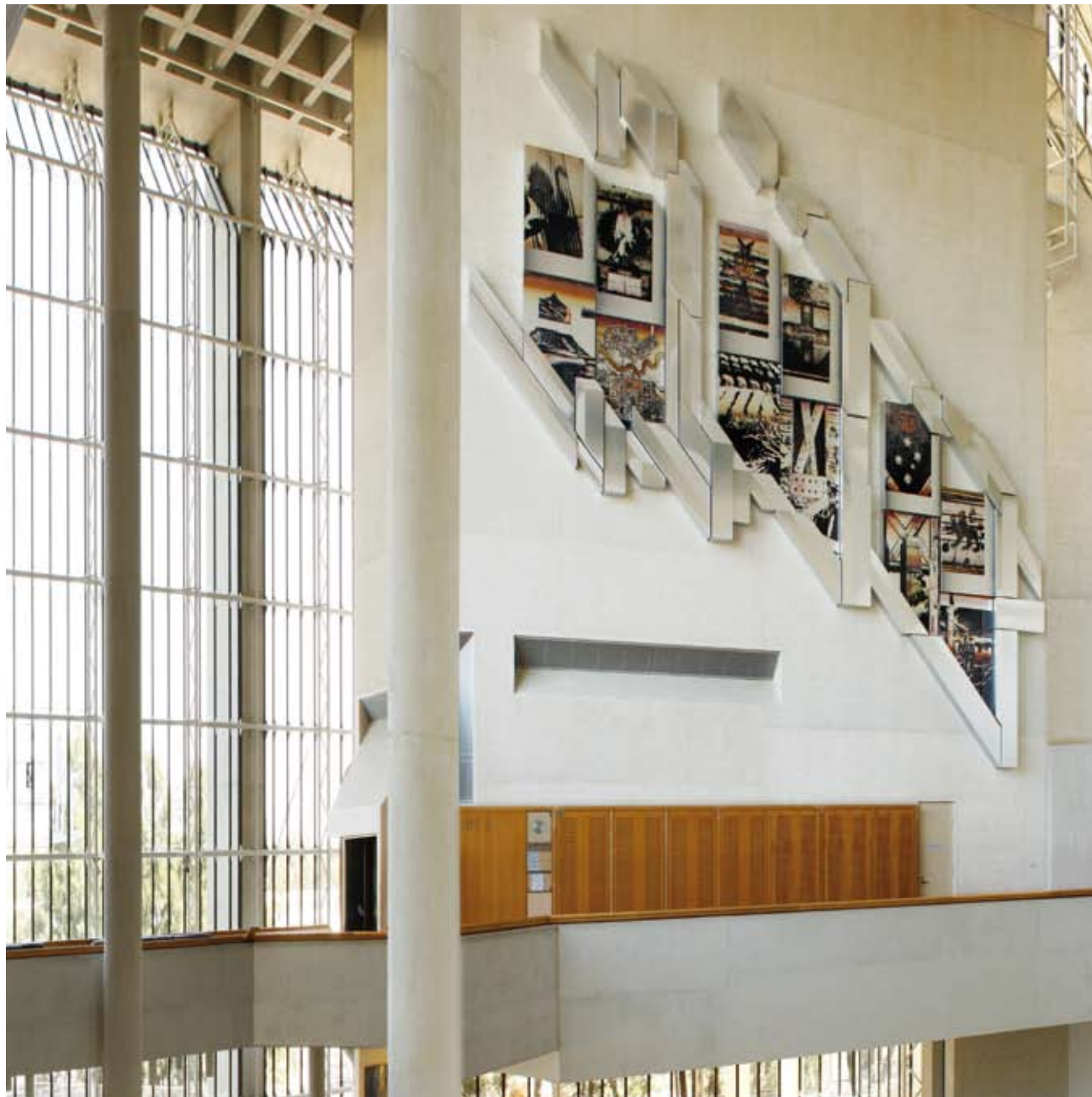




High Court of Australia

Annual Report 2007–08



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High Court of Australia

Canberra ACT 2600


24 November 2008

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 2008, 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

A handwritten signature in black ink, appearing to read 'A. Phelan'.

Andrew Phelan
Chief Executive & Principal Registrar
of the High Court of Australia

The Honourable Robert McClelland MP
Attorney-General
Parliament House
Canberra ACT 2600

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High Court of Australia

Part I - Preamble

Part I – Preamble

This is the 29th report prepared as required by the *High Court of Australia Act 1979* (Cth).

Contact Officer

Inquiries or comments concerning this report may be directed to:

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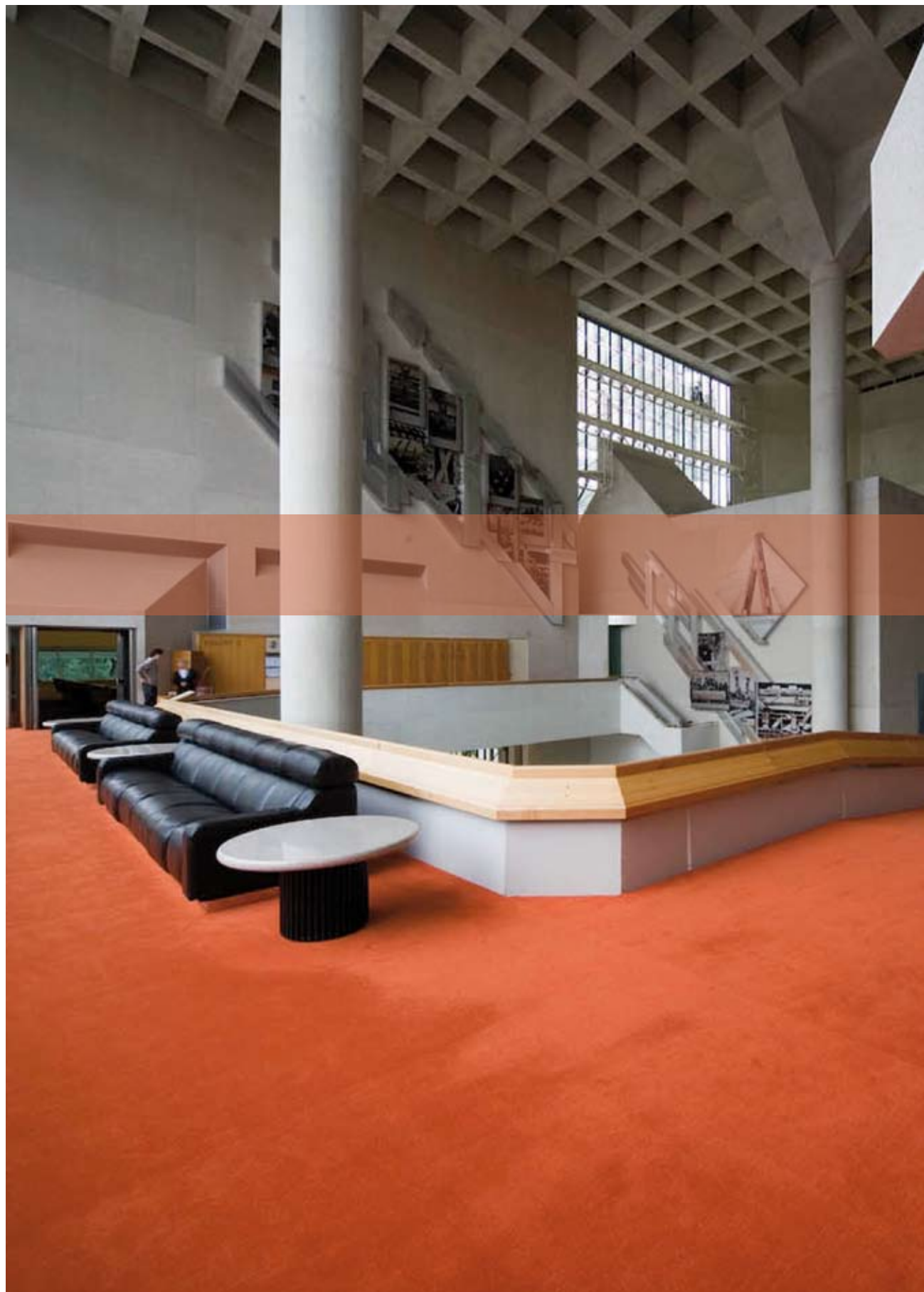
Freedom of Information

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

Electronic Publication

This report is published as a PDF on the High Court's website, www.hcourt.gov.au. It may be downloaded from the site free-of-charge.





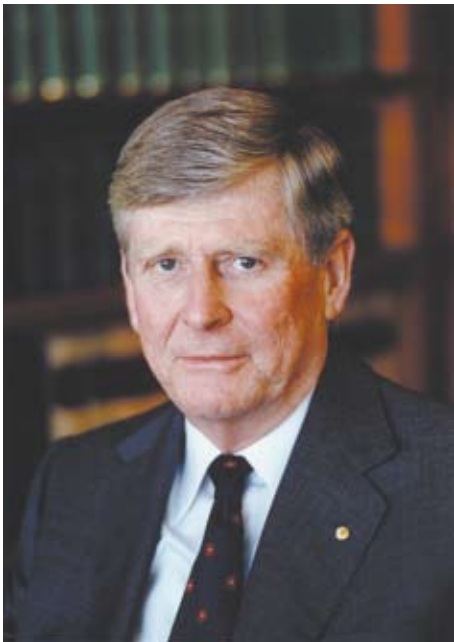
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Part II – Introduction

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 first examined by a panel of justices, usually two. If the panel decides that special leave should be refused, a disposition to that effect, with reasons, is published by the members of the panel, sitting in open court. If the panel considers that the application should be heard in court, it is so listed and proceeds to an oral hearing. Such hearings usually take place before two or three Justices and are heard in Sydney and Melbourne and by video-link from Canberra to other capital cities. Interlocutory 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 2008, 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 1984-85 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.

** Chief Justice Gleeson retired on 29 August 2008 and was replaced by Chief Justice Robert French who was sworn in on 1 September 2008.*



Justice William Gummow

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

He graduated from the University of Sydney as 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 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.



Justice Susan Crennan

Susan Maree Crennan was appointed to the Court in November 2005. At the time of her appointment she was a judge of the Federal Court of Australia, having been appointed to that office in February 2004. She was educated at the University of Melbourne (BA and PostgradDipHist) and the University of Sydney (LLB).

Justice Crennan was admitted to the New South Wales Bar in 1979 and joined the Victorian Bar in 1980. She was appointed a Queen's Counsel in 1989. Justice Crennan was President of the Australian Bar Association 1994-95, Chairman of the Victorian Bar Council in 1993-94, and a Commissioner for Human Rights in 1992.



Justice Susan Kiefel

Susan Mary Kiefel was appointed to the Court in September 2007. At the time of her appointment she was a judge of the Federal Court of Australia and the Supreme Court of Norfolk Island. She served as a judge of the Supreme Court of Queensland in 1993-94 before joining the Federal Court. She was admitted to the Queensland Bar in 1975 and was the first woman in Queensland to be appointed Queen's Counsel, in 1987. Justice Kiefel served as a part-time Commissioner of the Australian Law Reform Commission from 2003 to 2007. She has a Masters of Laws degree from Cambridge University.



High Court of Australia

Part III - Chief Justice's Overview

Part III – Chief Justice’s Overview



This Annual Report covers the year ended 30 June 2008. It therefore covers a period which ended while the former Chief Justice, the Hon Murray Gleeson was still in office. The report is published after his retirement, and it is appropriate that, as his successor, I draw attention to some important issues arising from it.

The year under review saw the term of the former Chief Justice, the Honourable Murray Gleeson AC drawing to a close, with his retirement becoming effective on 29 August 2008. That retirement marked 20 years of judicial service and leadership, 10 years as Chief Justice of New South Wales and just over 10 years as Chief Justice of the High Court. His leadership extended beyond that of the Courts for which he was directly responsible. He was a model of excellence for the judiciary and the legal profession around Australia. He made a substantial contribution to the jurisprudence of this Court during his term of office.

The salient and pressing feature of the year under review is that the Court is

presently operating at a loss in a building and surrounds which are deteriorating and which are not capable of being utilised to their full potential, particularly by members of the public wishing to visit the Court. Some elements of the surrounds, specifically the forecourt, raise concerns about public safety. The forecourt water cascade is not working and subsidence and movement of slabs has created some hazards. Having regard to its history and importance to the judicial branch of government in the Commonwealth, the potential of the building to support public education and to provide opportunities for Australians and others to visit, is not being exploited. On weekends when it should be open as part of the National Heritage Listed Precinct, comprising the National Gallery and the High Court, the Court building is closed. It has been closed on weekends for more than 10 years because of the costs of opening it at those times.

As appears from the Government Gazette published on 23 November 2007, the High Court-National Gallery precinct is listed on the National Heritage List. In that listing reference was made to the High Court Building as “not only the site for landmark legal cases and the focus and pinnacle of the justice system in Australia” but also as a building whose “siting and setting reinforced the Court’s Constitutional importance and power, as well as its relationship to, but independence from, the other arms of democratic government”. And further:

“The highly prominent ceremonial ramp with its integral water cascade is a design feature that symbolically invites public access to the High Court and links to the National Gallery entrance.”

The fact that the cascade is not working and that some parts of the ramp adjacent to it have been the subject of subsidence and



The High Court forecourt in 2003.

lifting undermines the values proclaimed in the National Heritage Listing.

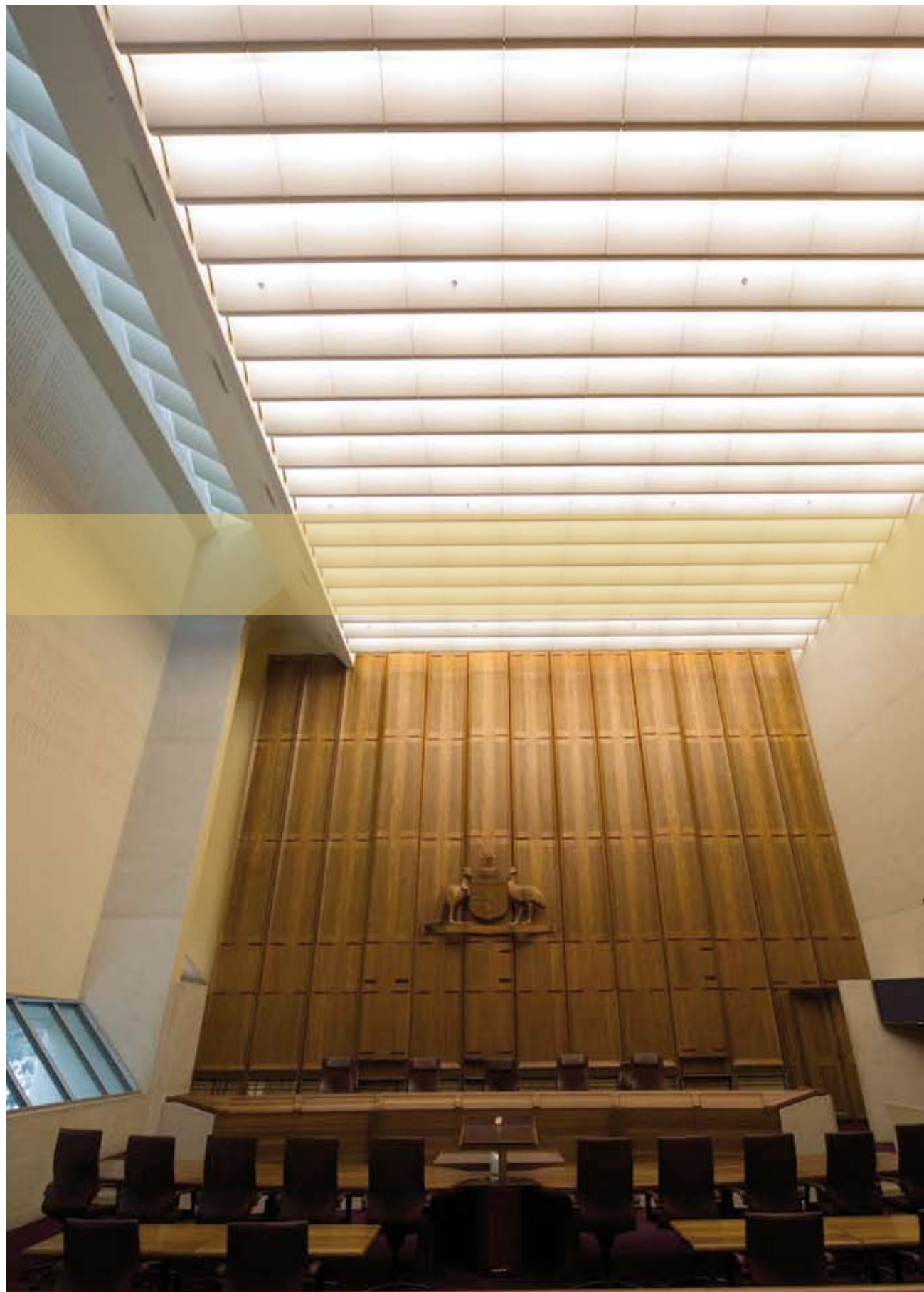
The Constitution of the Commonwealth of Australia has three key chapters defining the three key institutions which make up the national government. The first is Chapter I which provides for the Parliament which exercises legislative power. The second is Chapter II which provides for the Executive and the executive power of the Commonwealth. The third, Chapter III, provides for the judicial power of the Commonwealth, and expressly for the creation of this Court.

The Court is the third branch of Government. It has a Constitutional function of equal importance to that of the Legislature, and the Executive. It is inconsistent with that Constitutional function that the Court's funding is effectively treated, for many purposes, as that of a small executive agency subject to arrangements which are linked to the funding of other agencies within the Attorney-General's portfolio.

The financial and infrastructure issues referred in this Report and the special position of the

Court under the Constitution show up the need for a comprehensive reassessment of the basis upon which it is resourced. A properly funded plan for the refurbishment of the building and its surrounds will involve significant costs relative to the Court's budget. The Court has taken its own steps to ensure that it is making the most efficient use of its funds. It has carried out and is acting upon two independent reviews of its administration and its libraries. It has also made submissions to Government for additional funds. In the end, however, new policy proposals to meet specific needs have a band-aid quality about them that makes them inadequate responses to the long-term problems to which I have referred. It is my hope that in cooperation with Government these matters can be resolved, the Court put on a proper financial footing, and the building and its surrounds restored and maintained so as to maximise the opportunities they provide for public education and appreciation of the rule of law in Australia.

Chief Justice Robert French



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Part IV – The Year In Review

Adequacy of Court Funding

The Court had an operating loss of \$912,968 in 2007-08. This was due to a change in the treatment of depreciation during the year.

The Court has obtained the approval of the Attorney-General, under section 36(2) of the *High Court of Australia Act 1979 (Cth)*, to have an operating loss in 2008-09. The Court has also advised the Government that increasing operating losses are likely in future years and has asked that the adequacy of the Court's future funding be reviewed.

A comprehensive set of independent reviews of Court administrative processes and structures was conducted during 2007-08. PricewaterhouseCoopers also reviewed the Court's financial position and financial performance. These confirmed that there is no material scope to further reduce Court administrative costs without cutting significant elements of the Court's operations.

The Court is a relatively small agency, operating nationally with extended logistical requirements. It has always had a minimalist level of funding and its appropriated revenues have not kept pace with cost increases. The Court will face increasing deficits in future unless there are material changes to the Court's revenue base or undesirable curtailments of the Court's operations.

The High Court Building and its Precinct

The Court controls and manages the High Court Building and its surrounding land in Canberra. On 23 November 2007, the

High Court Building, the adjoining National Gallery of Australia and the connecting precinct were included in the National Heritage List. The Court intends to develop a heritage management plan in respect of the building and its precinct (the latter jointly with other agencies) as and when funds become available.

The High Court Building also received the 25 Year Award for Enduring Architecture award from the Royal Australian Institute of Architects in October 2007 and has been nominated to the International Union of Architects World Register of Significant Twentieth-Century Architecture.

During the year, the Court continued to monitor continuing deterioration in the public forecourt area of the High Court Building, parts of which have inevitably been affected by the construction of the National Portrait Gallery in and adjacent to the Court's forecourt. A review conducted in the period



The High Court forecourt in 2008

identified significant public safety and other problems in the forecourt, some requiring immediate measures including fencing off large parts of it. Additional funding will be required to effect forecourt remediation and improvements consistent with the precinct's heritage values and supportive of the increased pedestrian flow through the precinct caused by adjacent developments.

One of the Court administration's important but less-understood functions is to inform and educate visitors to the Court, including many thousands of students (up to 1,000 per day in school periods), about the Constitution, the judiciary and the role of the Court in Australian governance. The number of visitors to the High Court Building during the year totalled 91,485, an increase of more than 12 per cent on the previous year. Four cultural exhibitions and 24 other functions were also held in the building.

The imposition of efficiency dividends in the mid-1990s forced the closure of the High Court Building on weekends as a cost-cutting measure. With the impending opening of the National Portrait Gallery

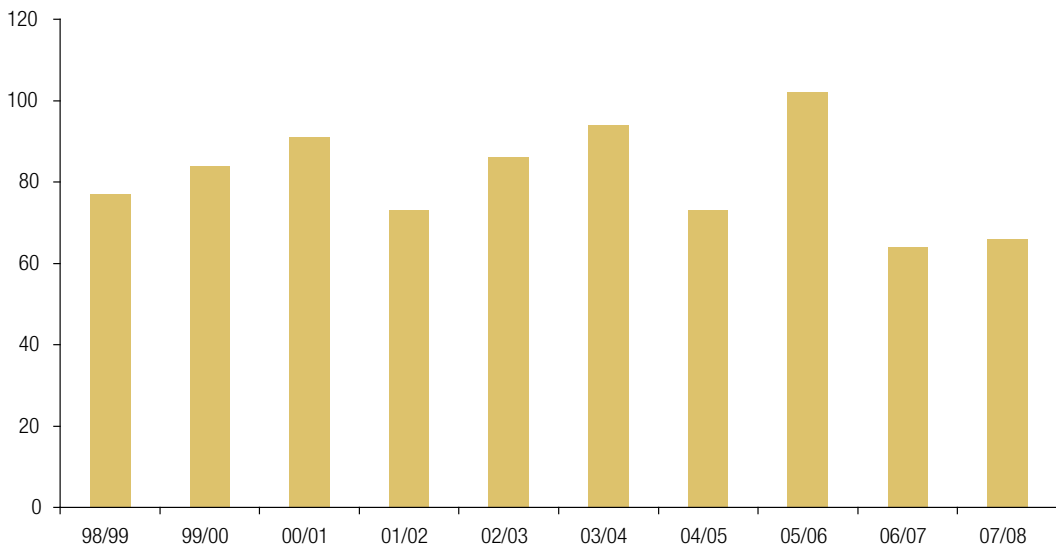
and the ongoing opening of all surrounding public buildings (including Parliament House, Old Parliament House, Questacon (the National Science and Technology Centre), the National Library and the National Gallery of Australia) on weekends, the continuing closure of the High Court Building on weekends needs to be reviewed, especially given the increasingly integrated nature of public access to the heritage-listed precinct. Additional funding would be required to open the building on weekends.

The Court received specific funding in 2007-08 to fix leaks in the High Court Building's roof, windows and trafficable areas (balconies). Following an exhaustive approval process and subsequent tendering, repairs are anticipated to commence in late 2008, for completion in 2009.

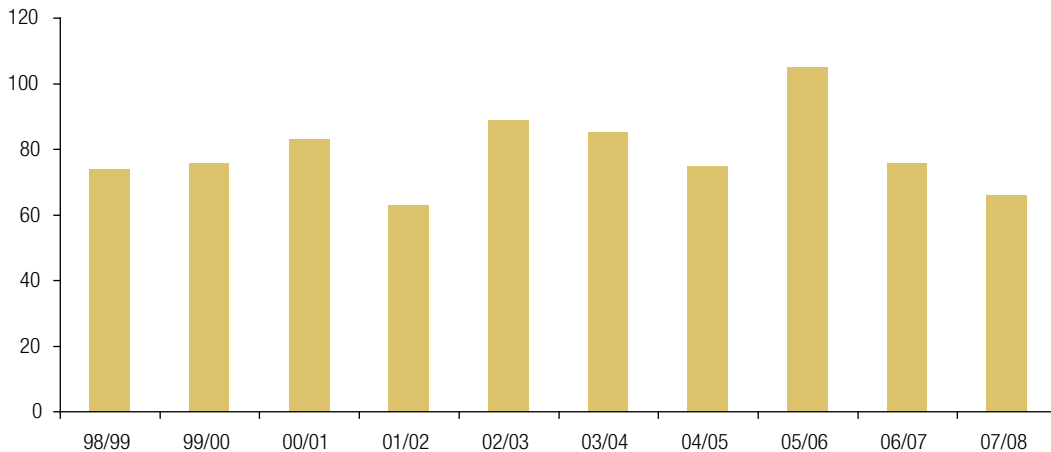
Judicial Workload

As shown in the following graphs, the numbers of Full Court hearings and decisions in 2007-08 were consistent with averages for both during the past 10 years.

Full Court Hearings (other than special leave applications)



Full Court Decisions (other than special leave applications)



Of the civil and criminal appeals decided by the Full Court in 2007-08, the decision was given in 77 per cent of cases within six months of the hearing of argument.

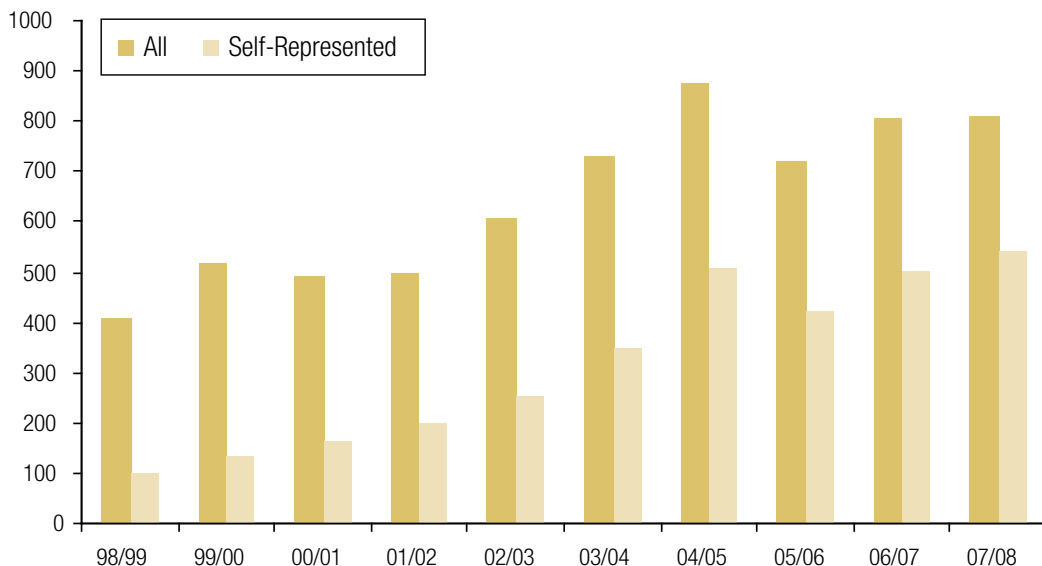
It is of significance that the proportion of applications filed by self-represented litigants increased from 63 per cent in 2006-07 to 67 per cent in the reporting year.

Applications for Special Leave

The number of applications for special leave to appeal filed in 2007-08 remained high.

The following table demonstrates the proportion of applications filed by self-represented litigants, which has increased from 25 per cent to 67 per cent during the past 10 years.

Applications for Special Leave Filed

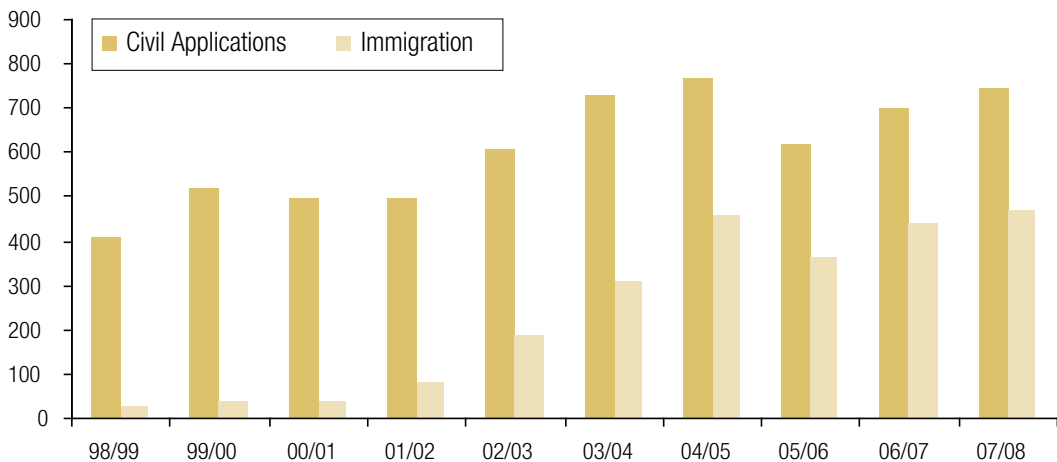


The proportion of civil special leave applications involving immigration matters was 62 per cent in 2006-07 and 63 per cent during 2007-08. Ninety-three per cent of the immigration applications filed in 2007-08 were filed by self-represented litigants. The following table illustrates the increase in immigration matters as a proportion of civil special leave applications filed in the past 10 years.

More than half of the applications for leave or special leave to appeal decided by the Court during 2006-07 were determined

on the papers, in accordance with the procedures in the *High Court Rules 2004* governing the consideration of applications. As a result of the concentrated effort on the part of the Court during 2007-08 to increase the rate at which applications were considered by the Court, the number of applications decided by the Court increased from 535 in 2006-07 to 957 in 2007-08. Seventy-three per cent of the applications for leave or special leave to appeal decided during 2007-08 were determined on the papers.

Civil Applications Filed



Retirement of Justice Ian Callinan

Justice Callinan retired when he reached the mandatory retirement age of 70 on 1 September 2007. He was appointed to the Court in February 1998. At the time of his appointment he was a practising barrister. He graduated as 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.



Appointment of Justice Susan Kiefel

On 13 August 2007, Commonwealth Attorney-General Philip Ruddock announced that Justice Susan Kiefel, a Justice of the Federal Court of Australia, would fill the vacancy on the Court created by the retirement of Justice Callinan. She was sworn in on 3 September 2007.



Justice Susan Kiefel is sworn in by Chief Justice Murray Gleeson.

Court Archives Added to UNESCO Register

In February 2008, the archives of the High Court of Australia were added to the Australian register for UNESCO's Memory of the World program. Memory of the World is a register of significant heritage documents maintained by UNESCO. It is the equivalent of the World Heritage List, which records sites of natural and built heritage significance.

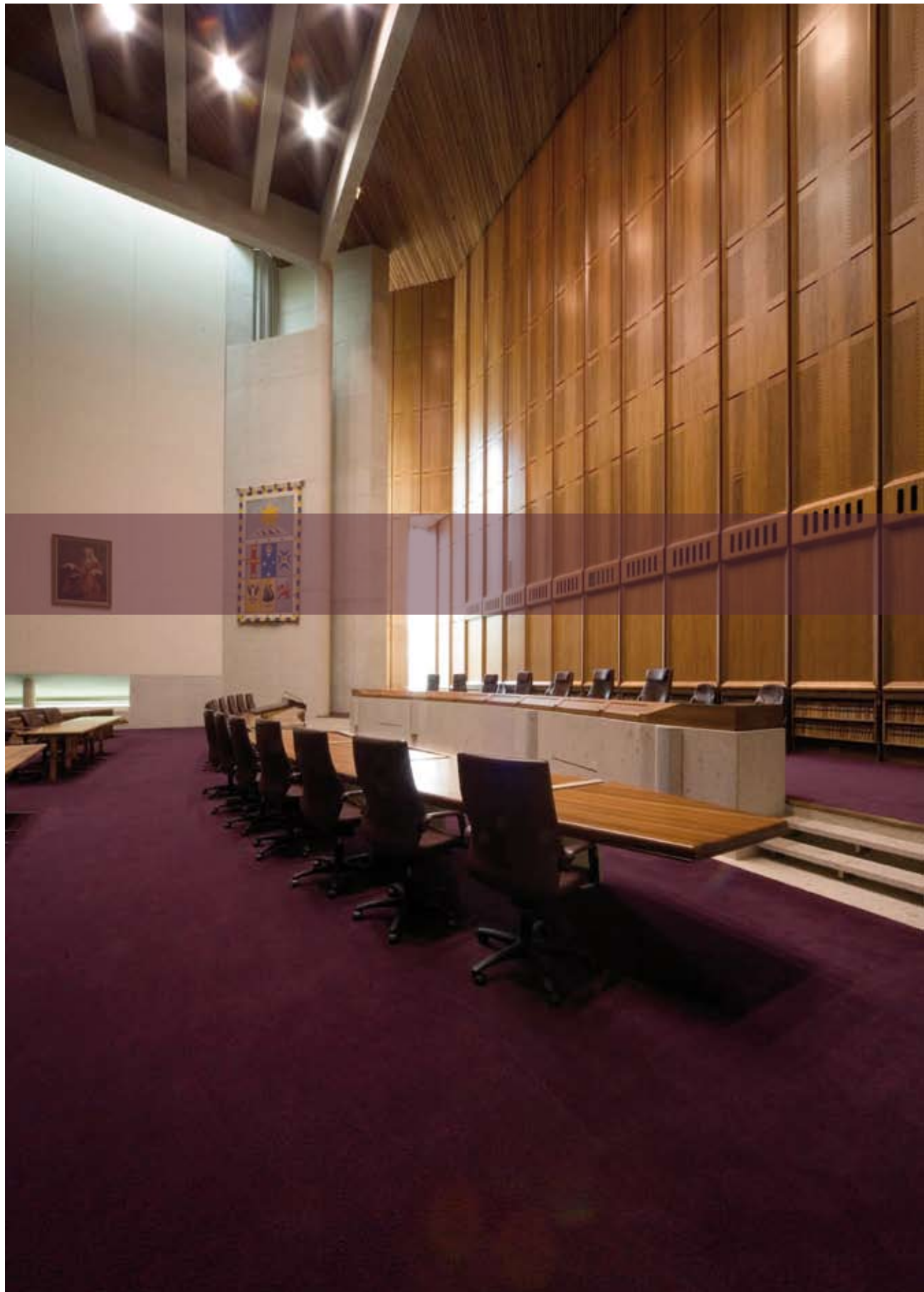
Refurbishment of Sydney Accommodation of the Court

The Chief Executive & Principal Registrar is a director and company secretary of Law Courts Limited as nominee of the Commonwealth Attorney-General. Major refurbishments to the Sydney building are underway, funded by the Commonwealth and New South Wales governments and managed by Law Courts Limited. The Court expects to relocate to refurbished accommodation on the 23rd level of the building in December 2008.

Links and Visits

During 2007-08, 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 Bangladesh, China, Indonesia, Japan and Malaysia; diplomats from Afghanistan, Brazil, Japan, New Zealand and Sweden; parliamentarians and parliamentary and government officials from China and Indonesia; and law students from Hong Kong, Japan and the United States of America.





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Part V – Background Information

Establishment

In 1901 the High Court of Australia was established by section 71 of the Constitution which 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.

To the extent that legislative provision was necessary, the Court was given the power to administer its own affairs by the *High Court of Australia Act 1979 (Cth)*, which was proclaimed on 21 April 1980. The minister responsible for the Court's administration is the Commonwealth Attorney-General.

Functions and Powers

The Constitution confers both appellate and 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. Appeals may also be

brought to the High Court from the Supreme Court of the Republic of Nauru.

Sittings of the Court

The Court conducts its sittings in Canberra and such other places as are determined by a 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, Adelaide and Perth, the Court uses Commonwealth Law Courts buildings. In Hobart, facilities are provided with the kind cooperation and assistance of the Tasmanian Supreme Court.

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, including car parks and patios, is approximately 29,400 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 or incapacity;
- receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office; and
- must retire on attaining the age of 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 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; and
- the Chief Justice and the other Justices shall receive salary and other allowances at such rates as are fixed from time to time 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 Gummow	21 April 1995
Justice Kirby	6 February 1996
Justice Hayne	22 September 1997
Justice Callinan	3 February 1998 (retired 30 August 2007)
Justice Heydon	11 February 2003
Justice Crennan	8 November 2005
Justice Kiefel	3 September 2007

Chief Justices and Justices of the Court

Including the current members of the Court, there have been 11 Chief Justices and 41 Justices since the Court was established in 1903. Six Chief Justices had already

been Justices, and four Chief Justices, in addition to 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 below.

Chief Justices

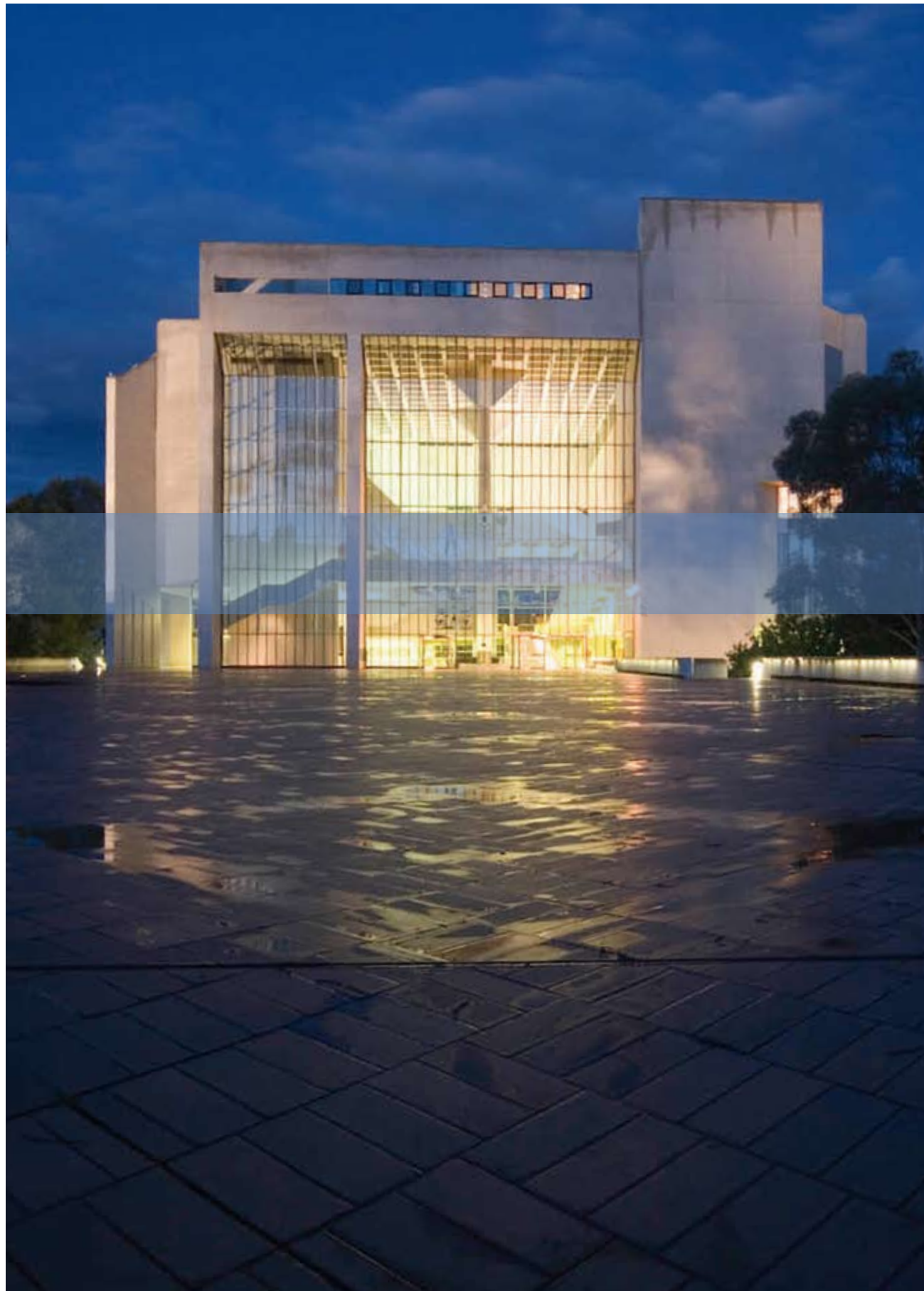
Sir Samuel Walker Griffith	1903-1919
Sir Adrian Knox	1919-1930
Sir Isaac Alfred Isaacs	1930-1931
Sir Frank Gavan Duffy	1931-1935
Sir John Greig Latham	1935-1952
Sir Owen Dixon	1952-1964
Sir Garfield Edward John Barwick	1964-1981
Sir Harry Talbot Gibbs	1981-1987
Sir Anthony Frank Mason	1987-1995
Sir (Francis)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

Justices

Sir Edmund Barton	1903-1920
Richard Edward O'Connor	1903-1912
Sir Isaac Alfred Isaacs	1906-1930
Henry Bournes Higgins	1906-1929
Sir Frank Gavan Duffy	1913-1931

Sir Charles Powers	1913-1929
Albert Bathurst Piddington	1913-1913
Sir George Edward Rich	1913-1950
Sir Hayden Erskine Starke	1920-1950
Sir Owen Dixon	1929-1952
Herbert Vere Evatt	1930-1940
Sir Edward Aloysius McTiernan	1930-1976
Sir Dudley Williams	1940-1958
Sir William Flood Webb	1946-1958
Sir Wilfred Kelsham Fullagar	1950-1961
Sir Frank Walters Kitto	1950-1970
Sir Alan Russell Taylor	1952-1969
Sir Douglas Ian Menzies	1958-1974
Sir (William John) Victor Windeyer	1958-1972
Sir William Francis Langer Owen	1961-1972
Sir Cyril Ambrose Walsh	1969-1973
Sir Harry Talbot Gibbs	1970-1981
Sir Ninian Martin Stephen	1972-1982
Sir Anthony Frank Mason	1972-1987
Sir Kenneth Sydney Jacobs	1974-1979
Lionel Keith Murphy	1975-1986
Sir Keith Arthur 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	1989-2005
William Montague Charles Gummow	1995-
Michael Donald Kirby	1996-
Kenneth Madison Hayne	1997-
Ian David Francis Callinan	1998-2007
(John) Dyson Heydon	2003-
Susan Maree Crennan	2005-
Susan Mary Kiefel	2007-



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Part VI– Administration

Overview

Statutory provisions covering the administration of the High Court appear primarily in Part III of the *High Court of Australia Act 1979* (Cth) (HCA Act). Of particular relevance are section 17 (Administration of the Court), section 19 (Functions and powers of the Chief Executive & Principal Registrar) and section 26 (Officers and employees). The operations of the Registry, which is under the control of the Chief Executive & Principal Registrar, are provided for in Part IV of the Act. Part V deals with Court finances and accounts.

Chief Executive & Principal Registrar

Section 18 of the HCA Act provides that there shall be a “Chief Executive and Principal Registrar of the High Court, who shall be appointed by the Governor-General upon the nomination of the Court”. The current Chief Executive & Principal Registrar, Mr Andrew Phelan, was appointed to the position on 20 July 2007.

The Chief Executive & Principal Registrar has the function of “acting on behalf of, and assisting, the Justices in the administration of the affairs of the High Court under section 17 and has such other functions as are conferred on him or her by this Act or are assigned to him or her by the Court” (section 19(1) HCA Act) and has power to “do all things that are necessary or convenient to be done for or in connection with the performance of his or her functions” (section 19(2)). In the performance of his or her functions and the exercise of his or her powers the Chief Executive & Principal Registrar shall comply with any directions given to him or her by the Court (section 19(7)).

The Chief Executive & Principal Registrar holds office for such period, not exceeding five years, as is specified in the instrument of his or her appointment, but is eligible for re-appointment (section 20(1) HCA Act).

Officers and employees

The Chief Executive & Principal Registrar is to appoint such other officers of the High Court as the Court considers necessary, and may engage such employees as the Court considers necessary, for the purposes of the Court (section 26(1) and (3) HCA Act). The terms and conditions of employment (including terms and conditions as to remuneration and allowances) of officers or employees so appointed or engaged are such as are determined by the Court (section 26(4)). Employees of the High Court are not covered by the *Public Service Act 1999* (Cth).

External Scrutiny

Section 42 of the HCA Act provides that the Court “shall cause to be kept proper accounts and records of the transactions and affairs relating to the administration of the affairs of the Court under section 17 and shall do all things necessary to ensure that all payments out of the moneys held by the Court are correctly made and properly authorised and that adequate control is maintained over the assets held by, or in the custody of, the Court and over the incurring of liabilities by the Court”.

Section 43 of the HCA Act provides for the Auditor-General to annually inspect and audit the accounts and records of the financial transactions of the Court and to draw the attention of the Attorney-General to any irregularity disclosed by that inspection and audit. Results of the Auditor-General’s audit of the Court’s 2007-08

Financial Statements were reported to the Attorney-General on 18 September 2008. The report was unqualified and there were no significant issues arising from the audit.

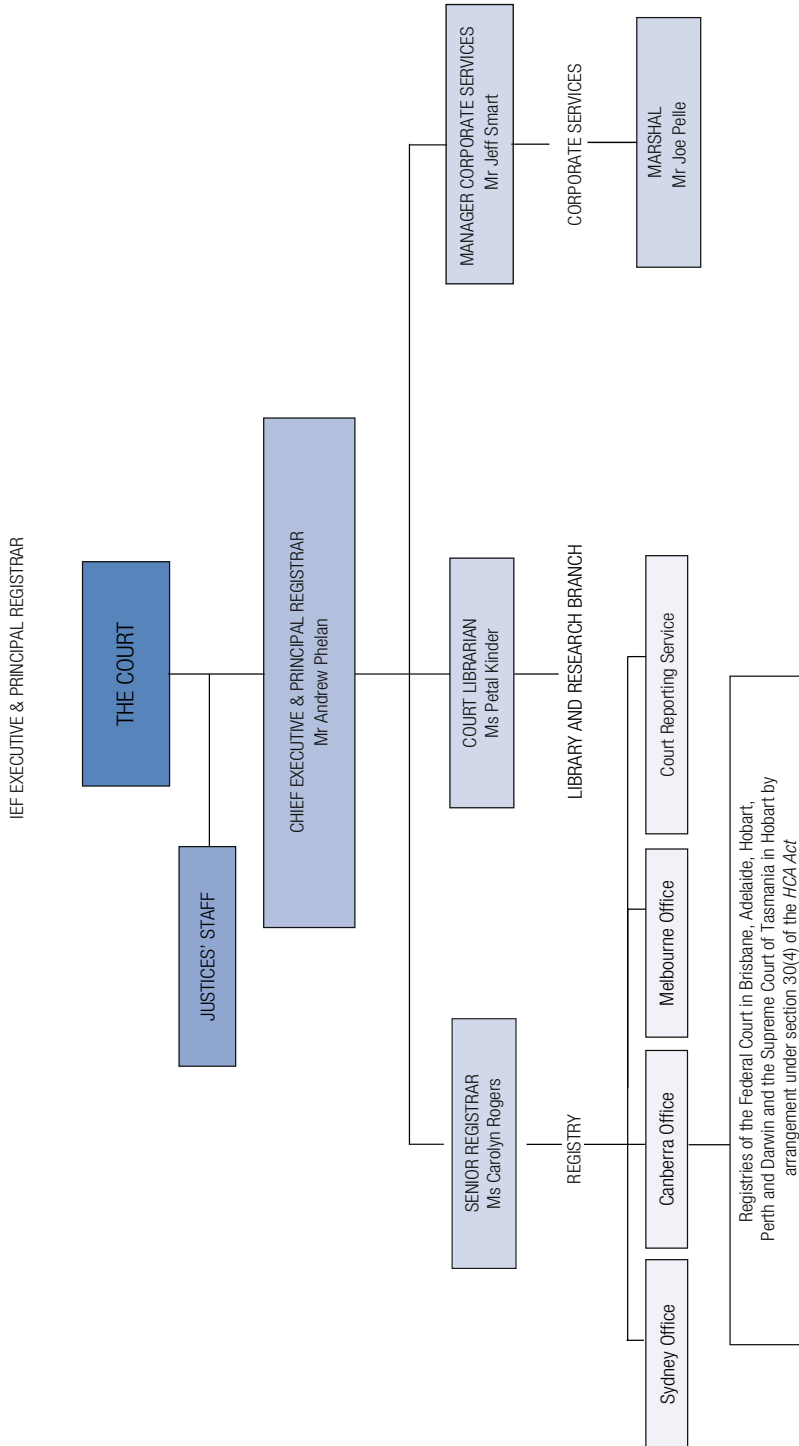
Section 47 of the HCA Act requires the Court, as soon as practicable after 30 June in each year, to prepare and submit to the Attorney-General a report relating to the

administration of the affairs of the Court under section 17 during the year that ended on that 30 June, together with financial statements in respect of that year in such form as the Finance Minister approves. The Court's 2006-07 Annual Report was submitted to the Attorney-General on 19 December 2007 and tabled in Parliament on 11 March 2008.



The High Court's executive team, from left, Manager Corporate Services Jeff Smart, Court Librarian Petal Kinder, Chief Executive & Principal Registrar Andrew Phelan and Senior Registrar Carolyn Rogers

Figure 1 HIGH COURT OF AUSTRALIA ORGANISATIONAL CHART AS AT 30 JUNE 2008



REGISTRY

The Registry provides administrative services for the judicial activities of the Court and 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* 2004. 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 Principal Registry of the Court is situated in Canberra. Offices of the Registry are also located in Canberra, Melbourne, Sydney, Adelaide, Brisbane, Darwin, Hobart and Perth. The Canberra, Melbourne and Sydney Registries are staffed by officers of the Court. Registry functions in Hobart are performed by officers of the Supreme Court of Tasmania under ministerial arrangements. Registry functions in Adelaide, Brisbane, Darwin and Perth are performed by officers of the Federal Court of Australia by arrangement between the Chief Justices of the respective Courts.

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 which provides an accurate transcript of the proceedings of the High Court for the use of the Justices. The High Court's transcript is a verbatim record of its proceedings and includes the full text of citations referred to by counsel during the hearings. The transcript is also made available, in paper form and electronically on the AustLII website at <http://www.austlii.edu.au/au/other/hca/transcripts/> to legal practitioners, litigants and other interested persons. The transcript is usually available within two hours of the Court rising each sitting day in Canberra. Transcripts of special leave applications and cases heard on circuit are available in paper form and on the website within a few days of the hearing. Transcripts dating back to 1994 are available on that site.

A total of 300 individual transcripts, containing 4,474 pages, were produced by the Court reporting service during 2007-08. This represents less than half of the transcripts produced by the Court reporting service during the 2006-07 reporting year. This reduction is explained by the introduction in March 2008 of a new method of recording the dispositions delivered by the Court in applications for leave or special leave to appeal determined without a hearing. In the past, the dispositions in applications determined

without oral argument were recorded in transcript form but since March 2008 the dispositions have been prepared in pamphlet form and published on the AustLII website at <http://www.austlii.edu.au/au/cases/cth/HCASL/>. From March to June 2008 the Court published 377 special leave dispositions in the new format.

When the Court delivers judgments, copies are immediately available from the Canberra, Melbourne and Sydney offices, and are provided to the parties and media free-of-charge. Additional copies can be purchased, at the fee prescribed in the *High Court of Australia (Fees) Regulations* 2004, by the parties and the public in the Canberra, Melbourne and Sydney offices of the Registry. This service is also provided if the Court delivers judgments when sitting in other cities. Judgments are also available on the AustLII website at <http://www.austlii.edu.au/au/cases/cth/HCA/> on the day

they are delivered by the Court and can be viewed and downloaded, world-wide, without cost.

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 Chief Executive & 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 2,203 new practitioners were added to the register in 2007-08, 415 more than the number of practitioners added to the register in 2006-07.

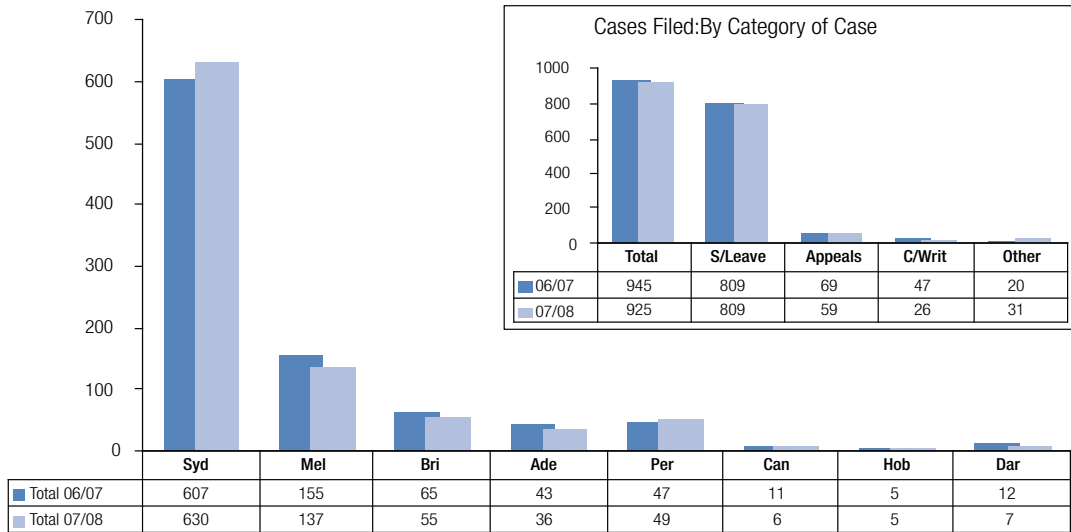


JUDICIAL WORKLOAD

Cases Filed

Comparisons of the number of cases filed in each Registry and the categories of cases filed during 2006-07 and 2007-08 are provided in the following table.

Cases Filed: By Registry



The number of cases filed has remained fairly static this year, with a total of 925 cases filed compared with 945 cases filed in 2006-07. Sixty-eight per cent of the cases filed during 2007-08 were filed in the Sydney office of the Registry. The Melbourne office of the Registry, which processed cases filed in Melbourne, Adelaide and Hobart, accounted for 19 per cent of total filings in 2007-08. The Registry in Canberra processed cases filed

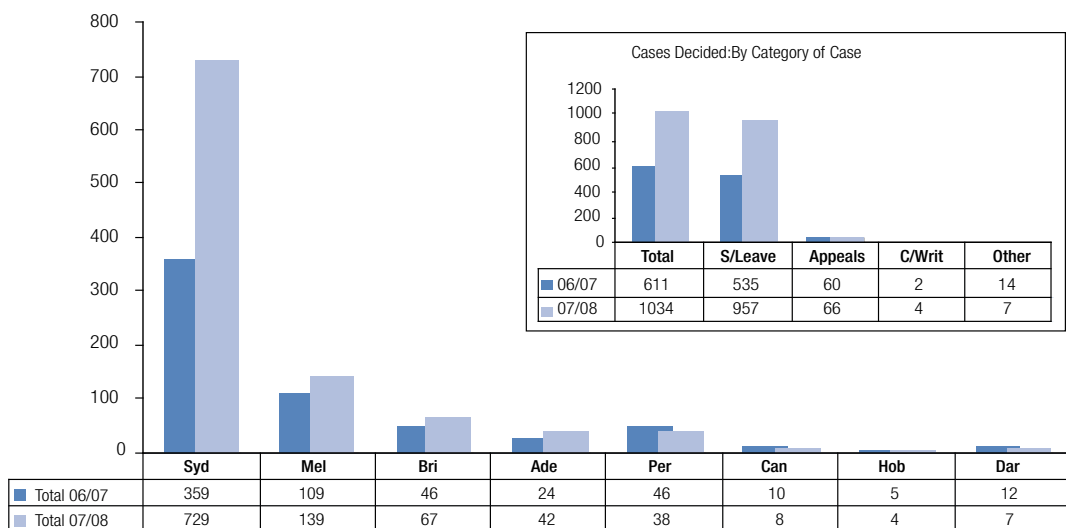
in Canberra, Brisbane, Darwin and Perth, accounting for 13 per cent of all filings.

The proportion of special leave applications filed by self-represented litigants during 2007-08 was 67 per cent, an increase from 63 per cent during 2006-07. The proportion of civil special leave applications involving immigration cases was 63 per cent in 2007-08 and of those, 93 per cent were filed by self-represented litigants.

Cases Decided

A comparison of the number of cases and categories of cases decided by the Court during 2006-07 and 2007-08 is provided in the following table.

Cases Decided: By Registry



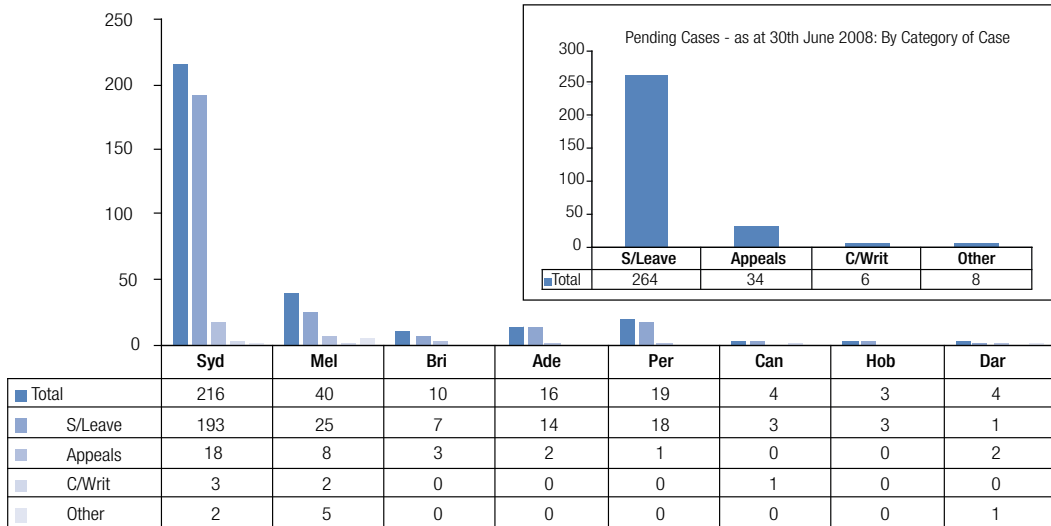
The number of applications for leave or special leave to appeal decided by the Court increased by 80 per cent in 2007-08. This is as a result of the concentrated effort on the part of the Court during the reporting year to increase the rate at which applications are considered by the Court, in order to ensure the timely disposition of applications.



Pending cases

The number of cases pending in the Court at 30 June 2008 is recorded in the following table. (The comparative figure for 30 June 2007 is not available).

Pending Cases - as at 30th June 2008: By Registry and Category of Case



Original Jurisdiction

Cases commenced in the original jurisdiction of the Court include applications made under section 75(v) of the Constitution against officers of the Commonwealth, applications for removal from other courts into the High Court pursuant to section 40 of the *Judiciary Act* 1903 (Cth), cases stated, and references under section 18 of the *Judiciary Act*. Cases governed by these procedures include cases arising under the Constitution or involving its interpretation.

During the reporting year 57 cases were commenced in the original jurisdiction of the Court, compared with 67 in 2006-07. These cases are generally listed before

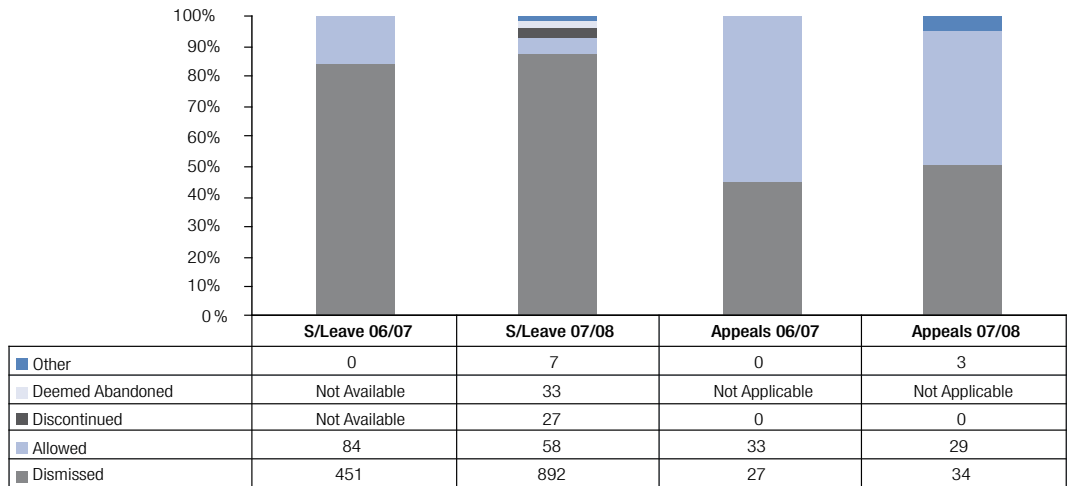
a single Justice of the Court in the first instance. Not all cases filed in the original jurisdiction proceed to hearing before the Full Court. Some cases are remitted to another Court for trial pursuant to section 44 of the *Judiciary Act*. In 2007-08, the Full Court delivered judgment in 11 cases filed in the original jurisdiction.

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 cases are usually determined by a single Justice. Two election petitions were filed during the reporting year. Both petitions were remitted to the Federal Court of Australia for trial.

Appellate Cases Finalised

A comparison of the means of determination of appellate cases finalised during 2006-07 and 2007-08 is provided in the following table. (Figures reported for 2007-08 include for the first time cases discontinued or deemed abandoned. Figures for 2006-07 in these categories are not available.)

Means of Determination: By Applications and Appeals



During 2007-08 seven applications for special leave to appeal were referred to the Full Court to be argued as if on appeal. These applications are recorded in the table above as “other”. In three appeals finalised during 2007-08 special leave was revoked. These appeals are recorded as “other”.

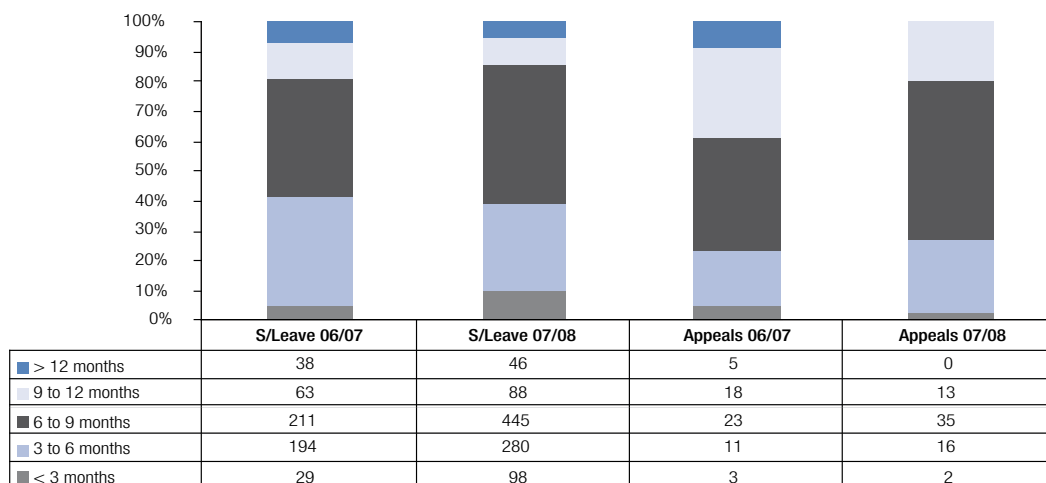
The *High Court Rules 2004* provide that the Court may determine leave and special leave applications on the papers without an oral hearing. In those cases, the applications are not listed for hearing but for pronouncement of orders and publications of reasons only. Seventy-three per cent of the applications decided in 2007-08 were finalised without an oral hearing, compared with approximately 50 per cent in 2006-07.

Appellate Cases – Time for Determination

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. The following table provides a comparison of the time for determination of cases filed in the appellate jurisdiction of the Court during 2006-07 and 2007-08.

Eighty-six per cent of the applications for leave or special leave to appeal and 80 per cent of the appeals decided by the Court

Time for Determination: By Applications and Appeals



during the reporting year were completed within nine months of filing. The figures for 2006-07 were 81 per cent and 62 per cent respectively, although it should be noted that in 2007-08 the Court decided almost double the number of applications decided during 2006-07.

Rules of Court

The Justices have responsibility for making Rules of Court which prescribe the annual sittings of the Court, regulate all cases of practice and procedure in the Court, and prescribe the various forms to be used for proceedings of the Court.

The *High Court Rules* which govern the practice and procedure of the Court are kept under review by the Rules Committee. The Court consults with interested persons and organisations when any significant changes are contemplated to the Rules.

Rules of Court are made and promulgated as legislative instruments. 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.

During 2007-08 the Court made one Rule of Court to appoint the sittings of the Court for 2008: **Legislative Instrument F2007L03726** – Annual sittings of the High Court.

Cost of Litigation

Court Fees and Charges

Fees and charges in the High Court form an integral part of litigation costs and are 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 prescribed in Schedule 1 of the Regulations.

Regulation 9 of the *High Court of Australia (Fees) Regulations 2004* provides that persons in receipt of legal aid, persons who hold a concession card issued by Centrelink or the Department of Veterans' Affairs,

inmates of prisons, children under the age of 18, persons in receipt of youth allowance or an austudy payment, and persons in receipt of benefits under the ABSTUDY scheme, are exempt from payment of the filing fees and hearing fees associated with the proceedings in the High Court.

A person liable to pay a filing or hearing fee may apply to the Registrar to have the two-thirds of the fee waived upon ground that payment of the fee would cause financial hardship to that person. A refusal by a Registrar to waive a fee may be reviewed by the Administrative Appeals Tribunal.

There were two refusals to waive a fee in the reporting period.

During the reporting year 909 cases attracting a filing fee and/or hearing fees were filed in the Court. Of these, 156, or 17 per cent, of cases were fully exempt from payment of fees. The Registrar waived payment of two-thirds of the fee in 281, or approximately 31 per cent, of cases. The filing fees and hearing fees foregone in these 437 cases amounted to \$401,181. This is a reduction from \$417,678 in the previous reporting year. The composition of this total is shown in the following table.

RECORD OF NON-PAYMENT OF FEES 2007-08

Reasons for non-payment	Regulation	No.	Amount
Legal Aid (exemption)	9(1)(a)	16	\$14,793
Holder of a concession card (exemption)	9(1)(b)(i)	78	\$101,812
Prison inmate or person in lawful detention (exemption)	9(1)(b)(ii)	61	\$35,005
Child under the age of 18 years (exemption)	9(1)(b)(iii)	1	\$4,149
Youth allowance or austudy payment recipient (exemption)	9(1)(b)(iv)	0	Nil
ABSTUDY recipient (exemption)	9(1)(b)(v)	0	Nil
Financial hardship (waiver of two-thirds fee)	10	281	\$245,422
TOTAL		437	\$401,181

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 2004*. The *High Court Rules* provide for an estimate of costs as an alternative to the taxation of bills of costs. Such an estimate is made in the absence of the parties and, if the parties do not object in accordance with the Rules, a Certificate of Taxation is issued for the amount of the estimate. As a result the need for bills of costs to be taxed with the attendance of the parties has been substantially reduced.

LIBRARY AND RESEARCH

Functions

The functions of the Library and Research Branch are to:

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

Library Materials Budget

Subscription prices for US journals increased by an average of nine to 10 per cent¹. However, due to the stronger performance of the Australian dollar against the US dollar in the latter part of 2007 and in the first half of 2008, the library's spending on journals and law reports came within budget.

Reference and Research

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 and the Chief Executive & Principal

1 Lee C. Van Orsdel & Kathleen Born, "Periodicals Price Survey 2008: Embracing Openness" (April 2007) *Library Journal*
<http://www.libraryjournal.com/index.asp?layout=articlePrint&articleID=CA6547086> viewed 6 August 2008.

Registrar. 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.

Authorities

During 2007-08, the Library provided authorities to Chambers for 48 matters heard in Canberra. Some of these matters were of a complex nature and the lists provided by Counsel were long. This involved the Library liaising with Counsel for the relevant parties to ensure that the material provided to Chambers was correct. In some cases, the Library had to obtain material from other sources if it was not held in the Library collection. In excess of 220 items were provided to each of the Chambers sitting on these matters as well as to Court Reporting staff.

The Library provides assistance to Counsel when they appear before the Court. This might range from directional inquiries and retrieving material from other floors to more complicated, time-consuming queries, such as tracking when a section of an Act was added or amended.

Collection Development and Organisation

Millennium

A successful migration to a new Millennium server took place in June 2008.

Reprints Database 2007-08

One hundred and twenty-two bibliographic records for the Reprints were created, from the *Banking Act* to the *Financial Management and Accountability Act*.

Unreported Judgments 2007-08

As at 30 June 2008, the Library had completed indexing and preparing for inclusion in searchable databases unreported judgments of the Court up to 1960. This has included cross-referencing against judgments in the Australian Tax Decisions.

Binding of Bills and Explanatory Memoranda project 2007-08

This project involves the binding of loose Australian bills and explanatory memoranda into bound volumes for each Parliamentary session. This is being carried out to prevent loss of material and to facilitate easy retrieval. Forty-seven volumes were bound and received for the 38th session of Parliament (1996-1998).

Additions to the Catalogue – HeinOnline

One hundred and eighty-one electronic URL links to the HeinOnline database were added to existing print journal titles to improve the discovery and retrieval of collection material through the online catalogue. A further 149 bibliographic records linking to electronic versions of journals not held in the Library were also added. Adding further links to items in the various sections of the HeinOnline database and updating of these links is an ongoing project.

Acquisitions

The following table provides the number of volumes held on each level of the Library and the total number of volumes held in Canberra.

LOCATION	No of Volumes
Level 9	37,470
Level 8	58,664
Bar Library	16,674
All Canberra Chambers	18,429
Level 7	12,084
TOTAL	143,321

A significant purchase was made by the Library of a set of *Cobbett's Parliamentary History of England: From the Norman Conquest, in 1066, to the year 1803*. (London: TC Hansard, 1806-1820). The total number of individual items purchased for the Library collection is listed in the following table.

ACQUISITIONS

Books purchased	286
New loose-leaf services received	3
New online subscriptions	5

Inter-Library Loans

Around 600 inter-library loans were processed by the Library during the year.

Relocation of Material

New shelving was installed to accommodate continued growth of the collection on Level 9 of the High Court Building. Extensive respacing of the Level 9 collections was undertaken to allow for five years of growth. The Level 7 superseded editions collection was respaced to allow for growth.

Activities of the Court Librarian

The Court Librarian, Petal Kinder, attended the annual Australian Law Librarians' Conference in Sydney in September, and was appointed National President of the Australian Law Librarians' Association (ALLA) for 2007-08. In December the Court Librarian, in her capacity as member of the Board of Directors for the International Association of Law Libraries (IALL) and Director of Communications, attended the 26th Annual Course of Law Librarianship held in Mumbai.

CORPORATE SERVICES

Corporate Services comprises the finance, human resources and information technology areas of the Court.

Financial Management

The table below details the budgeted resources for 2007-08 and financial resources applied to the Court's outputs and outcomes.

Portfolio Budget Statement 2007-08	Actual Results
Total price of outputs: \$14.092m	Actual price of outputs: \$16.241m
Departmental appropriations: \$13.836m	Actual appropriations: \$13.787m
Revenue from other sources: \$0.256m	Actual revenue from other sources: \$1.541m
Departmental equity injection: \$3.476m	Actual equity injection: \$3.476m
Administered revenue*: \$0.920m	Actual administered revenue: \$1.125m

* Administered revenue includes Court fees and charges collected less fees and charges remitted to the Official Public Account.

Justices' remuneration and allowances are paid out of Special Appropriations. These appropriations are administered by the Attorney-General's Department and do not form part of the Court's Financial Statements in Part VI of this report.

Consultants

During the year, nine consultancy contracts, with a total value of \$221,848 were entered into by the Court. Contracts with a total value of \$10,000 or more (including GST) were:

Name	Description	Contract Price \$
Diacher Consulting	Registry Review	48,072
PricewaterhouseCoopers	Corporate Services Review	88,000
Dagmar Schmidmaier	Library Review	26,322
Strategic Facilities Services Pty Ltd	Provision of specialist project management expertise	28,468
Total		210,662

Audit of Accounts and Procedures

As detailed in section 47(2) of the *High Court Act 1979* (Cth), the High Court is required to submit the Court's Financial Statements to the Auditor-General. The Auditor-General conducts an independent audit in order to express an opinion on the Court's Financial Statements to the

Attorney-General. The audit was completed in August 2008 and the Auditor-General's certificate on the Court's 2007-08 Financial Statements can be found in Part VI of this report.

The external audit is supported by the Court's internal risk management which includes an internal auditor. The internal auditor reports directly to the Chief Executive & Principal Registrar and with his agreement develops a yearly internal audit program.

Human Resource Management

Terms and Conditions of Employment

High Court staff 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 Collective Agreement 2006-2009 commenced on 1 November 2006.

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.

Staffing Overview

At Annexure B 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.

Occupational Health and Safety (OH&S)

The Court has 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 was one minor accident during the financial year involving a member of the public.

Information Technology (IT)

During the year the IT section undertook the following initiatives:

- migrated the case management system to new hardware;
- improved email and anti-virus checking;
- upgraded internet filtering capability;
- replaced network switching equipment to improve bandwidth to users; and
- implemented a network management system to improve the quality of service provided to end users.

During 2007-08 the Court began planning to replace several video conference units. These units will be replaced in 2008-09.

Marshal

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 as directed by the Court; 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.

The Marshal is also responsible for the management of the operation, security and maintenance of the High Court Building and its precincts.

Building Operations

National Heritage List

In September 2007 the High Court and National Gallery of Australia Precinct was included in the National Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

The High Court Building and surrounds will be maintained in accordance with the Act.

Water Leaks in Trafficable Roofs

The High Court Building has experienced water leaks from several balconies and the building's roof garden for many years. These leaks are caused by the breakdown of the original waterproof membrane installed during the construction of the building. The Court has been working with consulting architects, Hoadley Budge Ophert & Edwards Madigan Torzillo Briggs Pty Ltd, since 2004 to reach a permanent solution to rectify these water leaks.

During 2007-08 the National Capital Authority provided works approval for the refurbishment and public expressions of interest were advertised in June 2008. The Court anticipates letting a contract in October 2008 with works to be completed in January 2009.





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INDEPENDENT AUDITOR'S REPORT

To the Attorney General

Scope

I have audited the accompanying financial statements of the High Court of Australia for the year ended 30 June 2008, which comprise: a statement by the Chief Executive; Income Statement; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedules of Commitments; Schedule of Administered Items; and Notes to and forming part of the Financial Statements, including a Summary of Significant Accounting Policies.

The Responsibility of the Chief Executive for the Financial Statements

The High Court of Australia's Chief Executive and Principal Registrar is responsible for the preparation and fair presentation of the financial statements in the form required by the Minister for Finance and the Australian Accounting Standards (including the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. My audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Court's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the

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19 National Circuit BARTON ACT
Phone (02) 6203 7300 Fax (02) 6203 7777

Court's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Court's Chief Executive and Principal Registrar, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

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

Auditor's Opinion

In my opinion, the financial statements of the High Court of Australia:

- (a) are based on proper accounts and records;
- (b) are in agreement with the accounts and records;
- (c) have been prepared in accordance with the form of the financial statements approved by the Finance Minister under the *High Court of Australia Act 1979*, and the Australian Accounting Standards; and
- (d) give a true and fair view of the High Court of Australia's financial position as at 30 June 2008 and its financial performance and its cash flows for the year then ended.

In my opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets by the Court during the year ended 30 June 2008, have been in accordance with the *High Court of Australia Act 1979*.

Australian National Audit Office



Simon Kidman

Executive Director

Delegate of the Auditor-General

Canberra

18 September 2008

HIGH COURT OF AUSTRALIA

Statement by the Chief Executive

The accompanying financial statements of the High Court of Australia for the year ended 30 June 2008 have been prepared as required by section 47(1) of the High Court of Australia Act 1979 (Cth) and include:

- Income Statement;
- Balance Sheet;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Schedule of Commitments;
- Schedule of Administered Items; and
- Notes to and forming part of the financial statements.

In my opinion, the accompanying financial statements for the year ended 30 June 2008 are based on properly maintained financial records and give a true and fair view of matters consistent with the Finance Minister's Orders made under the Commonwealth Authorities and Companies Act 1997 (Cth).

In my opinion, at the date of this statement, there are reasonable grounds to believe that the Court will be able to pay its debts as and when they become due and payable.



Andrew Phelan

Chief Executive & Principal Registrar

11 September 2008

HIGH COURT OF AUSTRALIA
INCOME STATEMENT
for the year ended 30 June 2008

	Notes	2008 \$	2007 \$
INCOME			
Revenue			
Revenue from government	3A	13,787,000	13,759,000
Sale of goods and rendering of services	3B	113,109	93,099
Interest	3C	513,817	214,847
Resources Received Free of Charge	3E	908,043	875,043
Other revenue	3D	6,366	40,795
Total revenue		<u>15,328,335</u>	<u>14,982,784</u>
Total gains		<u>-</u>	<u>-</u>
Total Income		<u>15,328,335</u>	<u>14,982,784</u>
EXPENSES			
Employees	4A	6,433,459	6,897,926
Suppliers	4B	6,086,286	5,746,015
Depreciation and amortisation	4C	3,706,976	2,277,072
Write-down and impairment of assets	4D	13,510	71,410
Loss from disposal of assets	4E	1,072	98
Total Expenses		<u>16,241,303</u>	<u>14,992,521</u>
Surplus (Deficit) attributable to the Australian Government		<u>(912,968)</u>	<u>(9,737)</u>

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

HIGH COURT OF AUSTRALIA
BALANCE SHEET
as at 30 June 2008

	Notes	2008 \$	2007 \$
ASSETS			
Financial Assets			
Cash and cash equivalents	5A	3,389,284	2,078,543
Trade and other receivables	5B	97,770	118,150
Investments	5C	3,476,000	-
Total Financial Assets		<u>6,963,054</u>	<u>2,196,693</u>
Non-Financial Assets			
Land and Buildings	6A	166,490,628	170,317,813
Infrastructure, Plant and Equipment	6B	4,272,447	4,089,627
Library Holdings	6C	17,877,218	14,501,867
Intangibles	6E	15,393	87,783
Inventories	6G	-	1,506
Other non-financial assets	6H	264,521	732,516
Total Non-Financial Assets		<u>188,920,207</u>	<u>189,731,112</u>
Total Assets		<u>195,883,261</u>	<u>191,927,805</u>
LIABILITIES			
Payables			
Suppliers	7A	118,694	38,692
Other Payables	7B	439,547	363,238
Total Payables		<u>558,241</u>	<u>401,930</u>
Provisions			
Employee Provisions	8A	1,685,390	1,888,209
Total Provisions		<u>1,685,390</u>	<u>1,888,209</u>
Total Liabilities		<u>2,243,631</u>	<u>2,290,139</u>
Net Assets		<u>193,639,630</u>	<u>189,637,666</u>
EQUITY			
Contributed equity		56,678,598	53,985,540
Reserves		136,763,001	134,541,126
Retained surpluses / (accumulated deficits)		198,031	1,111,000
Total Equity		<u>193,639,630</u>	<u>189,637,666</u>
Current Assets		7,227,575	2,930,715
Non-current Assets		188,655,686	188,997,090
Current Liabilities		2,100,761	2,105,656
Non-current Liabilities		142,870	184,483

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

HIGH COURT OF AUSTRALIA
STATEMENT OF CHANGES IN EQUITY
as at 30 June 2008

Item	Retained Earnings		Asset Revaluation Reserves		Contributed Equity / Capital		TOTAL EQUITY	
	2008	2007	2008	2007	2008	2007	2008	2007
Opening Balance	\$ 1,110,999	\$ 1,120,737	\$ 134,541,126	\$ 122,423,641	\$ 53,985,540	\$ 53,985,540	\$ 189,637,665	\$ 177,529,918
Adjusted Opening Balance	1,110,999	1,120,737	134,541,126	122,423,641	53,985,540	53,985,540	189,637,665	177,529,918
Income and Expense								
Revaluation adjustment			2,221,875	12,117,485	n/a	n/a	2,221,875	12,117,485
Subtotal income and expenses recognised directly in equity			2,221,875	12,117,485	n/a	n/a	2,221,875	12,117,485
Surplus (Deficit) for the period	(912,968)	(9,737)	n/a	n/a	n/a	n/a	(912,968)	(9,737)
Sub-total Income and Expenses	(912,968)	(9,737)					(912,968)	(9,737)
Transactions with owners:								
Contributions by owners	-	-	-	-	3,476,000	-	3,476,000	-
Appropriations (equity injections)					(782,942)		(782,942)	
Other								
Sub-total Transactions with Owners					2,693,058		2,693,058	
Closing balance as at 30 June	198,031	1,111,000	136,763,001	134,541,126	56,678,598	53,985,540	193,639,630	189,637,664
Less: outside equity interests	-	-	-	-	-	-	-	-
Closing balance attributable to the Australian Government	198,031	1,111,000	136,763,001	134,541,126	56,678,598	53,985,540	193,639,630	189,637,666

The Other Contributed Equity adjustment in 2007-08 relates to the transfer of land associated with the construction of the National Portrait Gallery.

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

HIGH COURT OF AUSTRALIA
CASH FLOW STATEMENT
for the year ended 30 June 2008

	Notes	2008 \$	2007 \$
OPERATING ACTIVITIES			
Cash received			
Goods and services		157,089	78,884
Appropriations		13,787,000	13,759,000
Interest		497,510	212,751
Net GST received		630,908	607,448
Other		914,409	40,795
Total Cash received		<u>15,986,916</u>	<u>14,698,878</u>
Cash used			
Employees		6,636,277	6,754,177
Suppliers		5,462,474	5,996,432
Net GST paid		636,551	11,913
Total Cash used		<u>12,735,302</u>	<u>12,762,522</u>
Net Cash From / (Used By) Operating Activities	9	<u>3,251,614</u>	<u>1,936,356</u>
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of property, plant and equipment		909	27
Total Cash received		<u>909</u>	<u>27</u>
Cash used			
Purchase of property, plant and equipment		1,941,782	1,769,528
Investments		3,476,000	-
Total Cash used		<u>5,417,782</u>	<u>1,769,528</u>
Net Cash From / (Used By) Investing Activities		<u>(5,416,873)</u>	<u>(1,769,501)</u>
FINANCING ACTIVITIES			
Cash received			
Capital injections		3,476,000	-
Total Cash received		<u>3,476,000</u>	<u>-</u>
Net Cash From / (Used By) Financing Activities		<u>3,476,000</u>	<u>-</u>
Net Increase or (Decrease) in Cash Held		1,310,741	166,855
Cash and cash equivalents at the beginning of the reporting period		2,078,543	1,911,688
Cash and cash equivalents at the End of the Reporting Period	5A	<u>3,389,284</u>	<u>2,078,543</u>

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

**HIGH COURT OF AUSTRALIA
SCHEDULE OF COMMITMENTS**

as at 30 June 2008

	2008	2007
	\$	\$
BY TYPE		
Commitments Receivable		
Sublease rental income	(19,800)	(26,400)
GST recoverable on commitments	<u>(936,620)</u>	<u>(1,076,290)</u>
Total Commitments Receivable	<u>(956,420)</u>	<u>(1,102,690)</u>
Capital Commitments		
Land and buildings	55,428	-
Infrastructure, plant and equipment	<u>18,852</u>	<u>431,518</u>
Total Capital Commitments	74,280	431,518
Other Commitments		
Operating leases ¹	9,369,905	10,215,070
Other commitments	914,061	1,188,985
GST payable	<u>1,800</u>	<u>2,400</u>
Total Other Commitments	<u>10,285,766</u>	<u>11,406,455</u>
Net Commitments by Type	<u>9,403,626</u>	<u>10,735,283</u>
BY MATURITY		
Commitments Receivable		
Operating Lease Income		
One year or less	(6,600)	(6,600)
From one to five years	(13,200)	(19,800)
Over five years	-	-
Total Operating Lease Income	<u>(19,800)</u>	<u>(26,400)</u>
GST receivable		
GST receivable	<u>(936,620)</u>	<u>(1,076,290)</u>
Total Other Commitments Receivable	<u>(936,620)</u>	<u>(1,076,290)</u>
Commitments Payable		
Capital Commitments		
One year or less	74,280	431,518
From one to five years	-	-
Over five years	-	-
Total Capital Commitments	<u>74,280</u>	<u>431,518</u>
Operating Lease Commitments		
One year or less	864,316	938,838
From one to five years	2,991,644	3,019,572
Over five years	<u>5,513,945</u>	<u>6,256,660</u>
Total Operating Lease Commitments	<u>9,369,905</u>	<u>10,215,070</u>
Other Commitments		
One year or less	575,893	373,758
From one to five years	338,168	815,227
GST Payable	<u>1,800</u>	<u>2,400</u>
Total Other Commitments	<u>915,861</u>	<u>1,191,385</u>
Net Commitments by Maturity	<u>9,403,626</u>	<u>10,735,283</u>

NB: Commitments are GST inclusive where relevant.

HIGH COURT OF AUSTRALIA
SCHEDULE OF COMMITMENTS (continued)
as at 30 June 2008

¹ Operating leases included are effectively non-cancellable and comprise:

Nature of lease	General description of leasing arrangement
Leases for office accommodation	The majority of these commitments are leases for accommodation within Commonwealth Law Court buildings owned by the Commonwealth of Australia. Lease payments are subject to annual increases in accordance with upward movements in the Consumer Price Index.
Agreement for the provision of motor vehicles to senior executive officers.	The Court leases motor vehicles under the terms of a contract with various operative dates.

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

**HIGH COURT OF AUSTRALIA
SCHEDULE OF ADMINISTERED ITEMS**

	Notes	2008 \$	2007 \$
Income Administered on Behalf of Government			
<i>for the year ended 30 June 2008</i>			
Revenue			
Non-Taxation Revenue			
Sales of goods and rendering of services	15A	<u>1,124,722</u>	<u>1,079,595</u>
Total Non-Taxation Revenue		<u>1,124,722</u>	<u>1,079,595</u>
Total Revenues Administered on Behalf of Government		<u>1,124,722</u>	<u>1,079,595</u>
Total Income Administered on Behalf of Government		<u>1,124,722</u>	<u>1,079,595</u>
Expenses Administered on Behalf of Government			
<i>for the year ended 30 June 2008</i>			
Total Expenses Administered on Behalf of Government		<u>-</u>	<u>-</u>

This schedule should be read in conjunction with the accompanying notes.

	Notes	2008 \$	2007 \$
Administered Cash Flows			
<i>for the year ended 30 June 2008</i>			
Operating Activities			
Cash Received			
Other fines taxes and fees		<u>1,124,722</u>	<u>1,079,595</u>
Total Cash Received		<u>1,124,722</u>	<u>1,079,595</u>
Net Cash From / (Used In) Operating Activities		<u>1,124,722</u>	<u>1,079,595</u>
Net Increase / (Decrease) in Cash Held		1,124,722	1,079,595
Cash and cash equivalents at the beginning of the reporting period		-	-
Cash to Official Public Account for:			
- Other		<u>(1,124,722)</u>	<u>(1,079,595)</u>
Cash and cash equivalents at the End of the Reporting Period		<u>-</u>	<u>-</u>

This schedule should be read in conjunction with the accompanying notes.

HIGH COURT OF AUSTRALIA
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HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the High Court of Australia

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

Outcome 1: To interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court in Australia.

All activities contributing toward this outcome are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, revenues and expenses controlled or incurred by the High Court in its own right. Administered activities involve the management or oversight by the Court, on behalf of the Government, of items controlled or incurred by the Government.

1.2 Administration of the Court

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

Chief Justice:

The Honourable Murray Gleeson, AC

Justices:

The Honourable William Gummow, AC

The Honourable Michael Kirby, AC, CMG

The Honourable Kenneth Hayne, AC

The Honourable Ian Callinan, AC (retired August 2007)

The Honourable Dyson Heydon, AC

The Honourable Susan Crennan, AC

The Honourable Susan Kiefel (appointed September 2007)

Chief Executive & Principal Registrar:

Christopher Doogan, AM (resigned July 2007)

Andrew Phelan (appointed July 2007)

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 2007-2008 financial year.

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.3 Basis of Preparation of the Financial Report

The financial statements and notes 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 of Finance approves.

On that basis, the financial statements and notes have been prepared in accordance with Australian Accounting Standards and Interpretation issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period. The financial statements and notes are consistent with the Finance Minister's Orders (or FMOs) for reporting periods ending on or after 1 July 2007.

The financial report has been prepared on an accrual basis and is in accordance with the historical cost convention, except for certain assets at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial report is presented in Australian dollars and values are rounded to the nearest dollar unless otherwise specified.

Unless alternative treatment is specifically required by an Accounting Standard or the FMOs, assets and liabilities are recognised in the Balance Sheet when and only when it is probable that future economic benefits will flow to the Court or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under agreements equally proportionately unperformed are not recognised unless required by an Accounting Standard. Liabilities and assets that are unrealised are reported in the Schedule of Commitments and the Schedule of Contingencies.

Unless alternative treatment is specifically required by an accounting standard, revenues and expenses are recognised in the Income Statement when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Administered revenues, expenses, assets and 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 departmental items, except where otherwise stated at Note 1.20.

1.4 Significant Accounting Judgement and Estimates

In the process of applying the accounting policies listed in this note, the High Court of Australia has made the following judgements that have the most significant impact on the amounts recorded in the financial statements:

- The fair value of land and buildings has been taken to be the written down replacement cost as determined by an independent valuer. The Court buildings are purpose-built and may in fact realise more or less in the market.
- The fair value of the Library Collection has been taken to be the depreciated replacement cost by using an indexation. The index is based on the annual increase in the price of acquisitions year on year since the revaluation was conducted by an independent valuer in 2004-05.

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

1.5 Statement of Compliance

Australian Accounting Standards require a statement of compliance with International Financial Reporting Standards (IFRSs) to be made where the financial report complies with these standards. Some Australian equivalents to IFRSs and other Australian Accounting Standards contain requirements specific to not-for-profit entities that are inconsistent with IFRS requirements. The High Court of Australia is a not for profit entity and has applied these requirements, so while this financial report complies with Australian Accounting Standards including Australian Equivalents to International Financial Reporting Standards (AEIFRSs) it cannot make this statement.

Adoption of new Australian Accounting Standard requirements

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.5 Statement of Compliance (continued)

No accounting standard has been adopted earlier than the application date as stated in the standard. The following new standards are applicable to the current reporting period:

Financial instrument disclosure

AASB 7 *Financial Instruments: Disclosures* is effective for reporting periods beginning on or after 1 January 2007 (the 2007-08 financial year) and amends the disclosure requirements for financial instruments. In general, AASB 7 requires greater disclosure than that previously required. Associated with the introduction of AASB 7 a number of accounting standards were amended to reference the new standard or remove the present disclosure requirements through 2005-10 Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]. These changes have no financial impact but will affect the disclosure presented in future financial reports.

The following new standards, amendments to standards or interpretations for the current financial year have no material financial impact on the High Court of Australia.

AASB 101 *Presentation of Financial Statements* (issued October 2006)

AASB 1048 *Interpretation and Application of Standards* (reissued September 2007)

AASB 2007-1 *Amendments to Australian Accounting Standards arising from AASB interpretation 11* [AASB 2]

AASB 2007-4 *Amendments to Australian Accounting Standards arising from ED 151 and other amendments*

AASB 2007-5 *Amendments to Australian Accounting Standard - Inventories Held for Distribution by Not-for-Profit Entities* [AASB 102]

AASB 2007-7 *Amendments to Australian Accounting Standards* [AASBs 1,2,4,5,107,128]

AASB 2008-4 *Amendments to Australian Accounting Standard - Key Management Personnel Disclosures by Disclosing Entities* [AASB 124]

ERR Erratum *Proportionate Consolidation* [AASB 101, AASB 107, AASB 121, AASB 127, Interpretation 113]

Interpretation 10 *Interim Financial Reporting and Impairment*

Interpretation 11 *AASB 2 Group and Treasury Share Transactions*

Interpretation 1003 *Australian Petroleum Resource Rent Tax*

Future Australian Accounting Standard requirements

The following new standards, amendments to standards or interpretations have been issued by the Australian Accounting Standards Board but are effective for future reporting periods. It is estimated that the impact of adopting these pronouncements when effective will have no material financial impact on future reporting periods.

AASB 3 *Business Combinations*

AASB 8 *Operating Segments*

AASB 101 *Presentation of Financial Statements* (issued September 2007)

AASB 123 *Borrowing Costs*

AASB 127 *Consolidated and Separate Financial Statements*

AASB 1004 *Contributions*

AASB 1050 *Administered Items*

AASB 1051 *Land Under Roads*

AASB 1052 *Disaggregated Disclosures*

AASB 2007-2 *Amendments to Australian Accounting Standards arising from AASB Interpretation 12* [AASB 1, AASB 117, AASB 118, AASB 120, AASB 121, AASB 127, AASB 131 and AASB 139]

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.5 Statement of Compliance (continued)

AASB 2007-3 *Amendments to Australian Accounting Standards arising from AASB 8*

AASB 2007-6 *Amendments to Australian Accounting Standards arising from AASB 123*

AASB 2007-8 *Amendments to Australian Accounting Standards arising from AASB 101*

AASB 2007-9 *Amendments to Australian Accounting Standards arising from Review of AASs 27,29 and 31 [AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 & AASB 137]*

AASB 2008-1 *Amendments to Australian Accounting Standards - Share-based Payments: Vesting Conditions and Cancellations [AASB2]*

AASB 2008-2 *Amendments to Australian Accounting Standards - Puttable Financial Instruments and Obligations arising on Liquidation [AASB 7, AASB 101, AASB 132, AASB 139 & Interpretation 2]*

AASB 2008-3 *Amendments to Australian Accounting Standards arising from AASB 3 and AASB 127 [AASBs 1, 2, 4, 5, 7, 101, 107,112, 114, 116,121, 128,131,132, 133,134 ,136, 137,138 & 139 and Interpretations 9 & 107]*

Interpretation 1 *Changes in Existing Decommissioning Restoration and Similar Liabilities*

Interpretation 4 *Determining Whether an Arrangement Contains a Lease*

Interpretation 12 *Service Concession Arrangements*

Interpretation 13 *Customer Loyalty Programmes*

Interpretation 14 *AASB 119 - The Limit on a Defined Benefit Asset, Minimum Funding Requirements and their Interaction*

Interpretation 129 *Service Concession Arrangement Disclosures*

Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities*

Other

The following standards and interpretations have been issued but are not applicable to the operations of the High Court of Australia.

AASB 1049 Financial Reporting of General Government Sectors by Governments

AASB 1049 specifies the reporting requirements for the General Government Sector. The FMOs do not apply to this reporting or the consolidated financial statements of the Australian Government.

1.6 Revenue

Revenues from Government

Amounts appropriated for departmental outputs appropriations for the year (adjusted for any formal additions and reductions) are recognised as revenue when the agency gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.6 Revenue (continued)

Resources Received Free of Charge

Resources received free of charge are recognised as gains when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government Agency or Authority as a consequence of a restructuring of administrative arrangements.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Other Types of Revenue

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the seller retains no managerial involvement or effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated from the transaction will flow to the Entity.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits with the transaction will flow to the Entity.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any provision for bad and doubtful debts. Collectability of debts is reviewed at balance date. Provisions are made when collectability of the debt is no longer probable.

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

1.7 Gains

Sale of Assets

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

1.8 Transactions with the Government as Owner

Equity injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) are recognised directly in Contributed Equity in that year.

1.9 Employee Benefits

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

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.9 Employee Benefits (continued)

Liabilities for 'short-term employee benefits' (as defined in AASB 119) and termination benefits due within twelve months of balance date are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

All other employee benefit liabilities are measured at 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 the average sick leave taken in future years by employees of the High Court of Australia 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 High Court of Australia'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 Department of Finance and Deregulation's short-hand method as revised in June 2007. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and redundancy

Provision is made for separation and redundancy benefit payments. The High Court of Australia recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Superannuation

Staff of the High Court of Australia are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap) or other complying accumulation superannuation funds.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

The High Court of Australia makes employer contributions to the Employee Superannuation Scheme at rates determined by an actuary to be sufficient to meet the cost to the Government of the superannuation entitlements of the Agency's employees. The High Court of Australia accounts for the contributions as if they were contributions to defined contribution plans.

From 1 July 2005, new employees are eligible to join the PSSap scheme.

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

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.10 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 rewards incidental to ownership of leased non-current assets. An operating lease is a lease that is not a finance lease. 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 either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

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

1.11 Borrowing Costs

All borrowing costs are expensed as incurred.

1.12 Cash

Cash and cash equivalents means notes and coins held and any deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. Cash is recognised at its nominal amount.

1.13 Financial Assets

Apart from Cash and Cash equivalents, all financial assets of the High Court are currently classed as either:

- 'held-to-maturity investments'; or
- 'loans and receivables'.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Financial assets are recognised and derecognised upon 'trade date'.

Effective interest method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

Income is recognised on an effective interest rate basis except for financial assets 'at fair value through profit or loss'.

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.13 Financial Assets (continued)

Held-to-maturity investments

Non-derivative financial assets with fixed or determinable payments and fixed maturity dates that the group has the positive intent and ability to hold to maturity are classified as held-to-maturity investments. Held-to-maturity investments are recorded at amortised cost using the effective interest method less impairment, with revenue recognised on an effective yield basis.

Loans and receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. They are included in current assets, except for maturities greater than 12 months after the balance sheet date. These are classified as non current assets. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Impairment of financial assets

Financial assets are assessed for impairment at each balance date.

1.14 Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities.

Financial liabilities were recognised and derecognised upon 'trade date'.

Other financial liabilities

Other financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs.

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.15 Contingent Liabilities and Contingent Assets

Contingent Liabilities and Contingent Assets are not recognised in the Balance Sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent Assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

1.16 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.16 Acquisition of Assets (continued)

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor Agency's accounts immediately prior to the restructuring.

1.17 Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the Balance Sheet, 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).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'makegood' provisions in property leases taken up by the High Court of Australia where there exists an obligation to restore the property to its original condition. These costs are included in the value of the High Court of Australia's leasehold improvements with a corresponding provision for the 'makegood' recognised.

Revaluations

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

<i>Asset class</i>	<i>Fair value measured at:</i>
Land	Highest and best use with recognition of the restrictive zoning within the Parliamentary Triangle and the inability of the assets to be disposed of due to legislation or government policy.
Buildings	Depreciated replacement cost recognising that the High Court Building is a special-purpose heritage building.
Infrastructure, plant & equipment	Market Selling Price
Heritage and cultural assets	Market Selling Price

Following initial recognition at cost, property plant and equipment are carried at fair value less accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised through operating result. Revaluation decrements for a class of assets are recognised directly through operating result except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable property plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the High Court of Australia using, in all cases, the straight-line method of depreciation.

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.17 Property, Plant and Equipment (continued)

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	<u>2008</u>	<u>2007</u>
Building assets	4 -173 years	40 -200 years
Infrastructure, plant and equipment	0 to 50 years	3 to 50 years

Impairment

All assets were assessed for impairment at 30 June 2008. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the High Court of Australia were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

1.18 Inventories

Inventories held for resale are valued at the lower of cost and net realisable value.

Inventories held for distribution are valued cost, adjusted for any loss of service.

Costs incurred in bringing each item of inventory to its present location and condition are assigned as follows:

- raw materials and stores - purchase cost on a first-in-first-out basis; and
- finished goods and work in progress - cost of direct materials and labour plus attributable costs that are capable of being allocated on a reasonable basis.

Inventories acquired at no cost or nominal consideration are initially measured at current replacement cost at the date of acquisition.

1.19 Taxation / Competitive Neutrality

The High Court of Australia is exempt from all forms of taxation except fringe benefits tax (FBT) 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.

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

1.20 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 Departmental items, including the application of Australian Accounting Standards.

Administered Cash Transfers to and from Official Public Account

Revenue collected by the High Court of Australia for use by the Government rather than the High Court of Australia is Administered Revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the Agency on behalf of the Government and reported as such in the Statement of Cash Flows in the Schedule of Administered Items and in the Administered Reconciliation Table in Note 16. The Schedule of Administered Items largely reflects the Government's transactions, through the High Court of Australia, with parties outside the Government.

Revenue

All administered revenues are revenues relating to the course of ordinary activities performed by the High of Australia on behalf of the Australian Government.

1.21 Comparative Figures

When required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

1.22 Correction of prior year error

The 2006-07 financial statements did not include the value of resources received free of charge for property operating cost and registry filing services. The value of these items for 2006-07 is shown in Note 3E. These amounts are also included in supplier expenses as services provided by related entities.

As resources received free of charge are included as both a revenue and an expense, there is no net impact on the 2006-07 operating result, or on the Court's balance sheet as at 30 June 2007.

Note 2: Events after the Balance Sheet Date

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

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

	2008	2007
	\$	\$
Note 3: Income		
<i>Revenue</i>		
Note 3A: Revenue from Government		
Appropriations:		
Appropriations	<u>13,787,000</u>	13,759,000
Total revenue from Government	<u>13,787,000</u>	<u>13,759,000</u>
Note 3B: Sale of goods and rendering of services		
Provision of goods - external parties	32,033	27,242
Rendering of services - external parties	<u>81,076</u>	<u>65,857</u>
Total sale of goods and rendering of services	<u>113,109</u>	<u>93,099</u>
Note 3C: Interest		
Deposits	<u>513,817</u>	214,847
Total interest	<u>513,817</u>	<u>214,847</u>
Note 3D: Other revenue		
Sale of Commemorative Items	678	69
Sale of minor items at tender	1,064	1,326
Other minor items	<u>4,624</u>	<u>39,400</u>
Total other revenues	<u>6,366</u>	<u>40,795</u>
Note 3E: Resources Received Free of Charge		
ANAO financial statement	33,000	-
Property operating cost	816,263	818,524
Registry filing services	<u>58,780</u>	<u>56,519</u>
Total Resources Received Free of Charge	<u>908,043</u>	<u>875,043</u>
Note 4: Expenses		
Note 4A: Employee benefits		
Wages and salaries	5,815,897	5,774,235
Superannuation	839,944	817,247
Leave and other entitlements	(222,382)	112,019
Separation and redundancies	-	194,425
Total employee benefits expense	<u>6,433,459</u>	<u>6,897,926</u>
The salaries and allowances paid to the Chief Justice and other Justices of the Court are provided from special appropriations under the control of the Attorney-General's Department. These payments are not included in the financial statements of the High Court of Australia.		
Note 4B: Suppliers		
Provision of goods - related entities	4,177	-
Provision of goods - external parties	317,933	293,244
Rendering of services - related entities	1,509,480	1,365,424
Rendering of services - external parties	<u>3,209,891</u>	<u>3,047,883</u>
Operating lease rentals:		
Minimum lease payments	955,196	969,217
Workers compensation premiums	<u>89,609</u>	<u>70,247</u>
Total supplier expenses	<u>6,086,286</u>	<u>5,746,015</u>

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

	2008	2007
	\$	\$
Note 4C: Depreciation and amortisation		
Depreciation:		
Infrastructure, plant and equipment	494,911	533,271
Buildings	3,073,675	1,563,247
Library Holdings	77,160	70,440
Total depreciation	3,645,746	2,166,958
Intangibles:		
Computer software	61,230	110,114
Total amortisation	61,230	110,114
Total depreciation and amortisation	3,706,976	2,277,072

Depreciation expense increased in 2007-08 due to a change in estimates of useful lives.

Note 4D: Write-down and impairment of assets

Financial assets		
Impairment of trade and other receivables	350	29
Non-financial assets		
Infrastructure, plant & equipment - revaluation decrement	-	71,281
Internally developed software - impairment	11,160	-
Infrastructure, Plant and Equipment - Impairment	2,000	100
Total write-down and impairment of assets	13,510	71,410

Note 4E: Losses from asset sales

Infrastructure, plant and equipment		
Proceeds from sale	909	(27)
Carrying value of assets sold	1,981	125
Write-offs	-	-
Net loss from sale of infrastructure, plant and equipment	1,072	98
Total proceeds from sale	909	(27)
Total carrying value of assets sold/disposed	1,981	125
Total losses from asset sales	1,072	98

Note 5: Financial Assets

Note 5A: Cash and cash equivalents

Cash at bank	3,385,934	2,075,193
Cash on hand	1,850	1,850
Other cash	1,500	1,500
Total cash and cash equivalents	3,389,284	2,078,543

All cash recognised is a current asset.

Note 5B: Trade and other receivables

GST receivable from the Australian Taxation Office	53,479	47,836
Goods and services	13,151	55,481
Interest receivable	31,140	14,833
Total trade and other receivables (net)	97,770	118,150

All receivables are current assets.

All receivables are with entities external to the Commonwealth. Credit terms are net 30 days (2007: 30 days).

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

	2008	2007
	\$	\$
Receivables (gross) are aged as follows:		
Not overdue	<u>90,348</u>	103,521
Overdue by:		
Less than 30 days	6,166	10,880
30 to 60 days	1,106	450
60 to 90 days	-	1,642
More than 90 days	<u>150</u>	<u>1,657</u>
Total receivables (gross)	<u>97,770</u>	<u>118,150</u>

Note 5C: Investments

Deposits	<u>3,476,000</u>	-
Total investments	<u>3,476,000</u>	<u>-</u>

All investments are current assets.

Note 6: Non-Financial Assets

Note 6A: Land and Buildings

Freehold land at gross carrying value - at 2006/2007 valuation	7,517,058	8,300,000
Buildings on freehold land		
- fair value	235,190,000	235,190,000
- accumulated depreciation	(76,402,140)	(73,328,465)
- work in progress - at cost	<u>185,710</u>	<u>156,278</u>
Total buildings on freehold land	<u>158,973,570</u>	<u>162,017,813</u>

Total Land and Buildings (non-current) **166,490,628** 170,317,813

All revaluations are conducted in accordance with the revaluation policy stated at Note 1. In March 2007, an independent valuer, the Australian Valuation Office conducted the valuations.

No indicators of impairment were found for land and buildings as at 30 June 2008.

Note 6B: Infrastructure, Plant and Equipment

Infrastructure, plant and equipment:		
- fair value	3,354,529	2,646,437
- accumulated depreciation	(1,097,062)	(602,670)
- work in progress - at cost	<u>77,176</u>	<u>108,056</u>
Total infrastructure, plant and equipment	<u>2,334,643</u>	<u>2,151,823</u>

Heritage and Cultural:

Artworks - fair value	1,826,992	1,826,992
Rare books - at fair value	<u>110,812</u>	<u>110,812</u>

Total heritage and cultural **1,937,804** 1,937,804

Total infrastructure, plant and equipment (non-current) **4,272,447** 4,089,627

All revaluations are conducted in accordance with the revaluation policy stated at Note 1. In March 2007, an independent valuer, the Australian Valuation Office conducted the valuations

No indicators of impairment were found for infrastructure, plant and equipment as at 30 June 2008.

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

	2008	2007
	\$	\$
Note 6C: Library Holdings		
Fair Value	18,090,733	14,638,222
Accumulated depreciation	<u>(213,515)</u>	<u>(136,355)</u>
Total Library holdings	<u>17,877,218</u>	<u>14,501,867</u>

No indicators of impairment were found for Library holding assets as at 30 June 2008.

All revaluations are conducted in accordance with the revaluation policy stated at Note 1. In June 2005, an independent valuer, the Australian Valuation Office conducted the valuations. As at June 2008 the Court revalued the collection based on average price increases since the previous revaluation.

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

Note 6D: Analysis of Property, Plant and Equipment

TABLE A - Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2007 - 2008)

Item	Land	Buildings	Total Land and Buildings	Other Infrastructure, Plant and Equipment	Heritage & Cultural Assets	Library Holdings	TOTAL
	\$	\$	\$	\$	\$	\$	\$
As at 1 July 2007							
Gross book value	8,300,000	235,346,278	243,646,278	2,754,493	1,937,804	14,638,222	262,976,797
Accumulated depreciation/amortisation and impairment	n/a	(73,328,465)	(73,328,465)	(602,670)	-	(136,355)	(74,067,490)
Net book value 1 July 2007	8,300,000	162,017,813	170,317,813	2,151,823	1,937,804	14,501,867	188,909,307
Additions:							
By purchase	-	29,432	29,432	681,712	-	1,230,637	1,941,781
Revaluations and other adjustments through equity	(782,942)	-	(782,942)	-	-	2,221,874	1,438,932
Depreciation/amortisation expense	n/a	(3,073,675)	(3,073,675)	(494,911)	-	(77,160)	(3,645,746)
Impairments recognised in the operating result	-	-	-	(2,000)	-	-	(2,000)
Disposals	-	-	-	(1,981)	-	-	(1,981)
Net book value 30 June 2008	7,517,058	158,973,570	166,490,628	2,334,643	1,937,804	17,877,218	188,640,293
Net book value as of 30 June 2008 represented by:							
Gross book value	7,517,058	235,375,710	242,892,768	3,432,224	1,937,804	18,090,733	266,353,529
Accumulated depreciation/amortisation and impairment	n/a	(76,402,140)	(76,402,140)	(1,097,581)	-	(213,515)	(77,713,236)
Closing net book value	7,517,058	158,973,570	166,490,628	2,334,643	1,937,804	17,877,218	188,640,293

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

Note 6D: Analysis of Property, Plant and Equipment (continued)

TABLE A - Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2006 - 2007)

Item	Land	Buildings	Total Land and Buildings	Other Infrastructure, Plant and Equipment	Heritage & Cultural Assets	Library Holdings	TOTAL
	\$	\$	\$	\$	\$	\$	\$
As at 1 July 2006							
Gross book value	7,500,000	210,588,003	218,088,003	3,855,604	1,613,426	13,298,644	236,855,677
Accumulated depreciation/amortisation and impairment	n/a	(58,813,433)	(58,813,433)	(679,570)	-	(65,915)	(59,558,918)
Net book value 1 July 2006	7,500,000	151,774,570	159,274,570	3,176,034	1,613,426	13,232,729	177,296,759
Additions:							
By purchase	-	64,268	64,268	317,682	12,000	1,339,578	1,733,528
Revaluations and other adjustments through equity	800,000	11,742,222	12,542,222	(808,397)	312,378	-	12,046,203
Depreciation/amortisation expense	n/a	(1,563,247)	(1,563,247)	(523,149)	-	(70,440)	(2,156,836)
Impairments recognised in the operating result	-	-	-	(6,277)	-	-	(6,277)
Disposals	-	-	-	(4,070)	-	-	(4,070)
Net book value 30 June 2007	8,300,000	162,017,813	170,317,813	2,151,823	1,937,804	14,501,867	188,909,307
Net book value as of 30 June 2007 represented by:							
Gross book value	8,300,000	235,346,278	243,646,278	2,754,493	1,937,804	14,638,222	262,976,797
Accumulated depreciation/amortisation and impairment	n/a	(73,328,465)	(73,328,465)	(602,670)	-	(136,355)	(74,067,490)
Closing net book value	8,300,000	162,017,813	170,317,813	2,151,823	1,937,804	14,501,867	188,909,307

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

	2008	2007
	\$	\$
Note 6E: Intangibles		
Computer software at cost:		
Internally developed - in progress (non-current)	-	11,160
	-	11,160
Internally developed - in use (non-current)	-	112,950
- Accumulated amortisation	-	(112,950)
	-	-
Externally acquired - at cost (non-current)	604,507	491,557
- Accumulated amortisation	(589,114)	(414,934)
	15,393	76,623
Total Computer Software	15,393	87,783
Total intangibles (non-current)	15,393	87,783

No indicator of impairment were found for intangible assets.

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

Note 6F: Analysis of Intangibles

TABLE A - Reconciliation of the Opening and Closing Balances of Intangibles (2007 - 2008)

Item	Computer software internally developed \$	Computer software purchased \$	Intangibles - Total \$
As at 1 July 2007			
Gross book value	124,110	491,557	615,667
Accumulated depreciation/amortisation and impairment	(112,950)	(414,934)	(527,884)
Net book value 1 July 2007	11,160	76,623	87,783
Amortisation			
Amortisation	-	(61,230)	(61,230)
Impairments recognised in the operating result	(11,160)	-	(11,160)
Net book value 30 June 2008	11,160	15,393	15,393
Net book value as at 30 June 2008 represented by:			
Gross book value	112,950	491,557	604,507
Accumulated depreciation/amortisation and impairment	(112,950)	(476,164)	(589,114)
Net book value	-	15,393	15,393

TABLE B - Reconciliation of the Opening and Closing Balances of Intangibles (2006 - 2007)

Item	Computer software internally developed \$	Computer software purchased \$	Intangibles - Total \$
As at 1 July 2006			
Gross book value	124,110	455,557	579,667
Accumulated depreciation/amortisation and impairment	(112,950)	(304,820)	(417,770)
Net book value 30 June 2007	11,160	150,737	161,897
Additions			
By purchase or internally developed	-	36,000	36,000
Amortisation			
Amortisation	-	(110,114)	(110,114)
Net book value as at 30 June 2007 represented by:			
Gross book value	124,110	491,557	615,667
Accumulated depreciation/amortisation and impairment	(112,950)	(414,934)	(527,884)
Net book value	11,160	76,623	87,783

Note 6G: Inventories

Inventories held for distribution	-	1,506
Total inventories	-	1,506

All departmental inventories are current assets

During 2007-08 \$nil of inventory held for distribution was recognised as an expense (2006-07: \$1,779)

No items of inventory are recognised at fair value less cost to sell.

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

	2008	2007
	\$	\$
Note 6H: Other non-financial assets		
Prepaid property rentals	192,947	668,841
Other prepayments	<u>71,574</u>	<u>63,675</u>
Total other non-financial assets	<u>264,521</u>	<u>732,516</u>

All other non-financial assets are current assets.

No indicators of impairment were found for other non-financial assets.

Note 7: Payables

Note 7A: Suppliers		
Trade creditors	<u>118,694</u>	<u>38,692</u>
Total suppliers payables	<u>118,694</u>	<u>38,692</u>

All supplier payables are current liabilities.

Settlement is usually made net 30 days.

Note 7B: Other Pavables

Unearned revenue	17,058	15,059
Accrued Expenses	<u>422,489</u>	<u>348,179</u>
Total other payables	<u>439,547</u>	<u>363,238</u>

All other payables are current liabilities.

Note 8: Provisions

Note 8A: Employee Provisions

Salaries and wages	115,571	101,367
Leave	1,560,436	1,782,818
Superannuation	<u>9,383</u>	<u>4,024</u>
Total employee provisions	<u>1,685,390</u>	<u>1,888,209</u>

Employee provisions are represented by:

Current	1,542,520	1,703,726
Non-current	<u>142,870</u>	<u>184,483</u>
Total employee provisions	<u>1,685,390</u>	<u>1,888,209</u>

The classification of current includes amounts for which there is not an unconditional right to defer settlement by one year, hence in the case of employee provisions the above classification does not present the amount expected to be settled within one year of reporting date. Employee provisions expected to be settled in twelve months from the reporting date \$738,778 (2007: \$827,721), excess of one year \$933,862 (2007: \$1,060,488).

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

2008
\$

2007
\$

Note 9: Cash Flow Reconciliation

Reconciliation of cash and cash equivalents as per Balance Sheet to Statement of Cash Flows

Report cash and cash equivalent as per:

Cash Flow Statement	3,389,284	2,078,543
Balance Sheet	<u>3,389,284</u>	<u>2,078,543</u>
Difference	<u>-</u>	<u>-</u>

Reconciliation of operating result to net cash from operating activities:

Operating result	(912,968)	(9,737)
Depreciation / amortisation	3,706,976	2,277,072
Write down of non-current assets	13,161	71,410
Loss on disposal of assets	1,072	(98)
(Increase) / decrease in net receivables	20,380	31,077
(Increase) / decrease in inventories	1,506	1,779
(Increase) / decrease in prepayments	467,995	(484,262)
Increase / (decrease) in employee provisions	(202,819)	143,749
Increase / (decrease) in supplier payables	156,311	(218,771)
Increase / (decrease) in accrued expenses	-	124,137
<i>Net cash from / (used by) operating activities</i>	<u>3,251,614</u>	<u>1,936,356</u>

Note 10: Contingent Liabilities and Assets

Quantifiable Contingencies

As at 30 June 2008, the Court had no quantifiable contingencies.

Unquantifiable Contingencies

As at 30 June 2008, the Court had no unquantifiable contingencies.

Note 11: Executive Remuneration

The number of senior executives who received or were due to receive total remuneration of \$130,000 or more:

\$160 000 to \$174 999	-	1
\$175 000 to \$189 999	2	1
\$190,000 to \$204,999	-	1
\$265,000 to \$279,999	1	-
\$340,000 to \$354,999	-	1
\$355,000 to \$369,999	1	-
\$385,000 to \$399,999	-	1
Total	<u>4</u>	<u>5</u>

The aggregate amount of total remuneration of senior executives shown above. 993,653 1,298,898

The aggregate amount of separation and redundancy/termination benefit payments during the year to executives shown above. - 194,425

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

	2008	2007
	\$	\$

Note 12: Remuneration of Auditors

Financial statement audit services for 2007-08 are provided free of charge to the High Court of Australia

The fair value of audit services provided was:

The High Court of Australia	33,000	35,900
	33,000	35,900

No other services are provided by the Auditor-General.

Note 13: Public money in the custody of the Court

Suitor's Fund

Balance as at 1 July	23,795	6,295
Amounts received	6,000	20,000
Amounts deducted/paid out	(15,530)	(2,500)
Balance as at 30 June	14,265	23,795

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

Note 14: Financial Instruments

Note 14A: Categories of financial instruments

Financial Assets

Cash and cash equivalents

Cash at bank	3,389,284	2,078,543
	3,389,284	2,078,543

Held-to-maturity financial assets

Term deposits	3,476,000	-
	3,476,000	-

Loans and receivables financial assets

Receivable for goods and services	97,770	118,150
	97,770	118,150

Carrying amount of financial assets

	6,963,054	2,196,693
	6,963,054	2,196,693

Financial Liabilities

Supplier payables at amortised cost	521,340	386,871
	521,340	386,871

Carrying amount of financial liabilities

	521,340	386,871
	521,340	386,871

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

	2008 \$	2007 \$
Note 14B: Net income and expense from financial assets		
Cash and cash equivalents		
Interest revenue	496,682	214,846
Net gain/(loss) from financial assets	<u>496,682</u>	<u>214,846</u>

There is no interest income from financial assets not at fair value through profit or loss in the year ending 30 June 2008. The total interest expense from financial liabilities not at fair value through profit or loss was \$nil for 2007.

Note 14C: Fair value of financial instruments

	Carrying amount 2008 \$'000	Fair Value 2008 \$'000	Carrying amount 2007 \$'000	Fair value 2007 \$'000
FINANCIAL ASSETS				
Cash and cash equivalents	3,389,284	3,389,284	2,078,543	2,078,543
Held-to-maturity financial assets	3,476,000	3,476,000	-	-
Loans and receivables financial assets	97,770	97,770	118,150	118,150
Total	6,963,054	6,963,054	2,196,693	2,196,693
FINANCIAL LIABILITIES				
Supplier payables at amortised cost	521,340	521,340	386,871	386,871
Total	521,340	521,340	386,871	386,871

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

Note 14D: Credit risk

The High Court of Australia's primary credit risk exposure arises from cash deposits held with banks and financial institutions as well as business interactions on credit with trade debtors. For banks and financial institutions, only independently rated parties with a minimum rating of 'A' are accepted. The credit quality of other customers is risk assessed by management taking into account their financial position, past experience and other factors and compliance with the Courts credit terms is regularly monitored by management.

The following table illustrates the High Court of Australia's gross exposure to credit risk, excluding any collateral or credit enhancement

	2008 \$'000	2007 \$'000
Financial assets		
Cash and cash equivalents	3,389,348	2,078,543
Held-to-maturity financial assets	3,476,000	-
Loans and receivables financial assets	97,770	118,150
Total	6,963,118	2,196,693

Credit quality of financial instruments not past due or individually determined as impaired

	Not past due nor impaired 2008 \$'000	Not past due nor impaired 2007 \$'000
Loans and receivables financial assets	90,348	103,521
Held-to-maturity financial assets	3,476,000	-
Total	3,566,348	103,521

Ageing of financial assets that are past due but not impaired for 2008

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables	-	1,106	-	150	1,256
Total	-	1,106	-	150	1,256

Ageing of financial assets that are past due but not impaired for 2007

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables	-	10,880	450	3,299	14,629
Total	-	10,880	450	3,299	14,629

HIGH COURT OF AUSTRALIA

Notes to and forming part of the Financial Statements

Note 14E: Liquidity risk

The High Court of Australia manages liquidity risk by continuously monitoring the forecast and actual cashflows associated with the financial assets and liabilities of the Agency. The following tables illustrate the maturities for the High Court of Australia's financial liabilities.

	On demand 2008 \$'000	within 1 year 2008 \$'000	1 to 5 years 2008 \$'000	> 5 years 2008 \$'000	Total 2008 \$'000
Supplier payables	-	541,183	-	-	541,183
Total	-	541,183	-	-	541,183

	On demand 2007 \$'000	within 1 year 2007 \$'000	1 to 5 years 2007 \$'000	> 5 years 2007 \$'000	Total 2007 \$'000
Supplier payables	-	386,871	-	-	386,871
Total	-	386,871	-	-	386,871

Note 14F: Market risk

The High Court of Australia's primary market risk exposure arises from changes in the interest rates associated with funds held with banks and financial institutions. The weighted average interest rate received on these funds during the 2007/2008 financial year was 6.15%. Based on recent trends and the current economic environment, management estimates that the maximum perceived exposure to changes in the interest rates in the next 12 months is approximately +/- 0.50%.

The following table provides a sensitivity analysis of the potential market risk exposures that would occur due to +/-0.50% movement in interest rates on the High Court of Australia cash deposits.

	Risk variable	Change in risk variable %	Effect on	
			Profit or loss 2008 \$'000	Equity 2008 \$'000
Interest rate risk (+0.50% return)	6.150	0.50	16,930	16,930
Interest rate risk (-0.50% return)	6.150	(0.50)	(16,930)	(16,930)

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

	2008	2007
	\$	
Note 15: Income Administered on Behalf of Government		
<u>Revenue</u>		
Non-taxation revenues		
<u>Note 15A: Sale of goods and rendering of services</u>		
Filing and hearing fees	1,047,711	1,012,323
Other	<u>77,011</u>	<u>67,272</u>
Total sale of goods and rendering of services	<u>1,124,722</u>	<u>1,079,595</u>
Note 16: Administered Reconciliation Table		
Administered revenues	1,124,722	1,079,595
Transfers to OPA	<u>(1,124,722)</u>	<u>(1,079,595)</u>
Closing administered assets less administered liabilities as at 30 June	<u>-</u>	<u>-</u>

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

Note 17: Appropriations

Note 17A: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Ordinary Annual Services Appropriations

Particulars	Administered Expenses Outcome 1		Departmental Outputs		Total	
	2008 \$ '000	2007 \$ '000	2008 \$ '000	2007 \$ '000	2008 \$ '000	2007 \$ '000
Year ended 30 June 2008						
Balance carried from previous year	-	-	-	-	-	-
Appropriations Act:						
Appropriation Act (No. 1) 2007 - 2008	-	-	13,836,000	13,759,000	13,836,000	13,759,000
Reductions of appropriations (<i>Appropriation Act</i> section 9)			(49,000)	0	(49,000)	0
Total Appropriations available for payments from CRF	-	-	13,787,000	13,759,000	13,787,000	13,759,000
Payments made out of CRF	-	-	13,787,000	13,759,000	13,787,000	13,759,000
Balance of Authority to Draw Cash from the Consolidated Revenue Fund for Ordinary Annual Services Appropriations	-	-	-	-	-	-
<i>Represented by:</i>						
Receivables - departmental appropriations	-	-	-	-	-	-
Total	-	-	-	-	-	-

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

Note 17B: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Other than Ordinary Annual Services Appropriations

Particulars	Administered Outcome 1				Non-operating								Total	
	SPPs		NAE		Equity		Loans		Previous years' outputs		Admin assets and liabilities			
	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007
Year ended 30 June 2008	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Balance carried from previous year	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Appropriation Act (No.2) 2007 - 2008	-	-	-	-	3,476,000	-	-	-	-	-	-	-	-	-
Sub-total 2007 - 08 Annual Appropriation	-	-	-	-	3,476,000	-	-	-	-	-	-	-	-	3,476,000
Total appropriations available for payments from CRF	-	-	-	-	3,476,000	-	-	-	-	-	-	-	-	3,476,000
Payments made out of CRF	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Balance of Authority to Draw Cash from the CRF for Other Than Ordinary Annual Services Appropriations	-	-	-	-	-	-	-	-	-	-	-	-	-	3,476,000
<i>Represented by:</i>														
Departmental appropriation receivable	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

Note 18: Reporting of Outcomes

The High Court of Australia operates solely in Australia and is structured to meet the following single outcome and output.

Outcome 1: To interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court in Australia.

Note 18A: Net Cost of Outcome Delivery

	Outcome 1		Total	
	2008	2007	2008	2007
	\$	\$	\$	\$
Expenses				
Administered expenses	-	-	-	-
Departmental expenses	16,241,303	14,992,521	16,241,303	14,992,521
Total expenses	16,241,303	14,992,521	16,241,303	14,992,521
Costs recovered from provision of goods and services to the non-government sector				
Administered	1,124,722	1,079,595	1,124,722	1,079,595
Departmental	113,109	93,099	113,109	93,099
Total costs recovered	1,237,831	1,172,694	1,237,831	1,172,694
Other external income				
Departmental				
Goods and Services Income from Related Entities	908,043	875,043	908,043	875,043
Interest	513,817	214,847	513,817	214,847
Other	6,366	40,795	6,366	40,795
Total Departmental	1,428,226	1,130,685	1,428,226	1,130,685
Total other external income	1,428,226	1,130,685	1,428,226	1,130,685
Net cost/(contribution) of outcome	13,575,246	12,689,142	13,575,246	12,689,142

HIGH COURT OF AUSTRALIA
Notes to and forming part of the Financial Statements

Note 18B: Major Classes of Departmental Income and Expenses by Output Groups and Outputs

	Outcome 1			
	Output Group 1.1		Outcome 1 Total	
	Output 1.1.1	2007	2008	2007
		\$	\$	\$
Departmental expenses				
Employees	6,433,459	6,897,926	6,433,459	6,897,926
Suppliers	6,086,286	5,746,015	6,086,286	5,746,015
Depreciation and amortisation	3,706,976	2,277,072	3,706,976	2,277,072
Write down of assets	13,510	71,410	13,510	71,410
Loss on disposal of assets	1,072	98	1,072	98
Total departmental expenses	16,241,303	14,992,521	16,241,303	14,992,521
Funded by:				
Income from government	13,787,000	13,759,000	13,787,000	13,759,000
Sale of goods and services	113,109	93,099	113,109	93,099
Interest	513,817	214,847	513,817	214,847
Other revenue	914,409	915,838	914,409	915,838
Total departmental income	15,328,335	14,982,784	15,328,335	14,982,784

Note 18C: Major Classes of Administered Income and Expenses by Outcomes

	Outcome 1			Total
	2008	2007	2008	
	\$	\$	\$	
Administered Income				
Fees and charges	1,124,722	1,079,595	1,124,722	1,079,595
Total Administered Income	1,124,722	1,079,595	1,124,722	1,079,595





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PART VIII – ANNEXURE A

Freedom of Information Act 1982 (Cth) – Supplementary Material

Parts V and VI 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

Listed below are 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.

Other documents

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

- 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 to a Court document under

that Act 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 Public Information Officer 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:

Public Information Officer
High Court of Australia
PO Box 6309
Kingston ACT 2604
Telephone: (02) 6270 6998
Fax: (02) 6270 6909
Email: fhamilton@hcourt.gov.au

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 6853
Fax: (02) 6270 6346
Email: jpelle@hcourt.gov.au

If necessary, 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 High Court 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
Level 5, Commonwealth Law Courts Building
3 Angas 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
Level 3, Federal Court of Australia
State Square
Darwin NT 0800

PART VIII – ANNEXURE B

Staffing Overview

This Annexure comprises two tables which provide a profile of the Court administration's staffing as at 30 June 2008. 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.

STAFF PROFILE BY OCCUPANCY AND GENDER

		CE&PR	Chambers	Corporate	Library	Registry	Total
Full-time Staff							
Ongoing	FEMALE		11	2	6	9	28
	MALE	1	2	8		4	15
Total		1	13	10	6	13	43
Non-ongoing	FEMALE		5		2		7
	MALE		9				9
Total			14		2		16
All Full-time Staff	FEMALE		16	2	8	9	35
	MALE	1	11	8		4	24
Full-time Total		1	27	10	8	13	59
Part-time Staff							
Ongoing	FEMALE	1		4	3	5	13
	MALE			3			3
Total		1		7	3	5	16
Non-ongoing	FEMALE			1			1
	MALE						
Total				1			1
All Part-time Staff	FEMALE	1		5	3	5	14
	MALE			3			3
Part-time Total		1	0	8	3	5	17
All Staff							
	FEMALE	1	16	7	11	14	49
	MALE	1	11	11		4	27
All Staff Total		2	27	18	11	18	76

COMPOSITION OF STAFF BY SALARY CLASSIFICATION AND GENDER

	CE&PR		Chambers		Corporate		Library		Registry		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Holder of Public Office	1										1	
High Court Executive Level 1-2 (\$78,125 - \$109,240)			1	1	1	1		1	1	5	3	8
High Court Officer Level 1-4 (\$35,537 - \$54,923)				1	8	3		6	3	6	11	16
High Court Officer Level 5-6 (\$56,420 - 69,999)		1	9	14	1	3		3		2	10	23
Senior Executive (above \$120,000)			1		1			1		1	2	2
Total	1	1	11	16	11	7	0	11	4	14	27	49

