



HIGH COURT OF AUSTRALIA

Public Information Officer

4 March, 2003

THE QUEEN v ROBERT GORDON GEE & ANOR

The High Court of Australia today overturned a decision of the Full Court of the Supreme Court of South Australia which held that it did not have jurisdiction to deal with certain questions of law referred to it by the District Court. While the Full Court ordinarily has the statutory power to hear a question of law referred to it by the District Court, in this case, the District Court was exercising federal jurisdiction and hearing a case of persons charged with Commonwealth offences.

The respondents were charged on information filed by the Commonwealth Director of Public Prosecutions in the District Court on nine counts of defrauding the Commonwealth in relation to income tax. They pleaded not guilty. Before a jury was empanelled, the trial judge ruled on the admissibility of certain evidence.

It was that ruling that was the subject of questions of law reserved for the Full Court. When it came to consider the questions of law reserved to it, the Full Court held that it did not have jurisdiction to deal with them. The DPP appealed against this decision.

The High Court unanimously allowed the DPP's appeal, holding that the Full Court had jurisdiction.

- *This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.*