write-off	-	(230,800)
Plant and equipment depreciation write-back	-	230,800
Total write-down of assets	-	-

NOTE 6: BORROWING COST EXPENSE

	2005	2004
	\$	\$
Leases	-	5,432
Total borrowing costs expense	-	5,432

NOTE 7: 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 8: RECEIVABLES

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

	2005	2004
	\$	\$
Goods and Services	6,051	9,112
Interest receivable	9,373	15,085
GST receivable	57,732	173,200
Total receivables	73,156	197,397

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

Receivables are aged as follows:	\$	\$
Not overdue	70,836	191,294
Overdue by:		
- less than 30 days	1,655	3,986
- 30 to 60 days	415	1,691
- 60 to 90 days	250	196
- more than 90 days	-	230
Total receivables	73,156	197,397

NOTE 9: 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 2005 as follows:

	2005	2004
	\$	\$
9A: Land and Buildings		
Freehold Land		
Land at June 2004 valuation	7,500,000	7,500,000
Total freehold land	<u>7,500,000</u>	<u>7,500,000</u>
Buildings on freehold land		
Buildings at cost	2,318,613	-
Accumulated depreciation	(3,864)	-
Buildings at June 2004 valuation	207,900,000	207,900,000
Accumulated depreciation	(57,245,859)	(55,708,572)
Total buildings on freehold land	<u>152,968,890</u>	<u>152,191,428</u>
Total land and buildings	<u>160,468,890</u>	<u>159,691,428</u>
	2005	2004
	\$	\$
9B: Plant and Equipment		
Plant and equipment at 2005 valuation	1,259,772	-
Accumulated depreciation – 2005 valuation	-	-
Plant and equipment at 2004 valuation	1,828,450	2,217,452
Accumulated depreciation – 2004 valuation	(128,076)	(289,388)
Plant and equipment – written off	-	(230,800)
Accumulated depreciation – written off	-	230,800
Plant and equipment at 2001 valuation	-	105,000
Accumulated depreciation – 2001 valuation	-	(49,035)
Plant and equipment at cost	1,356,096	1,725,713
Accumulated depreciation	(84,518)	(186,605)
Lifts and Courtroom Technology – in progress	-	1,550,157
Level 5 construction of offices – in progress	7,425	-
Total plant and equipment	<u>4,239,149</u>	<u>5,073,294</u>
	2005	2004
	\$	\$
9C: Intangibles		
Intangibles at cost	696,095	615,958
Accumulated depreciation	(508,600)	(430,517)
Chris 21 Payroll System – in progress	60,366	-
Webification of Court Reporting Service – in progress	11,160	11,160
Total intangibles	<u>259,021</u>	<u>196,601</u>

9D: Library Holdings	2005	2004
	\$	\$
Library at June 2005 valuation	10,767,897	-
Accumulated depreciation – 2005 valuation	-	-
Library at June 2001 valuation	-	7,896,145
Accumulated depreciation	-	(1,558,945)
Library at cost	1,285,136	3,318,884
Accumulated depreciation	(2,675)	(16,594)
Total library holdings	12,050,358	9,639,490

All revaluations are conducted in accordance with the revaluation policy stated at Note 1. In 2004-05, the revaluations were conducted by an independent valuer, the Australian Valuation Office.

	2005	2004
Movement in Asset Revaluation Reserve	\$	\$
Increment for land	-	2,000,000
Increment for building	-	16,467,307
Increment for property, plant and equipment	-	7,908
Decrement for property, plant and equipment	(96,650)	-
Increment for library holdings	1,289,845	-
Total	1,193,195	18,475,215

9E: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles

	Land	Buildings	Total land and buildings	Total plant and equipment	Library holdings	Total plant, equipment and library holdings	Intangibles	Total
	\$	\$	\$	\$	\$	\$	\$	\$
As at 1 July 2004:								
Gross book value	7,500,000	207,900,000	215,400,000	5,367,522	11,215,029	16,582,551	627,118	232,609,669
Accumulated depreciation/ amortisation	-	(55,708,572)	(55,708,572)	(294,228)	(1,575,539)	(1,869,767)	(430,517)	(58,008,856)
Opening net book value	7,500,000	152,191,428	159,691,428	5,073,294	9,639,490	14,712,784	196,601	174,600,813
Net revaluation								
increment/decrement	-	-	-	(96,650)	1,289,844	1,193,194	-	1,193,194
Additions by purchase	-	2,318,613	2,318,613	1,179,201	1,175,914	2,355,115	80,137	4,753,865
2003-04 assets under construction included in opening balance	-	-	-	(1,550,157)	-	(1,550,157)	(11,160)	(1,561,317)
Depreciation/amortisation expense	-	(1,541,151)	(1,541,151)	(347,776)	(54,890)	(402,666)	(78,083)	(2,021,900)
Disposals	-	-	-	(26,188)	-	(26,188)	-	(26,188)
Assets under construction	-	-	-	7,425	-	7,425	71,526	78,951
As at 30 June 2005:								
Gross book value	7,500,000	210,218,613	217,718,613	4,451,743	12,053,033	16,504,776	767,621	234,991,010
Accumulated depreciation/ amortisation	-	(57,249,723)	(57,249,723)	(212,594)	(2,675)	(215,269)	(508,600)	(57,973,592)
Closing net book value	7,500,000	152,968,890	160,468,890	4,239,149	12,050,358	16,289,507	259,021	177,017,418

9F: Assets at Valuation

	Land	Buildings	Total land and buildings	Total plant and equipment	Library holdings	Intangibles	Total
	\$	\$	\$	\$	\$	\$	\$
As at 30 June 2005							
Gross value	7,500,000	207,900,000	215,400,000	3,088,222	10,767,897	13,856,119	229,256,119
Accumulated depreciation/ amortisation	-	(57,245,859)	(57,245,859)	(128,076)	-	(128,076)	(57,373,935)
Closing net book value	7,500,000	150,654,141	158,154,141	2,960,146	10,767,897	13,728,043	171,882,184
As at 30 June 2004							
Gross book value	7,500,000	207,900,000	215,400,000	2,322,452	7,896,145	10,218,597	225,618,597
Accumulated depreciation/ amortisation	-	(55,708,572)	(55,708,572)	(338,424)	(1,511,699)	(1,850,123)	(57,558,695)
Closing net book value	7,500,000	152,191,428	159,691,428	1,984,028	6,384,446	8,368,474	168,059,902

9G: Summary of Assets under Construction

	Land	Buildings	Total land and buildings	Total plant and equipment	Library holdings	Total plant, equipment and library holdings	Intangibles	Total
Gross value as at 30 June 2005	\$ -	\$ -	\$ -	\$ 7,425	\$ -	\$ 7,425	\$ 71,526	\$ 78,951
Gross value as at 30 June 2004	-	-	-	1,550,157	-	1,550,157	11,160	1,561,317

NOTE 10: OTHER NON-FINANCIAL ASSETS

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

	2005	2004
	\$	\$
Prepaid property rentals	240,629	490,984
Other prepayments	82,295	81,804
Total other non-financial assets	322,924	572,788

NOTE 11: EMPLOYEE PROVISIONS

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

	2005	2004
	\$	\$
Salaries and wages	17,711	167,384
Superannuation	2,007	19,380
Leave	1,504,197	1,411,700
Aggregate employee entitlement liability	1,523,915	1,598,464

Employee provisions are categorised as follows:

Current	632,506	773,472
Non-current	891,409	824,992
Aggregate employee entitlement liability	1,523,915	1,598,464

NOTE 12: SUPPLIERS’ PAYABLES

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

	2005	2004
	\$	\$
Trade creditors	438,658	993,358
Total suppliers’ payables	438,658	993,358

All suppliers’ payables are current.

NOTE 13: EQUITY

	Accumulated results		Asset revaluation reserve		Contributed equity		Total equity	
	2005	2004	2005	2004	2005	2004	2005	2004
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Opening balance 1 July	1,491	1,057	120,590	102,115	53,477	53,427	175,558	156,599
Net surplus/deficit	55	434	-	-	-	-	55	434
Net revaluation increment	-	-	1,194	18,475	-	-	1,194	18,475
Transactions with owner:								
Contributions by owner:								
Appropriations (equity injection)	-	-	-	-	349	50	349	50
Closing balance 30 June	1,546	1,491	121,784	120,590	53,826	53,477	177,156	175,558
Less: outside equity interests	-	-	-	-	-	-	-	-
Total equity attributable to the Australian Government	1,546	1,491	121,784	120,590	53,826	53,477	177,156	175,558

NOTE 14: CASH-FLOW RECONCILIATION

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

	2005	2004
	\$	\$
Operating surplus	55,208	434,268
Non-cash items:		
Depreciation of property, plant and equipment	1,943,817	1,801,979
Amortisation of intangible assets	78,083	63,196
Loss on disposal of property, plant and equipment	24,948	81,298
Changes in assets and liabilities:		
Increase/(decrease) in employees' provisions	(74,549)	212,766
Increase/(decrease) in suppliers' payables	(554,700)	702,179
(Increase)/decrease in prepayments	249,864	(27,206)
(Increase)/decrease in inventories	(1,145)	750
(Increase)/decrease in receivables	124,242	55,976
Net cash from/(used by) operating activities	1,845,768	3,325,206

14B: Reconciliation of Cash

	2005	2004
	\$	\$
Cash balance comprises:		
Cash on hand	3,350	7,350
Cash at bank	1,714,839	2,786,329
Total cash	1,718,189	2,793,679
Balance of cash as at 30 June shown in the Statement of Cash Flows	1,718,189	2,793,679

NOTE 15: REMUNERATION OF AUDITORS

	2005	2004
	\$	\$
Remuneration to the Auditor-General for auditing the financial statements for the reporting period.		
The fair value of services provided was:	31,400	29,500

The above fee includes an amount of \$2,200 for the audit of the preparatory financial information for the adoption of AEIFRS. No other services were provided by the Auditor-General during the reporting period.

NOTE 16: AVERAGE STAFFING LEVELS

	2005	2004
Average staffing levels for the Court during the year were:	90	88

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.

	2005	2004
	\$	\$
Balance as at 1 July	48,965	48,995
Amount received	2,000	5,000
Amount deducted/paid out	(1,530)	(5,030)
Balance as at 30 June	49,435	48,965

NOTE 18: REMUNERATION OF OFFICERS

The number of officers who received or were due to receive total remuneration of \$100,000 or more:

Income Band	2005 Number	2004 Number
\$130,000 - \$139,999	1	1
\$170,000 - \$179,999	-	1
\$190,000 - \$199,999	2	-
\$200,000 - \$209,999	-	1
\$310,000 - \$319,999	1	-
\$340,000 - \$349,999	-	1
	4	4

The aggregate amount of total remuneration of officers shown above:

\$842,437	\$856,630
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NOTE 19: ADMINISTRATION OF THE COURT

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

Chief Justice:

The Honourable Murray Gleeson, AC

Justices:

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, AC

Chief Executive & Principal Registrar:

Christopher Doogan

Under section 10 of the *High Court of Australia Act 1979* (Cth) a Justice is not capable of accepting or holding any other office of profit within Australia. No related party transactions have occurred during the 2004-05 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) Interest Rate Risk

Financial instrument	Notes	Floating interest rate	Fixed interest rate maturing in				Non-interest bearing		Total		Weighted average effective interest rate	
			One year or less	One to five years	More than five years	04-05 \$'000	03-04 \$'000	04-05 \$'000	03-04 \$'000	04-05 %	03-04 %	
Financial assets												
Cash at bank	14B	1,715	-	-	-	-	-	1,715	2,786	4.90	4.65	
Cash on hand	14B	-	-	-	-	-	3	3	7	n/a	n/a	
Receivables	8	-	-	-	-	-	6	6	9	n/a	n/a	
Interest receivable	8	9	-	-	-	-	-	9	15	4.90	4.65	
GST receivable	8	-	-	-	-	-	58	58	173	n/a	n/a	
Total financial assets		1,724	-	-	-	-	67	1,791	2,990	-	-	
Financial liabilities												
Trade creditors and accruals	12	-	-	-	-	-	439	439	993	n/a	n/a	
Total financial liabilities		-	-	-	-	-	439	439	993	-	-	

(b) Net Fair Values of Financial Assets and Liabilities

	Notes	Total carrying amount		Aggregate net fair value	
		2004-05 \$	2003-04 \$	2004-05 \$	2003-04 \$
Financial assets:					
Cash at bank	14B	1,714,839	2,786,329	1,714,839	2,786,329
Cash on hand	14B	3,350	7,350	3,350	7,350
Receivables	8	6,051	9,112	6,051	9,112
Interest receivable	8	9,373	15,085	9,373	15,085
GST receivable	8	57,732	173,200	57,732	173,200
Total financial assets		1,791,345	2,991,076	1,791,345	2,991,076
Financial liabilities:					
Trade creditors and accruals	12	438,658	993,358	438,658	993,358
Total financial liabilities		438,658	993,358	438,658	993,358

Financial assets

The net fair values of cash and non-interest-bearing financial assets approximate their carrying amounts.

Other than the listed financial assets, none of the classes of financial assets are readily traded on organised markets in standardised forms.

Financial liabilities

The net fair values for trade creditors and accruals, which are short-term in nature, are approximated by their carrying amounts.

(c) 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

	2005	2004
	\$	\$
22A: Revenues Administered on Behalf of Government <i>for the year ended 30 June 2005</i>		
Filing and hearing fees	865,048	852,555
Sales of judgments and transcripts	22,535	14,572
Practitioners' certificates	44,539	41,040
Taxing of costs	32,771	40,323
Other	10,878	16,362
Total revenues administered on behalf of Government	975,771	964,852
22B: Administered Reconciliation Table		
<i>Opening administered assets less administered liabilities at 1 July 2004</i>	-	-
Plus: Administered revenues	975,771	964,852
Less: Transfers to Official Public Account	(975,771)	(964,852)
Closing administered assets less administered liabilities at 30 June 2005	-	-

22C: Administered Commitments

There were no administered commitments for 2005 (2004: Nil).

22D: Administered Contingencies

There were no administered contingencies for 2005 (2004: Nil).

NOTE 23: APPROPRIATIONS

Particulars	Departmental outputs		Equity		Total	
	2005 \$000	2004 \$000	2005 \$000	2004 \$000	2005 \$000	2004 \$000
<i>For the year ended 30 June 2005</i>						
Balance carried forward from previous year	-	-	-	96	-	96
Appropriation Acts 1 and 3	12,044	12,244	-	-	12,044	12,244
Appropriation Acts 2 and 4	-	-	349	50	349	50
Available for payment out of CRF	12,044	12,244	349	146	12,393	12,390
Cash payments made out of CRF	12,044	12,244	349	146	12,393	12,390
Balance carried forward to next year	-	-	-	-	-	-
Represented by:						
Appropriations receivable	-	-	-	-	-	-

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. The 2004 comparative has been changed due to a transposition error.

NOTE 24: REPORTING OF OUTCOMES

24A: Outcomes of the Court

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

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	
	2005 \$	2004 \$	2005 \$	2004 \$
Expenses				
Departmental expenses	12,247,948	12,314,788	12,247,948	12,314,788
Total expenses	12,247,948	12,314,788	12,247,948	12,314,788
Costs recovered from provision of goods and services to the non-government sector				
Departmental	84,339	82,609	84,339	82,609
Administered	975,771	964,852	975,771	964,852
Total costs recovered	1,060,110	1,047,461	1,060,110	1,047,461
Other External Revenues				
Departmental:				
Interest	165,645	253,447	165,645	253,447
Revenue from sale of assets	1,240	93,033	1,240	93,033
Other	7,932	75,967	7,932	75,967
Total Departmental	174,817	422,447	174,817	422,447
Total Other External Revenues	174,817	422,447	174,817	422,447
Net Costs/(Contribution) of Outcome	11,013,021	10,844,880	11,013,021	10,844,880

The net costs shown include intra-government costs that would be eliminated in calculating the actual Budget outcome.

24C: Departmental Revenues and Expenses by Outputs

	<u>Outcome 1</u> Output 1		Total	
	2005 \$	2004 \$	2005 \$	2004 \$
Operating expenses				
Employees	5,579,792	5,393,798	5,579,792	5,393,798
Suppliers	4,620,068	4,968,980	4,620,068	4,968,980
Depreciation and amortisation	2,021,900	1,865,175	2,021,900	1,865,175
Value of assets sold	26,188	81,403	26,188	81,403
Borrowing costs expense	-	5,432	-	5,432
Total operating expenses	12,247,948	12,314,788	12,247,948	12,314,788
Funded by:				
Revenues from Government	12,044,000	12,244,000	12,044,000	12,244,000
Sales of goods and services	84,339	82,609	84,339	82,609
Revenue from sale of assets	1,240	93,033	1,240	93,033
Interest	165,645	253,447	165,645	253,447
Other	7,932	75,967	7,932	75,967
Total operating revenues	12,303,156	12,749,056	12,303,156	12,749,056

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.

24D: Administered Revenues and Expenses by Outputs

	<u>Outcome 1</u> Output 1		Total	
	2005 \$	2004 \$	2005 \$	2004 \$
Operating revenues				
Fees and charges	975,771	964,852	975,771	964,852
Total operating revenues	975,771	964,852	975,771	964,852

No administered expenses were incurred. 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.



PART VII – ANNEXURE A

FREEDOM OF INFORMATION ACT – SUPPLEMENTARY MATERIAL

Parts IV and V of this Report provide information about the establishment, functions, organisation and operation of the High Court and its administration. Other information required by section 8 of the *Freedom of Information Act 1982* (Cth) follows.

Categories of Documents

Below is listed the categories of documents that are maintained in the possession of the High Court and which are open to public access (outside the provisions of the *Freedom of Information Act*), whether free of charge on request or by payment of a fee or other charge.

Case-related documents

Certain documents related to legal matters and filed or lodged at the High Court Registry are open to public access in accordance with Rule 4.07.4 of the High Court Rules. Access to these documents is subject to a fee or other charge.

The following categories of documents are available for purchase by the public:

- transcripts of proceedings before the Court;
- reasons for judgment; and
- photocopies of Court documents which are available for search under Rule 4.07.4 of the High Court Rules.

Library documents

The following documents are available free-of-charge from the High Court Library:

- High Court Bulletin, listing cases reserved, cases removed under section 40 of the *Judiciary Act 1903* (Cth), and results of applications for special leave; and
- monthly list of library acquisitions.

In addition, paper copies of the library holdings list are available for purchase from the High Court Library.

Other documents

The following documents are available from the High Court free-of-charge upon request:

- High Court sitting calendar;
- High Court business lists;
- High Court daily sitting lists;
- fees for filing, issuing or sealing a document or obtaining a service, pursuant to Schedule 1 of the High Court of Australia (Fees) Regulations;
- Scale of Professional Costs, pursuant to Schedule 2 of the High Court of Australia (Fees) Regulations;
- selected case summaries;
- brochure on the functions, powers, history and operation of the High Court, and features of the High Court Building in Canberra;
- brochure on courtroom practice in the High Court; and
- the High Court Registry Service Charter.

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 is affected by section 5 of the *Freedom of Information Act* which provides that access is not available under that Act to a document of the Court unless the document relates to matters of an administrative nature.

If a request is to be refused on grounds appearing in sections 15(2) or 24(1) of the Act (insufficient information or unreasonable diversion of resources), applicants will be notified and given an opportunity for consultation. The only officers authorised to grant or deny access to documents under the Act are the Chief Executive & Principal Registrar and the Marshal of the High Court of Australia. If an applicant lives some distance from any point at which access is normally provided, consideration will be given to alternative arrangements to reduce 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

Canberra ACT 2600

Telephone: (02) 6270 6983

Fax: (02) 6270 6868

Email: lhoward@hcourt.gov.au

OR

PO Box 6309

Kingston ACT 2604

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
Fax: (02) 6273 3025
Email: crogers@hcourt.gov.au

All other 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.

Inspection of public documents may be arranged at the following locations:

- 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. Total Full Court matters heard in all jurisdictions
4. Categories of Full Court matters heard in all jurisdictions
5. Total Full Court decisions related to matters filed in all jurisdictions
6. Categories of Full Court decisions related to matters filed in all jurisdictions
7. Matters heard before a single Justice
8. Categories of matters heard before a single Justice

CIVIL SPECIAL LEAVE APPLICATIONS

9. Civil special leave applications filed
10. Civil special leave applications heard
11. Civil special leave applications decided
12. Results of civil special leave applications decided
13. Results of civil special leave applications decided showing lower courts
14. Elapsed time for civil special leave applications finalised – All matters
15. Elapsed time for civil special leave applications finalised – Legally represented
16. Elapsed time for civil special leave applications finalised – Self-represented litigants

CRIMINAL SPECIAL LEAVE APPLICATIONS

17. Criminal special leave applications filed
18. Criminal special leave applications heard
19. Criminal special leave applications decided
20. Results of criminal special leave applications decided
21. Results of criminal special leave applications decided showing lower courts
22. Elapsed time for criminal special leave applications finalised – All matters
23. Elapsed time for criminal special leave applications finalised – Legally represented
24. Elapsed time for criminal special leave applications finalised – Self-represented litigants

CIVIL APPEALS

25. Civil appeals filed
26. Civil appeals heard
27. Civil appeals decided
28. Results of civil appeals decided
29. Results of civil appeals decided showing lower courts
30. Elapsed time for civil appeals finalised – All matters
31. Elapsed time for civil appeals finalised – Legally represented
32. Elapsed time for civil appeals finalised – Self-represented litigants

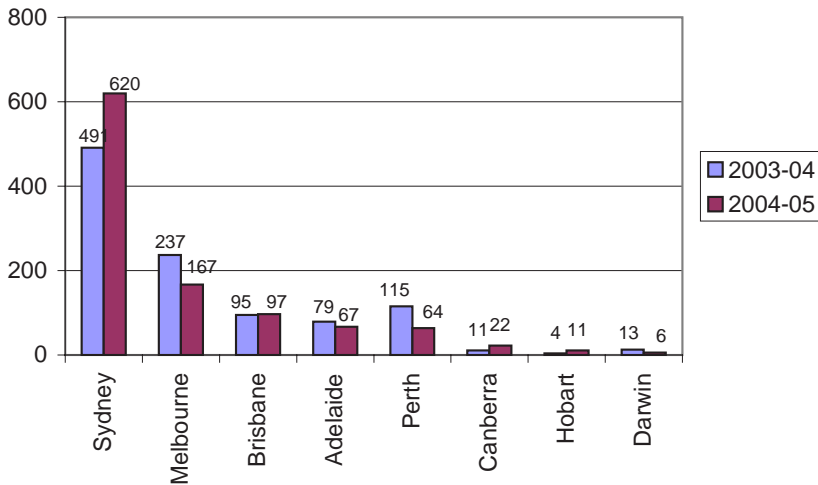
CRIMINAL APPEALS

33. Criminal appeals filed
34. Criminal appeals heard
35. Criminal appeals decided
36. Results of criminal appeals decided
37. Results of criminal appeals decided showing lower courts
38. Elapsed time for criminal appeals finalised – All matters
39. Elapsed time for criminal appeals finalised – Legally represented
40. Elapsed time for criminal appeals finalised – Self-represented litigants

ORIGINAL JURISDICTION MATTERS

41. Elapsed time for Full Court original jurisdiction matters finalised – All matters
42. Elapsed time for Full Court original jurisdiction matters finalised – Legally represented
43. Elapsed time for Full Court original jurisdiction matters finalised – Self-represented litigants

1. TOTAL MATTERS FILED IN ALL JURISDICTIONS



2. CATEGORIES OF MATTERS FILED IN ALL JURISDICTIONS

Category	2003-04	2004-05
Special Leave Applications (Civil)	603	767
Special Leave Applications (Criminal)	126	109
Appeals (Civil)	56	69
Appeals (Criminal)	16	14
Writ of Summons	8	18
Applications for Removal of Cause ^[1]	4	5
Constitutional Writs ^[2]	221	64
Electoral Act ^[3]	0	2
Other ^[4]	11	6
TOTAL	1,045	1,054

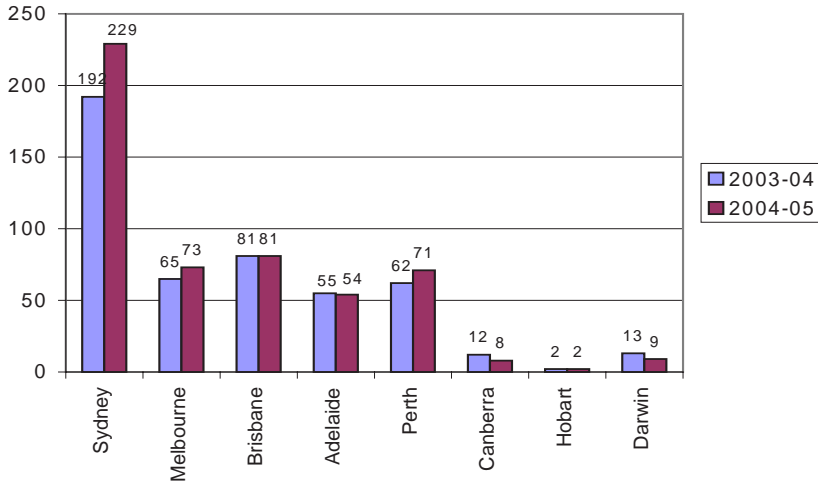
[1] Applications made in accordance with section 40 of the *Judiciary Act* 1903 (Cth).

[2] Applications for constitutional writs made within the original jurisdiction of the Court conferred by section 75(v) of the Constitution.

[3] Election petitions filed pursuant to section 353(1) of the *Commonwealth Electoral Act* 1918 (Cth) with the Court sitting as the Court of Disputed Returns.

[4] 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 Rule 6.07 of the High Court Rules 2004, 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. TOTAL FULL COURT MATTERS HEARD IN ALL JURISDICTIONS



4. CATEGORIES OF FULL COURT MATTERS HEARD IN ALL JURISDICTIONS

Category	2003-04	2004-05
Special Leave Applications (Civil)	291	357
Special Leave Applications (Criminal)	95	97
Appeals (Civil)	59	56
Appeals (Criminal)	17	13
Constitutional and Other Full Court Matters ^[1]	7	1
Applications for Removal of Cause ^[2]	6	0
Constitutional Writs ^[3]	5	3
Electoral Act ^[4]	0	0
TOTAL	480	527

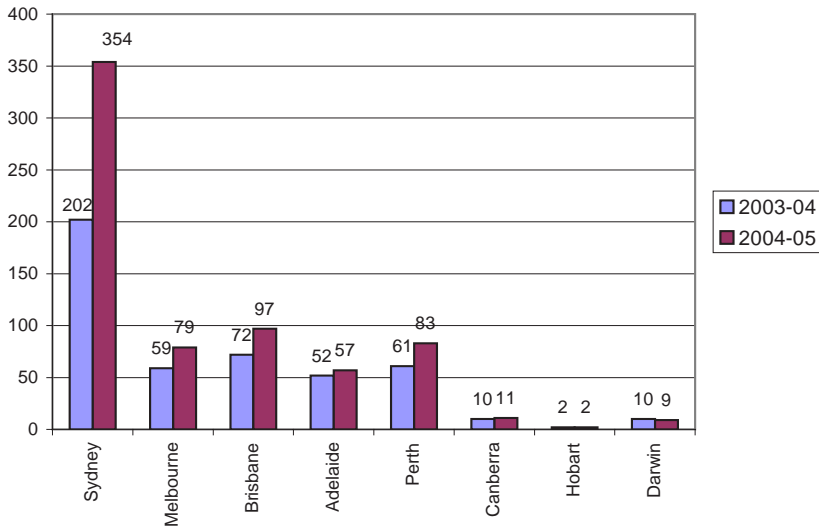
[1] Including matters proceeding to hearing by way of a case stated or questions reserved for the consideration of the Full Court pursuant to section 18 of the *Judiciary Act* 1903 (Cth) and causes removed in accordance with section 40 of the *Judiciary Act*.

[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 (Cth) with the Court sitting as the Court of Disputed Returns.

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



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

Category	2003-04	2004-05
Special Leave Applications (Civil)	288	508
Special Leave Applications (Criminal)	95	109
Appeals (Civil)	58	55
Appeals (Criminal)	13	13
Constitutional and Other Full Court Matters ^[1]	3	1
Applications for Removal of Cause ^[2]	6	4
Constitutional Writs ^[3]	5	2
Electoral Act ^[4]	0	0
TOTAL	468	692

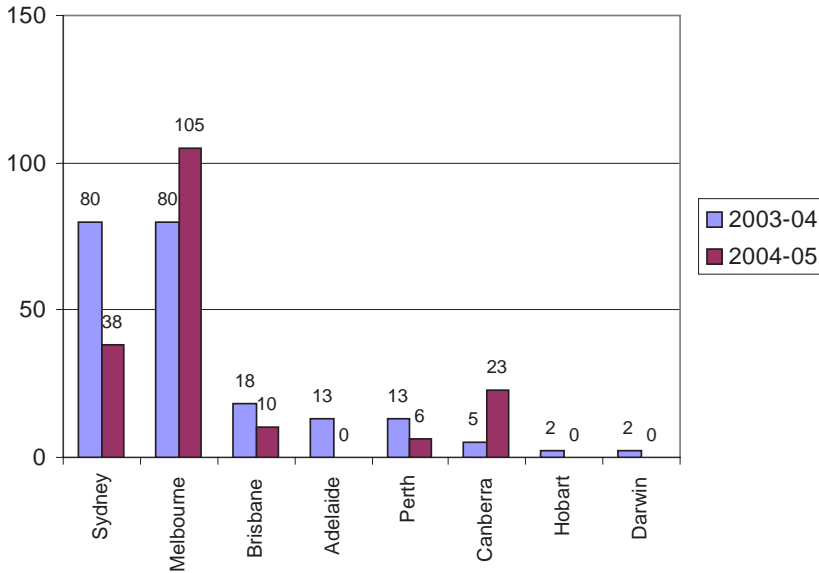
[1] Including matters proceeding to hearing by way of a case stated or questions reserved for the consideration of the Full Court pursuant to section 18 of the *Judiciary Act* 1903 (Cth) and causes removed in accordance with section 40 of the *Judiciary Act*.

[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 (Cth) with the Court sitting as the Court of Disputed Returns.

7. MATTERS HEARD BEFORE A SINGLE JUSTICE



8. CATEGORIES OF MATTERS HEARD BEFORE A SINGLE JUSTICE

Category	2003-04	2004-05
Directions hearing	122	113
Order nisi application	28	20
Interlocutory injunction/stay/bail application	15	10
Application for leave to issue process	9	3
Application to vacate/expedite hearing date	22	15
Trial of election petition	0	2
Solicitor ceasing to act	0	0
Other	17	19
TOTAL	213	182

CIVIL SPECIAL LEAVE APPLICATIONS

9. CIVIL SPECIAL LEAVE APPLICATIONS FILED

Registry	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
Sydney	228	392	10	2	99	125	5	0	342	519
Melbourne	40	51	4	1	33	25	2	5	79	82
Brisbane	8	22	2	0	35	29	0	0	45	51
Adelaide	36	32	0	0	18	17	0	0	54	49
Perth	48	17	1	0	18	23	2	0	69	40
Canberra	0	5	0	1	4	4	1	3	5	13
Hobart	1	3	0	0	0	5	0	0	1	8
Darwin	1	1	0	0	7	4	0	0	8	5
TOTAL	362	523	17	4	214	232	10	8	603	767

10. CIVIL SPECIAL LEAVE APPLICATIONS HEARD

Registry	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
Sydney	59	64	3	7	61	93	2	5	125	169
Melbourne	18	21	1	4	22	21	0	1	41	47
Brisbane	7	6	2	0	31	32	2	0	42	38
Adelaide	14	23	0	0	14	18	0	0	28	41
Perth	27	26	0	1	15	21	0	0	42	48
Canberra	3	2	1	0	3	4	0	0	7	6
Hobart	0	0	0	0	0	2	0	0	0	2
Darwin	1	2	0	0	5	4	0	0	6	6
TOTAL	129	144	7	12	151	195	4	6	291	357

11. CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
Sydney	60	189	3	8	61	95	3	5	127	297
Melbourne	20	29	1	4	18	23	0	1	39	57
Brisbane	7	7	2	1	31	36	0	0	40	44
Adelaide	15	22	0	0	14	18	0	0	29	40
Perth	25	30	0	1	16	23	0	0	41	54
Canberra	3	2	1	1	3	4	0	2	7	9
Hobart	0	0	0	0	0	2	0	0	0	2
Darwin	1	2	0	0	4	3	0	0	5	5
TOTAL	131	281	7	15	147	204	3	8	288 ^[1]	508

[1] In addition, three applications filed in Melbourne were referred for hearing by the Full Court to be argued as if on appeal.

12. RESULTS OF CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	2003-04			2004-05		
	Special Leave Granted	Special Leave Refused	TOTAL	Special Leave Granted	Special Leave Refused	TOTAL
	Sydney	25	102	127	32	265
Melbourne	5	34	39	8	49	57
Brisbane	10	30	40	17	27	44
Adelaide	3 ^[1]	26	29	8	32	40
Perth	10	31	41	6	48	54
Canberra	0	7	7	3	6	9
Hobart	0	0	0	0	2	2
Darwin	1	4	5	1	4	5
TOTAL	54	234	288 ^[2]	75	433	508

[1] Includes one application where the appeal was allowed instanter, by consent.

[2] In addition, three applications filed in Melbourne were referred for hearing by the Full Court to be argued as if on appeal.

13. RESULTS OF 2004-05 CIVIL SPECIAL LEAVE APPLICATIONS DECIDED (SHOWING LOWER COURTS)

Registry	Court Appealed From													
	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	8	181	0	8	24	71	0	5	32	265				
Melbourne	2	27	0	4	6	17	0	1	8	49				
Brisbane	1	6	0	1	16	20	0	0	17	27				
Adelaide	5	17	0	0	3	15	0	0	8	32				
Perth	2	28	0	1	4	19	0	0	6	48				
Canberra	2	0	0	1	1	3	0	2	3	6				
Hobart	0	0	0	2	0	0	0	0	0	2				
Darwin	1	1	0	0	0	3	0	0	1	4				
TOTAL	21	260	0	17	54	148	0	8	75	433				

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

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	%	03-04	%	03-04	%	03-04	%
to 3	21	7	106	37	286	99	9	3
3 to 6	91	32	111	39	2	1	19	7
6 to 9	128	44	32	11	0	0	39	13
9 to 12	32	11	19	6	0	0	106	37
over 12	16	6	20	7	0	0	115	40
TOTAL	288	100	288	100	288	100	288	100
							04-05	%
							16	3
							63	12
							117	23
							177	35
							135	27
							508	100

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

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
to 3	17	18	75	127	171	251	6	3
3 to 6	49	140	62	90	2	3	15	9
6 to 9	83	76	17	35	0	2	28	16
9 to 12	15	14	11	4	0	0	62	36
over 12	9	11	8	3	0	3	62	36
TOTAL	173	259	173	259	173	259	173	259

16. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED LITIGANTS

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
to 3	4	61	31	59	115	246	3	3
3 to 6	42	62	49	106	0	3	4	4
6 to 9	45	95	15	63	0	0	11	9
9 to 12	17	13	8	18	0	0	44	38
over 12	7	18	12	3	0	0	53	46
TOTAL	115	249	115	249	115	249	115	249

CRIMINAL SPECIAL LEAVE APPLICATIONS

17. CRIMINAL SPECIAL LEAVE APPLICATIONS FILED (SHOWING LOWER COURTS)

Supreme Court	03-04	04-05
NSW	30	38
VIC	19	16
QLD	30	26
SA	14	10
WA	27	15
ACT	3	2
TAS	1	2
NT	2	0
TOTAL	126	109

18. CRIMINAL SPECIAL LEAVE APPLICATIONS HEARD (SHOWING LOWER COURTS)

Supreme Court	03-04	04-05
NSW	33	28
VIC	10	12
QLD	24	30
SA	12	9
WA	10	16
ACT	2	0
TAS	1	0
NT	3	2
TOTAL	95	97

19. CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED (SHOWING LOWER COURTS)

Supreme Court	03-04	04-05
NSW	32	29
VIC	11	13
QLD	23	36
SA	12	8
WA	11	20
ACT	2	1
TAS	1	0
NT	3	2
TOTAL	95	109

20. RESULTS OF CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	2003-04			2004-05		
	Special Leave Granted	Special Leave Refused	Total	Special Leave Granted	Special Leave Refused	TOTAL
Sydney	4	28	32	5	24	29
Melbourne	3	8	11	1	12	13
Brisbane	1	22	23	6	30	36
Adelaide	2	10	12	1	7	8
Perth	4	7	11	2	18	20
Canberra	0	2	2	0	1	1
Hobart	0	1	1	0	0	0
Darwin	2	1	3	0	2	2
TOTAL	16	79	95	15	94	109

21. RESULTS OF 2004-05 CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED (SHOWING LOWER COURTS)

Supreme Court	Special Leave Granted	Special Leave Refused	TOTAL
NSW	5	24	29
VIC	1	12	13
QLD	6	30	36
SA	1	7	8
WA	2	18	20
ACT	0	1	1
TAS	0	0	0
NT	0	2	2
TOTAL	15	94	109

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

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
	%	%	%	%	%	%	%	%
to 3	2	8	42	44	94	99	1	4
3 to 6	19	59	37	31	1	0	3	14
6 to 9	36	18	10	22	0	0	16	24
9 to 12	22	18	5	3	0	0	32	35
over 12	16	6	1	5	0	1	43	32
TOTAL	95	109	95	109	95	109	95	109
	100	100	100	100	100	100	100	100

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

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
	%	%	%	%	%	%	%	%
to 3	2	7	33	42	75	89	1	4
3 to 6	17	52	28	27	1	0	3	12
6 to 9	32	14	9	17	0	0	13	23
9 to 12	17	14	5	1	0	0	27	29
over 12	8	3	1	3	0	1	32	22
TOTAL	76	90	76	90	76	90	76	90
	100	100	100	100	100	100	100	100

24. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED LITIGANTS

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time			
	03-04	%	03-04	%	03-04	%	03-04	%		
to 3	0	0	9	47	6	31	19	100	0	0
3 to 6	2	11	9	47	4	21	0	0	0	2
6 to 9	4	21	1	6	5	26	0	0	3	16
9 to 12	5	26	0	0	2	11	0	0	5	26
over 12	8	42	0	0	2	11	0	0	11	58
TOTAL	19	100	19	100	19	100	19	100	19	100

CIVIL APPEALS

25. CIVIL APPEALS FILED

Registry	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
Sydney	6	8	0	0	16	26	0	0	22	34
Melbourne	5	2	0	0	3	10	1	0	9	12
Brisbane	0	1	0	0	13	7	0	0	13	8
Adelaide	2	4	1	0	0	2	0	0	3	6
Perth	3	2	0	0	5	4	0	0	8	6
Canberra	0	0	0	0	0	2	0	0	0	2
Hobart	0	0	0	0	0	0	0	0	0	0
Darwin	1	1	0	0	0	0	0	0	1	1
TOTAL	17	18	1	0	37	51	1	0	56	69

26. CIVIL APPEALS HEARD

Registry	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
Sydney	9	8	0	0	18	16	0	0	27	24
Melbourne	4	2	0	0	1	11	1	0	6	13
Brisbane	0	1	0	0	12	7	0	0	12	8
Adelaide	5	2	1	0	0	1	0	0	6	3
Perth	2	0	0	0	4	5	0	0	6	5
Canberra	0	0	0	0	0	2	0	0	0	2
Hobart	0	0	0	0	0	0	0	0	0	0
Darwin	2	1	0	0	0	0	0	0	2	1
TOTAL	22	14	1	0	35	42	1	0	59	56

27. CIVIL APPEALS DECIDED

Registry	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
Sydney	14	8	0	0	23	14	0	0	37	22
Melbourne	2	3	0	0	1	3	1	0	4	6
Brisbane	1	0	0	0	5	13	0	0	6	13
Adelaide	3	4	1	0	0	1	0	0	4	5
Perth	1	1	0	0	5	6	0	0	6	7
Canberra	0	0	0	0	0	1	0	0	0	2
Hobart	0	0	0	0	0	0	0	0	0	0
Darwin	1	1	0	0	0	0	0	0	1	1
TOTAL	22	17	1	0	34	38	1	0	58	55

28. RESULTS OF CIVIL APPEALS DECIDED

Registry	2003-04			2004-05		
	Appeals Allowed	Appeals Dismissed	TOTAL	Appeals Allowed	Appeals Dismissed	TOTAL
Sydney	22	15	37	18	4 ^[2]	22
Melbourne	1	3 ^[1]	4	3	3	6
Brisbane	4	2	6	11	2	13
Adelaide	3	1	4	4	1	5
Perth	5	1	6	5	2	7
Canberra	0	0	0	1	0	1
Hobart	0	0	0	0	0	0
Darwin	0	1	1	1	0	1
TOTAL	35	23	58	43	12	55

[1] Includes two appeals in which the notice of appeal was struck out as incompetent.

[2] Includes two appeals in which special leave was rescinded.

29. RESULTS OF 2004-05 CIVIL APPEALS DECIDED (SHOWING LOWER COURTS)

Registry	Court Appealed From												TOTAL	
	Federal Court			Family Court			Supreme Court			High Court			Appeals Allowed	Appeals Dismissed
	Appeals Allowed	Appeals Dismissed	%	Appeals Allowed	Appeals Dismissed	%	Appeals Allowed	Appeals Dismissed	%	Appeals Allowed	Appeals Dismissed	%		
Sydney	7	1	11	0	0	3 ^[1]	0	0	0	0	0	0	18	4
Melbourne	3	0	0	0	0	3	0	0	0	0	0	0	3	3
Brisbane	0	0	0	0	0	11	0	0	0	0	0	0	2	11
Adelaide	4	0	0	0	0	1	0	0	0	0	0	0	4	1
Perth	1	0	4	0	0	2	0	0	0	0	0	0	5	2
Canberra	0	0	1	0	0	0	0	0	0	0	0	0	1	0
Hobart	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Darwin	1	0	0	0	0	0	0	0	0	0	0	0	1	0
TOTAL	16	1	18	0	0	20	0	0	0	0	0	0	34	21

[1] Includes two appeals in which special leave was rescinded.

30. ELAPSED TIME FOR CIVIL APPEALS FINALISED – ALL MATTERS

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
to 3	24	42	47	81	6	10	1	2
3 to 6	30	52	8	14	13	23	1	2
6 to 9	2	3	3	5	32	55	4	7
9 to 12	0	0	0	0	7	12	27	46
over 12	2	3	0	0	0	0	25	43
TOTAL	58	100	58	100	58	100	58	100

31. ELAPSED TIME FOR CIVIL APPEALS FINALISED – LEGALLY REPRESENTED

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
to 3	24	44	46	84	4	7	1	2
3 to 6	29	53	7	13	12	22	1	2
6 to 9	2	3	2	3	32	58	4	7
9 to 12	0	0	0	0	7	13	27	49
over 12	0	0	0	0	0	0	22	40
TOTAL	55	100	55	100	55	100	55	100

32. ELAPSED TIME FOR CIVIL APPEALS FINALISED – SELF-REPRESENTED LITIGANTS

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	04-05	03-04	04-05	03-04	04-05	03-04	04-05
to 3	0	0	1	34	2	67	0	0
3 to 6	1	33	1	33	1	33	0	0
6 to 9	0	0	1	33	0	0	0	1
9 to 12	0	0	0	0	0	0	0	0
over 12	2	67	0	0	0	0	3	100
TOTAL	3	100	3	100	3	100	3	100

CRIMINAL APPEALS

33. CRIMINAL APPEALS FILED (SHOWING LOWER COURTS)

Supreme Court	03-04	04-05
NSW	5	5
VIC	3	1
QLD	0	6
SA	2	0
WA	4	2
ACT	0	0
TAS	0	0
NT	2	0
TOTAL	16	14

34. CRIMINAL APPEALS HEARD (SHOWING LOWER COURTS)

Supreme Court	03-04	04-05
NSW	2	6
VIC	4	0
QLD	1	5
SA	3	1
WA	4	1
ACT	0	0
TAS	1	0
NT	2	0
TOTAL	17	13

35. CRIMINAL APPEALS DECIDED (SHOWING LOWER COURTS)

Supreme Court	03-04	04-05
NSW	1	5
VIC	3	1
QLD	2	2
SA	3	2
WA	2	2
ACT	0	0
TAS	1	0
NT	1	1
TOTAL	13	13

36. RESULTS OF CRIMINAL APPEALS DECIDED

Registry	2003-04			2004-05		
	Appeals Allowed	Appeals Dismissed	TOTAL	Appeals Allowed	Appeals Dismissed	TOTAL
Sydney	0	1	1	2	3 ^[1]	5
Melbourne	0	3	3	0	1	1
Brisbane	1	1	2	1	1	2
Adelaide	1	2	3	0	2	2
Perth	1	1	2	1	1	2
Canberra	0	0	0	0	0	0
Hobart	0	1	1	0	0	0
Darwin	0	1	1	0	1	1
TOTAL	3	10	13	4	9	13

[1] Includes one appeal in which special leave was rescinded.

37. RESULTS OF 2004-05 CRIMINAL APPEALS DECIDED (SHOWING LOWER COURTS)

Supreme Court	Appeals Allowed	Appeals Dismissed	TOTAL
NSW	2	3 ^[1]	5
VIC	0	1	1
QLD	1	1	2
SA	0	2	2
WA	1	1	2
ACT	0	0	0
TAS	0	0	0
NT	0	1	1
TOTAL	4	9	13

[1] Includes one appeal in which special leave was rescinded.

38. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – ALL MATTERS

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	03-04	%	03-04	%	03-04	%	03-04	%
to 3	6	46	10	77	3	23	0	0
3 to 6	6	46	2	15	7	54	1	8
6 to 9	1	8	1	8	3	23	6	46
9 to 12	0	0	0	0	0	0	3	23
over 12	0	0	0	0	0	0	3	23
TOTAL	13	100	13	100	13	100	13	100

39. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – LEGALLY REPRESENTED

As for Table 38.

40. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – SELF-REPRESENTED LITIGANTS

No self-represented litigants in this category.

ORIGINAL JURISDICTION MATTERS

41. ELAPSED TIME FOR FULL COURT ORIGINAL JURISDICTION MATTERS FINALISED – ALL MATTERS

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time			
	03-04	%	03-04	%	03-04	%	03-04	%		
	04-05	%	04-05	%	04-05	%	04-05	%		
to 3	2	25	8	100	4	50	0	0	0	0
3 to 6	3	38	0	0	3	38	0	0	1	12
6 to 9	2	25	0	0	1	12	5	71	3	38
9 to 12	1	12	0	0	0	0	2	29	1	12
over 12	0	0	0	0	0	0	0	0	3	38
TOTAL	8	100	8	100	8	100	7	100	8	100
									7	100

42. ELAPSED TIME FOR FULL COURT ORIGINAL JURISDICTION MATTERS FINALISED – LEGALLY REPRESENTED

As for Table 41.

43. ELAPSED TIME FOR FULL COURT ORIGINAL JURISDICTION MATTERS FINALISED – SELF-REPRESENTED LITIGANTS

No self-represented litigants in this category.



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 document or service, as at 30 June 2005
- Record of fees waived during 2004-05

High Court Rules 2004 –

- Schedule 2: Scale of professional costs as at 1 March 2005

HIGH COURT OF AUSTRALIA (FEES) REGULATIONS 2004

SCHEDULE 1 – FEES

(regulations 6 and 7)

Part 1 – Filing fees and fees for other services

Item	Document or service	Fee
101	Application for an order to show cause in relation to a writ of certiorari, a writ of mandamus, a writ of habeas corpus or an order for production, a writ of prohibition or an information of quo warranto or like relief	(a) for a corporation \$2,422 (b) in any other case \$1,211
102	Writ of summons or petition	(a) for a corporation \$2,422 (b) in any other case \$1,211
103	Civil leave or civil special leave application	(a) for a corporation \$2,422 (b) in any other case \$1,211
104	Criminal special leave application	\$76
105	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)	(a) for a corporation \$2,422 (b) in any other case \$1,211
106	Civil notice of appeal	(a) for a corporation \$2,422 (b) in any other case \$1,211
107	Criminal notice of appeal	\$445
108	Certificate of the Registrar other than a certificate of taxation	\$43
109	Taxing a bill of costs for every \$100, or part of \$100	\$9

Part 2 – Fees for obtaining a document or service

Item	Document or service	Fee
201	Searching or inspecting a document mentioned in rule 4.07.4 of the Rules – for each hour or part of an hour	\$14
202	Making a photocopy or office copy of any document – for each page	\$3
203	Copy of reasons for judgment:	
	(a) for each copy issued to a person not a party to the proceedings; and	\$3
	(b) for each copy in excess of one copy issued to a party to the proceeding; and	\$3
	(c) in respect of each copy issued:	
	(i) for each page in excess of 10 pages: or	\$1
	(ii) maximum per copy	\$30
204	Annual subscription for copies of reasons for judgments	\$521
205	Copy of transcript of proceedings prepared by the Court Reporting Service – for each page	\$8

Part 3 – Hearing fees

Item	Hearing	Fee
301	For the hearing before the Full Court of a notice of appeal in relation to a criminal proceeding	\$746
302	For the hearing before the Full Court of:	
	(a) a notice of appeal in relation to a civil proceeding; or	(a) for a corporation \$3,633
	(b) a petition; or	(b) in any other case \$1,817
	(c) a writ of summons	

Item	Hearing	Fee	
303	<p>For the hearing before a single Justice of:</p> <p>(a) an application for an order to show cause in relation to a writ of certiorari, a writ of mandamus, a writ of habeus corpus, or an order for production, a writ of prohibition or an information of quo warranto or like relief; or</p> <p>(b) a petition; or</p> <p>(c) a writ of summons; or</p> <p>(d) a summons (other than a summons for directions or a summons mentioned in rule 25.03.1 of the High Court Rules 2004;</p> <p>for each half day or part of a half day</p>	(a) for a corporation	\$606
		(b) in any other case	\$303
304	<p>For the hearing of a proceeding before the Full Court (other than an application for leave or special leave to appeal, or a criminal appeal, or an application for removal under section 40 of the Act – for each day or part of a day (including the first day of the hearing), in addition to any fee payable under item 302</p>	(a) for a corporation	\$1,817
		(b) in any other case	\$908

HIGH COURT OF AUSTRALIA (FEES) REGULATIONS 2004

RECORD OF FEES WAIVED DURING 2004-05

Exemption Category	Sources of Exemption	No.	Amount
Legal Aid	Regulation 9(1)(a)	22	\$18,887
Holder of a concession card	Regulation 9(1)(b)(i)	88	\$122,089
Prison inmate/person in lawful detention	Regulation (9)(1)(b)(ii)	99	\$81,409
Child under the age of 18 years	Regulation (9)(1)(b)(iii)	6	\$20,891
Youth allowance or Austudy payment recipient	Regulation (9)(1)(b)(iv)	0	Nil
ABSTUDY recipient	Regulation (9)(1)(b)(v)	0	Nil
Financial hardship	Regulation 10	362	\$471,073
TOTAL		577	\$714,349

HIGH COURT RULES 2004

SCHEDULE 2 – SCALE OF PROFESSIONAL COSTS

Item	1/03/2005 to date \$
INSTRUCTIONS	
1 To sue or defend, or to make or oppose an application for special leave to appeal, or to appeal, or oppose an appeal or to cross appeal, or for any other originating proceedings.	217.90
2 To make or oppose any interlocutory proceeding.	96.70
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.	217.90
4 For any pleading (other than a statement of claim).	169.30
5 To amend any pleading.	58.30
6 For a statement of facts or an agreed statement of facts in a matter.	169.30
7 For interrogatories, answers to interrogatories, special affidavits or an affidavit (not being a formal affidavit).	130.60
8 For counsel to advise.	93.20
9 For a document not otherwise provided for.	36.40
10 For a brief for Counsel on a hearing or application in Court or brief notes for solicitor.	121.10
 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.	100.70
12 Concurrent writ of summons.	36.20
13 Writ of subpoena.	52.70
14 If any of the above writs exceeds three folios, for each extra folio.	7.30
 NOTE: These costs include all endorsements, and copies (for the officers sealing them) and attendances to issue or seal, but not the Court fees.	
 SUMMONSES	
15 Any summons, including preparation, copies and attendance to issue, including attendance to fix return date; – if more than three folios, for each extra folio.	61.80 7.30
 APPEARANCES AND NOTICES	
16 Preparing and entering an appearance including duplicate memorandum and notice of appearance for service.	101.90
17 Any necessary or proper notice or memorandum not otherwise provided for, or any demand; – if more than three folios, for each extra folio.	34.10 7.30
 NOTE: This provision shall not apply to short notices or memoranda endorsed on other documents but the words or folios therein may be allowed as part of the documents so endorsed.	

Item	1/03/2005 to date \$
DRAWING	
18 Drawing any pleading or affidavit not exceeding five folios; – or per folio.	96.70 13.60
19 Drawing any other document where no other provision is made – per folio.	13.30
ENGROSSING	
20 Marking each exhibit to an affidavit.	2.40
21 Engrossing any document – per folio.	5.00
COPIES	
22 Of any document including carbon, photographic or machine-made copy – per page. 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.	2.40
PERUSAL AND EXAMINATION	
23 Perusal of any document including special letter, telegram, telex or similar document; – or per folio. 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.	36.00 5.00
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; – clerk.	36.20 11.80
CORRESPONDENCE	
25 Short letter including a formal acknowledgment, making appointments, forwarding documents without comment.	17.20
26 Ordinary letter (including letters between principal and agent).	29.20
27 Circular letter (after the first) each.	9.70
28 Special letter or letter containing opinion and including letters of substance between principal and agent; Or Such sum as the Taxing Officer thinks reasonable in the circumstances.	48.30
29 Telegram, facsimile copy, telex or other document by similar transmitting process including attendance to dispatch (where necessary); Or Such sum as the Taxing Officer thinks reasonable in the circumstances.	48.30
30 Receiving and filing any incoming special letter, facsimile, telegram or telex.	2.40
NOTE: Postage and transmission fees may be claimed as a disbursement properly incurred.	
SERVICE	
31 Personal service of any process or proceeding where necessary; Or Such sum may be allowed as is reasonable having regard to time occupied, distance travelled and other relevant circumstances.	60.10

Item	1/03/2005 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; (b) agent's charges; and such disbursements as may reasonably be incurred.	53.50 102.10
33 Service of any document at the office of the address for service either by delivery or by post.	20.60
ATTENDANCES	
34 An attendance which requires the attendance of a solicitor – per quarter hour.	57.70
35 An attendance which is capable of being made by a clerk; – or per quarter hour.	36.00 9.50
36 Making an appointment or similar attendance by telephone.	17.20
37 An attendance on counsel: – with brief or other papers; – to appoint a conference or consultation.	36.70 16.10
38 A conference or consultation with counsel; – or per half hour.	96.70 73.00
39 On a summons – or per half hour	54.40 96.70
40 In Court instructing counsel on any hearing or application: – if a solicitor attends, per hour; – or, if a clerk attends, per hour.	232.40 96.80
41 On an application or appearance before a Registrar or a Taxing Officer; – or per hour.	121.10 145.10
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.	63.40
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.	485.80
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 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.	1085.10
45 An attendance for which no other provision is made.	48.30
PREPARATION OF APPEAL AND APPLICATION BOOKS	
46 Preparation of appeal and application books including collating all necessary material, all necessary attendances and general oversight of their preparation in cases where the Registrar is satisfied it has been done efficiently – per hour: – solicitor; – clerk.	157.00 52.40

1/03/2005
to date
\$

Item

- 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.

GENERAL CARE AND CONDUCT

- 48 The Taxing Officer may, where the case or circumstances warrant it, allow an amount to be claimed under this item, in addition to any item which appears in this scale, for general care and conduct. In 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;
 - (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. 883.90
- 50 Witnesses called, other than those covered in item 49 – per day; 93.20
- 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.



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 2005. 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
Full-time staff						
<i>Permanent</i>						
Men	1	1	4	0	11	17
Women	2	9	8	7	5	31
Total	3	10	12	7	16	48
<i>Temporary</i>						
Men	0	9	0	0	0	9
Women	0	5	0	1	0	6
Total	0	14	0	1	0	15
<i>All full-time staff</i>						
Men	1	10	4	0	11	26
Women	2	14	8	8	5	37
Total	3	24	12	8	16	63
Part-time staff						
<i>Permanent</i>						
Men	0	0	0	0	2	2
Women	0	0	2	4	6	12
Total	0	0	2	4	8	14
<i>Temporary</i>						
Men	0	0	0	0	0	0
Women	0	0	0	0	0	0
Total	0	0	0	0	0	0
<i>All part-time staff</i>						
Men	0	0	0	0	2	2
Women	0	0	2	4	6	12
Total	0	0	2	4	8	14
All staff						
Men	1	10	4	0	13	28
Women	2	14	10	12	11	49
TOTAL	3	24	14	12	24	77

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										1	
Senior Executive (above \$100,000)					1		1		1		1	2
High Court Executive Levels 1-2 (\$69,187-\$96,741)		1			1	4	1		1	2	2	8
High Court Officer Levels 5-6 (\$49,965-\$61,990)			10	14	1		3		2	4	12	22
High Court Officer Levels 1-4 (\$31,471-\$48,639)		1			3	4	7		9	5	12	17
TOTAL	1	2	10	14	4	10	12		13	11	28	49

