



HIGH COURT OF AUSTRALIA

ANNUAL REPORT

2012–2013





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High Court of Australia

Canberra ACT 2600

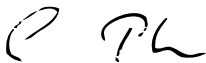
1 November 2013

Dear Attorney

In accordance with section 47 of the *High Court of Australia Act 1979* (Cth), I submit on behalf of the High Court and with its approval a report relating to the administration of the affairs of the Court under section 17 of the Act for the year ended 30 June 2013, 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



Andrew Phelan

Chief Executive and Principal Registrar
of the High Court of Australia

Senator the Honourable George Brandis QC
Attorney-General
Parliament House
Canberra ACT 2600



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Part 1: PREAMBLE

... or any connivance
of the other party to the marriage
done it, with the further proviso
court was not bound to pronounce
free if the party applying for the
been found to be guilty of such
as had conduced to the adultery.
If petitioner had been found guilty
ous petition by the husband, but
n had been dismissed on the ground
band's conduct conducing to the
men charged. The wife, although
y, was a competent suitor; her
uld not be removed from the file on
of her own previous misconduct,
merely a discretionary defence
idered by the Court. The wife,
a competent suitor for divorce, was

His Lordship told the jury
they wanted, and the foreman
slip of paper, on which
all agreed that negligence
we return a verdict for
Judge thereupon, without
that purpose from court
discharged the jury. The
to set aside this order and
summoned and re-impaneled
remaining evidence. The
however, refused the
had a discretion to do so
circumstances, and no
why such discretion should
in the opinion of the
acted quite correctly.



This is the 34th report prepared as required by the
High Court of Australia Act 1979 (Cth).

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ELECTRONIC PUBLICATION

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AUSTRIALIA HIGH COURT OF

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Justice Virginia Bell AC	6
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The High Court of Australia is the highest court in the Australian judicial system. It has its origins in the Australian Constitution, section 71 of which provides that ‘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.’

The functions of the High Court are to:

- interpret and apply the law of Australia;
- decide cases of special federal significance, including challenges to the constitutional validity of laws; and
- hear appeals, by special leave, from federal, state and territory courts.

The Court sits in Canberra and, when there is sufficient business, may hear appeals in Brisbane, Adelaide, Perth or Hobart.

There are seven Justices of the Court. Ordinarily, constitutional cases are heard by all seven Justices. Appeals are usually heard by five or seven Justices. Before an appeal is heard the Court must have granted leave or special leave to appeal. Special leave applications are first

examined by a panel of Justices, usually two. If the panel decides that special leave should be refused without oral argument, 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 usually heard in Canberra, Sydney and Melbourne, including sometimes by video-link between 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 2013, the seven Justices of the High Court were:



CHIEF JUSTICE ROBERT FRENCH AC

Robert Shenton French was appointed Chief Justice of the High Court of Australia in September 2008. At the time of his appointment he was a judge of the Federal Court of Australia, having been appointed to that office in November 1986. He graduated from the University of Western Australia in science and law. He was admitted in 1972 and practised as a barrister and solicitor in Western Australia until 1983 when he went to the Western Australian Bar. From 1994–98 he was President of the National Native Title Tribunal. At the time of his appointment he was an additional member of the Supreme Court of the Australian Capital Territory and a member of the Supreme Court of Fiji. He was also a Deputy President of the Australian Competition Tribunal and a part-time member of the Australian Law Reform Commission. From 2001 until January 2005 he was president of the Australian Association of Constitutional Law. Chief Justice French was appointed a Companion in the General Division of the Order of Australia in 2010.



JUSTICE KENNETH HAYNE AC

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 SUSAN CRENNAN AC

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 Crennan was appointed a Companion in the General Division of the Order of Australia in 2008.



JUSTICE SUSAN KIEFEL AC

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. Justice Kiefel was appointed a Companion in the General Division of the Order of Australia in 2011.



JUSTICE VIRGINIA BELL AC

Virginia Margaret Bell was appointed to the Court in February 2009. At the time of her appointment she was a judge of the New South Wales Court of Appeal. She graduated from the University of Sydney as a Bachelor of Laws in 1977. After seven years as a solicitor with the Redfern Legal Centre, she was admitted to the New South Wales Bar in 1984 and was appointed a Senior Counsel in 1997. Justice Bell practised as a public defender between 1986 and 1989 before returning to the private Bar. Between 1994 and 1997 she was a counsel assisting the Royal Commission into the New South Wales Police Service. Justice Bell was appointed a judge of the Supreme Court of New South Wales in March 1999. She served as president of the Australasian Institute of Judicial Administration from 2006 to 2008. Justice Bell was appointed a Companion in the General Division of the Order of Australia in 2012.



JUSTICE STEPHEN GAGELER

Stephen John Gageler was appointed to the Court in October 2012. At the time of his appointment he was Solicitor-General of Australia. He is a graduate of the Australian National University and has post-graduate qualifications from Harvard University. He was admitted as a barrister of the Supreme Court of New South Wales in 1989 and was appointed Senior Counsel in 2000. Before his appointment as Solicitor-General in 2008, he practised as a barrister extensively throughout Australia principally in constitutional law, administrative law and commercial law.



JUSTICE PATRICK KEANE

Patrick Anthony Keane was appointed to the Court in March 2013. At the time of his appointment he was Chief Justice of the Federal Court of Australia. He served as a judge of the Court of Appeal, Supreme Court of Queensland from 2005-2010 before joining the Federal Court. He is a graduate of the University of Queensland and Oxford University. He was admitted to the Queensland Bar in 1977 and in 1988 was appointed Queen's Counsel. He was Solicitor-General for Queensland from 1992 to 2005.





Part 3: CHIEF JUSTICE'S OVERVIEW





CHIEF JUSTICE ROBERT FRENCH AC

Section 71 of the Constitution vests the judicial power of the Commonwealth in the High Court of Australia, in such other federal courts as the Parliament creates, and in such other courts as it vests with federal jurisdiction. The High Court has original jurisdiction in matters defined by s 75 of the Constitution and original jurisdiction conferred by laws made by the Parliament under s 76 of the Constitution — including jurisdiction in any matter arising under the Constitution or involving its interpretation, or in any matter arising under any laws made by the Parliament. The High Court is also the final court of appeal for all other Federal courts or courts exercising federal jurisdiction and for the Supreme Court of any State.

The High Court today consists of seven Justices, each appointed until the age of 70. The Justices administer the affairs of the Court pursuant to s 17 of the *High Court of Australia Act 1979* (Cth). In carrying out that task they are assisted by the Chief Executive and Principal Registrar, Mr Andrew Phelan, and by senior staff of the Court. The Justices have a Business Meeting with the Chief Executive and Principal Registrar in each month in which the Court is sitting. There are also committees of the Court, each of which consists of two or more Justices, assisted by relevant Court staff. The Committees relate to Finance, Information Technology, Rules, Public Information, Library Services and the production of the Annual Report.

The composition of the Court changed in 2012-2013 with the retirements of Justice William Gummow and Justice Dyson Heydon in October 2012 and March 2013 respectively. Justice Gummow was appointed to the Court in 1995 and Justice Heydon in 2003. Both Justices contributed very significantly to the work of the Court during their tenures, contributions which were acknowledged during sittings of the Full Court shortly before the retirement of each of them. The Court welcomed their replacements: Justice Stephen Gageler and Justice Patrick Keane.

In 2012–2013, the Court decided 419 Special Leave Applications, 54 appeals, 9 cases involving applications for constitutional writs and 14 other cases.

Ninety per cent of the applications for leave or special leave to appeal and 60% of appeals were decided by the Court within nine months of filing.

Cases decided by the Court during the reporting period covered a range of public law, private law and criminal law matters. They included alleged criminal negligence by a medical practitioner, extradition, the validity of crime control legislation involving the use of criminal intelligence, reasonableness in administrative decision-making, manipulation of share markets, the validity of regulations providing for security assessments of asylum seekers, the validity of a State law applying alcohol restrictions to an Indigenous community and the question whether a casino operator had breached a duty of care towards a compulsive gambler.

The range of matters decided reflects the Court's function as the final appellate and constitutional court of Australia. The Court does not choose the cases which commence in its original jurisdiction. However, in determining whether or not to grant special leave to appeal from a decision of another court, the Court has regard to whether the proceedings involve a question of law that is of public importance or in respect of which there is a need to resolve differences of opinion between different courts, or within the one court as to the state of the law. The Court may also have regard to whether the interests of the administration of justice, either generally or in the particular case, require consideration of the judgment to which the application for special leave applies.

In the 2012–2013 year, income received by the Court including from its principal source, namely parliamentary appropriations, was \$16.451 million. Operating expenses including unfunded depreciation allowances of \$4.486 million amounted to \$20.829 million. On the face of it, this resulted in a deficit of \$4.378 million. The underlying result, however, after taking out non-cash and unfunded items, was a surplus of \$0.108 million.

Significant works have been undertaken to deal with structural and safety problems in the Court's western forecourt. Those works have involved the removal of Casuarina trees with a view to their replacement with trees of the same species. Substructures and paving tiles have had to be removed and replaced, retaining walls constructed and landscaping carried out.

The Court's public education and visitor programs have continued with a view to enhancing awareness of its constitutional role and the rule of law. During the year some 35,000 school pupils visited the Court and received guided tours and presentations on the Court's constitutional and appellate functions. The Court Guides conduct tours of the building for visitors and school groups generally and speak about the role and history of the Court and the architecture of the building.

Public access to the work of the Court is provided by on-line written submissions, transcripts of oral arguments, judgments and judgment summaries. The Court has decided, from October 2013 to make available an audio visual record of Full Court hearings a few days after each

hearing. Also during the reporting period, the Court placed a new documentary on its history, role and the architecture of the building on the Court's website. The documentary is also available for public viewing in the Public Hall of the Court. Two public lectures were conducted at the Court during the reporting period. One, delivered by Professor Anne Twomey was entitled 'The Unrecognised Reserve Powers', the second, delivered by Dr Gerard Carney, was entitled 'The Story behind the Land Boundaries of the Australian States — A Legal and Historical Overview'.

Throughout the reporting period the Public Hall has been utilised for Sunday concerts in conjunction with the Musical Offering, which forms part of the Celebrations of the Centenary of Canberra. Over 30 concerts were held with performances by local and national choirs and musical groups arranged by Dr Don Aitkin AO.

An important aspect of the Court's regional linkages is the Australia Pacific Judicial Reform Forum which is chaired by Justice Hayne. The Chief Executive and Principal Registrar provides secretariat services to the Forum.

The Australian judicial system is a national integrated judicial system. In recognition of its importance, I chair the Council of Chief Justices of Australia and New Zealand, which meets twice yearly. The Chief Executive and Principal Registrar provides administrative support and secretariat services to that Council.

I take the opportunity of thanking the Chief Executive and Principal Registrar, the Senior Officers of the Court and members of the staff of the Court for the assistance which they have provided to the Justices during the financial period ended 30 June 2013.



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RETIREMENTS OF JUSTICES

2012-13 saw the retirements of two Justices – Justice Gummow AC retired in October 2012 and was replaced by Justice Gageler; Justice Heydon AC retired in March 2013 and was replaced by Justice Keane.

JUDICIAL WORKLOAD

Full Court hearings and decisions

As shown in Tables A and B, the numbers of Full Court hearings and decisions in 2012-13 were comparable with averages for both during the past 10 years.

Of the civil and criminal appeals decided by the Full Court in 2012-13, the decision was given in 78 per cent of cases within six months of the hearing of argument. The

decision was given in 36 per cent of the cases within three months of the hearing.

Applications for Special Leave

Table C demonstrates the proportion of applications filed by self-represented litigants in the past 10 years. Forty four per cent of special leave applications were filed by self-represented litigants in 2012-13.

The proportion of civil special leave applications involving immigration matters continued to drop from 30 per cent in 2011-12 to 24 per cent during 2012-13. Table D illustrates the number of immigration matters as a proportion of civil special leave applications filed in the past 10 years.

Table A. Full Court hearings (other than special leave applications)

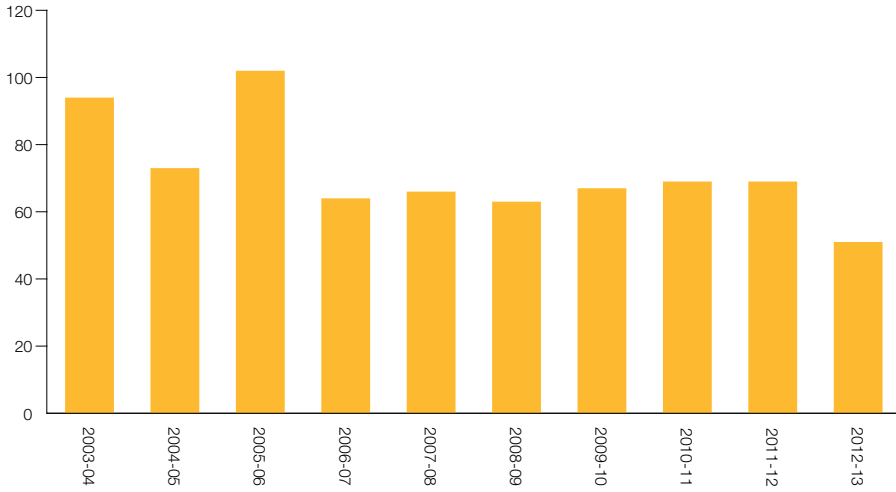


Table B. Full Court decisions (other than special leave applications)

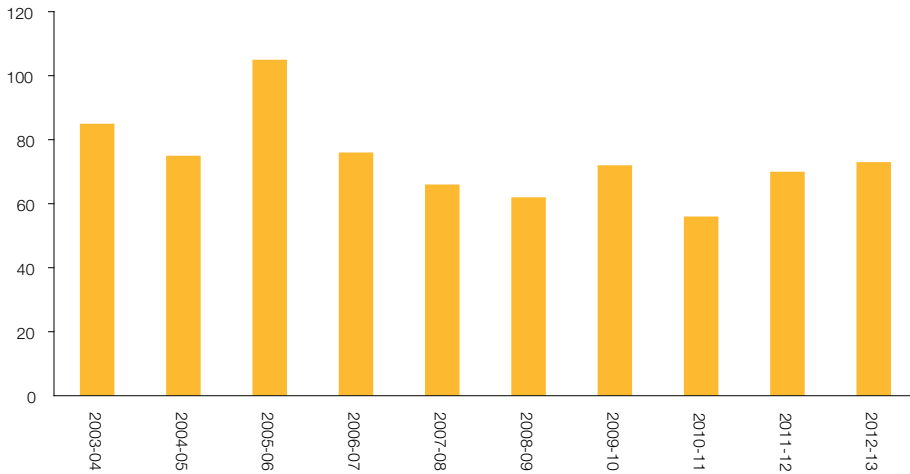
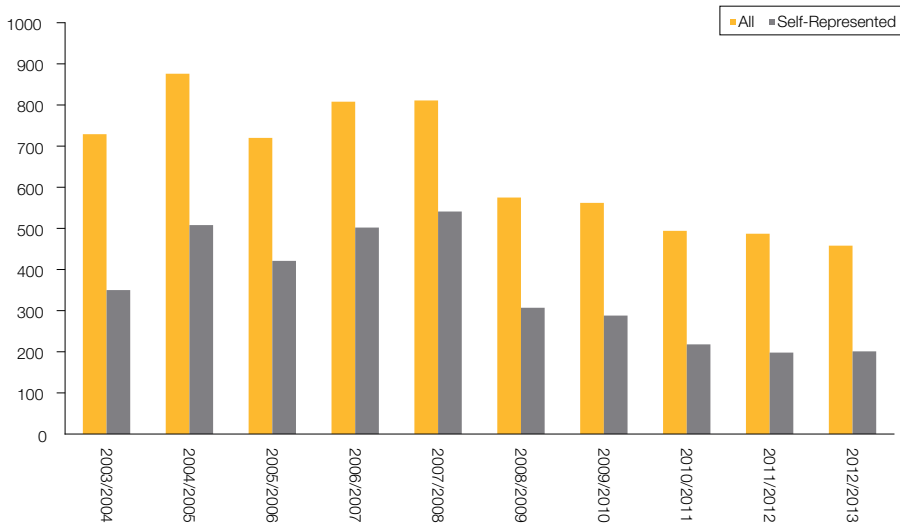


Table C. Applications for Special Leave Filed



Seventy five per cent of the immigration applications filed in 2012-13 were filed by self-represented litigants.

Fifty three per cent of the applications for leave or special leave to appeal decided by the Court during 2012-13 were determined on the papers, in accordance with the procedures in the High Court Rules 2004 governing the consideration of applications. Forty nine per cent of the applications for leave or special leave to appeal decided during 2011-12 were determined on the papers.

Constitutional Writs

The number of applications for constitutional writs filed in 2012-13 was 84. This is a decrease from the 170 applications filed in 2011-12. The decrease reflects the large number of applications filed in respect of immigration matters which were stood over pending the determination of four test cases. Those test cases were determined by the Court in September 2012 and most of the matters which had been stood over have now been determined.

The proportion of applications for constitutional writs involving immigration matters remained consistent with the 98 per cent during 2011-12 at 96 per cent in 2012-13. Table E illustrates the number of immigration matters as a proportion of applications for constitutional writs filed in the past 5 years.

Publication of Written Submissions

The Court has since January 2011 made available on the Court's website the written submissions filed on behalf of the parties in advance of Full Court hearings, in order to assist people interested in following the legal argument in cases and provide a broader picture of the Court's work.

This resource has proved popular, with a total of 128,139 hits on the cases index pages in the period. The individual case pages where the written submissions are loaded account for 21 per cent of the Court's website usage.

Table D. Immigration Matters as a Proportion of Civil Special Leave Applications Filed

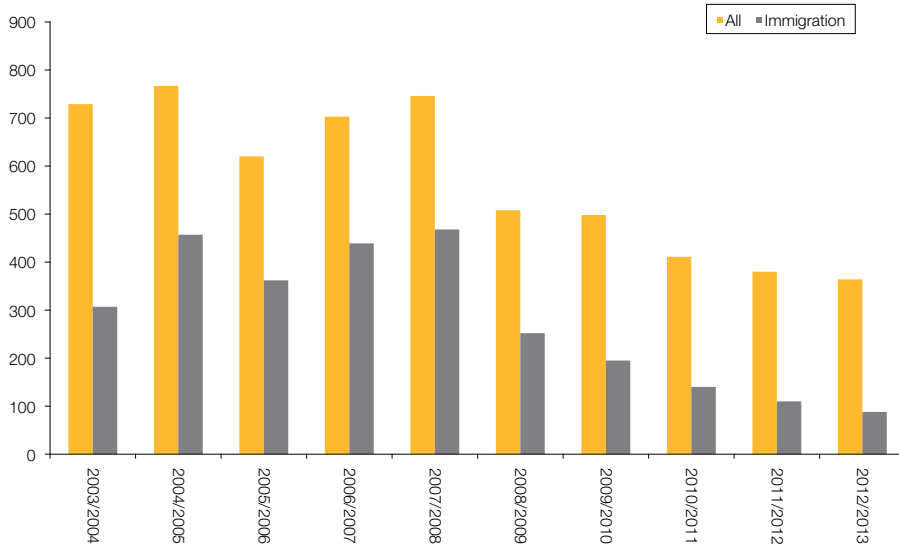
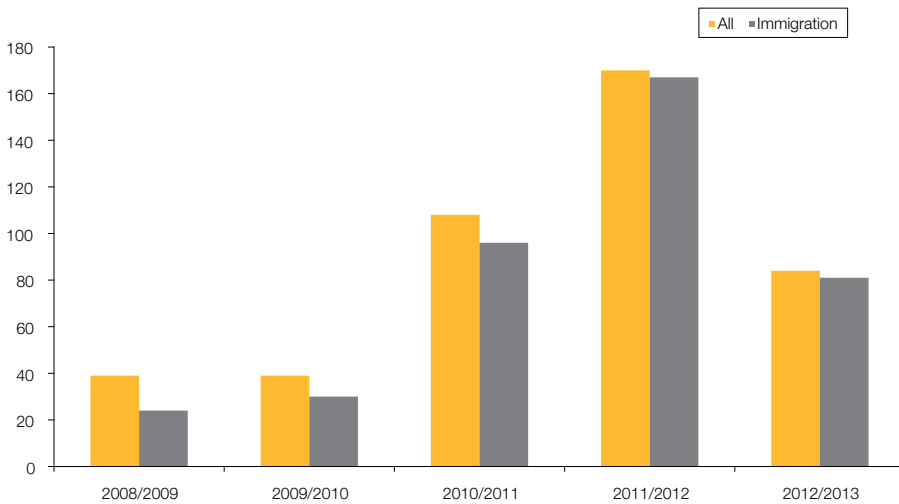


Table E. Constitutional Writs Filed



COURT FUNDING

In 2012-13 income including revenue from appropriations, amounted to \$16.451m and operating expenses were \$20.829m, resulting in a deficit of \$4.378m.

The Court does not receive appropriation funding for depreciation of non-financial assets. Unfunded depreciation totalling \$4.486m formed part of the Court's operating expenses in 2012-13, giving rise to the deficit.

The Court's underlying operating result (excluding unfunded depreciation) was a surplus of \$0.108m.

PUBLIC INFORMATION AND VISITOR PROGRAMS

The Court provides via its website very comprehensive information relating to the conduct of hearings – including case management timelines, written submissions, transcripts of oral arguments, judgments and judgment summaries (see <http://www.hcourt.gov.au/cases/current-cases-submissions> and <http://www.hcourt.gov.au/cases/cases-heard>). The Court will take the further step from October 2013 of making available, a few days after each hearing, an audio-visual recording of the hearing.

The Court's 'alert' systems covering judgments, case summaries, judgment summaries and publications, now has 20,000 subscribers.

During the year, the Court continued to develop its school visitor program, with around 35,000 pupils visiting the Court and receiving guided tours and presentations on the Court's constitutional and appellate role. The introduction of an on-line

tour booking system has improved the efficiency of the program and convenience to schools.

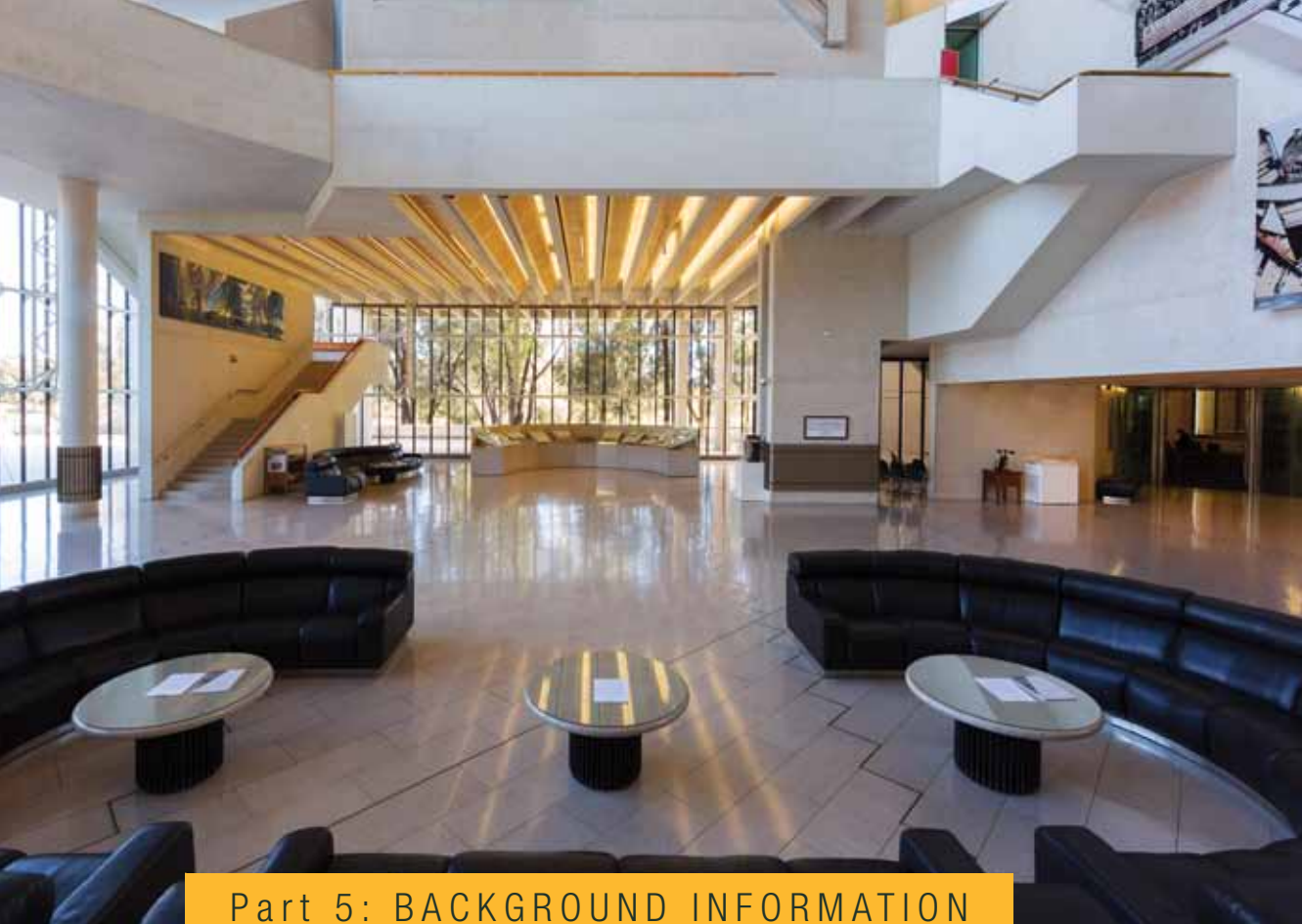
THE HIGH COURT BUILDING AND ITS PRECINCT

Major works to rectify structural and safety problems in the Court's western forecourt commenced on 22 May 2013. These works involve:

- removal of all of the current Casuarina trees and their replacement with trees of the same species;
- removal and replacement of substructures and paving tiles; and
- construction of retaining walls and landscaping.

The Eucalyptus tree planted by Her Majesty, Queen Elizabeth II during the official opening of the building on 26 May 1980, will be retained.

These works are expected to be completed in December 2013.



Part 5: BACKGROUND INFORMATION

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ESTABLISHMENT

The High Court of Australia has its origins in the Australian Constitution, section 71 of which provides that ‘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.’ *The Judiciary Act 1903* (Cth) regulates the exercise of the original and appellate jurisdiction of the Court. The Court was given the power to administer its own affairs by the *High Court of Australia Act 1979* (Cth).

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 if special leave is granted by the Court. Under the Constitution, the High Court is the final arbiter of 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 of the Full Court are 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 if warranted by the amount of business. When sitting in Sydney the Court uses the Sydney Law Courts Building. When sitting in Melbourne, Brisbane, Adelaide and Perth, the Court uses Commonwealth Law Courts buildings. In Hobart, facilities are available with the cooperation and assistance of the Tasmanian Supreme Court.

SEAT OF THE 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 in the Parliamentary Zone. The Court is forty metres tall, and consists of three courtrooms, Justices' chambers, the Court's Principal Registry, library, administrative wing and large Public Hall. Its total floor area, including car parks and patios, is approximately 29 400 square metres.

The Court was designed by architectural firm Edwards Madigan Torzillo and Briggs Pty Ltd, the winners of a national architectural design competition held in 1972–73. The builder was PDC Constructions (ACT) Pty Ltd. Construction costs totalled \$46.5m. The building was opened by Her Majesty Queen Elizabeth II on 26 May 1980.

APPOINTMENT OF JUSTICES OF THE COURT

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

- are appointed by the Governor-General in Council
- cannot be removed except by the Governor-General in Council on an address from both Houses of 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
- 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 Attorney-General shall, before an appointment is made to a vacant office of Justice of the Court, consult with the Attorneys-General of the states in relation to the appointment

- a person shall not be appointed as a justice unless:
 - he or she has been a judge of a court created by the parliament or of a court of a state or territory, or
 - he or she has been enrolled as a barrister or solicitor or as a legal practitioner of the High Court or of a Supreme Court of a state or territory for not less than five years
- a Justice is not capable of accepting or holding any other office of profit within Australia
- the Chief Justice and the other Justices shall receive salary and other allowances at such rates as are fixed from time to time by Parliament.

COMPOSITION OF THE COURT

The Justices of the High Court in 2012-13 and the dates they were sworn in, are as follows:

Chief Justice French AC	1 September 2008
Justice Gummow AC (retired 8 October 2012)	21 April 1995
Justice Hayne AC	22 September 1997
Justice Heydon AC (retired 28 February 2013)	11 February 2003
Justice Crennan AC	8 November 2005
Justice Kiefel AC	3 September 2007
Justice Bell AC	3 February 2009
Justice Gageler	9 October 2012
Justice Keane	5 March 2013

CHIEF JUSTICES AND JUSTICES OF THE COURT

There have been 12 Chief Justices and 44 Justices since the High Court was established in 1903, including the current members of the Court.

Three members of the Court – Sir Isaac Isaacs, Sir Ninian Stephen and Sir William Deane – resigned to be appointed to the office of Governor-General.

The name and years of service of each Chief Justice and High Court Justice are:

Chief Justices of the Court

Sir Samuel Walker Griffith 1903–19

Sir Adrian Knox 1919–30

Sir Isaac Alfred Isaacs 1930–31

Sir Frank Gavan Duffy 1931–35

Sir John Greig Latham 1935–52

Sir Owen Dixon 1952–64

Sir Garfield Edward John Barwick
1964–81

Sir Harry Talbot Gibbs 1981–87

Sir Anthony Frank Mason 1987–95

Sir (Francis) Gerard Brennan 1995–98

(Anthony) Murray Gleeson 1998–2008

Robert Shenton French 2008–

Justices of the Court

Sir Edmund Barton 1903–20

Richard Edward O'Connor 1903–12

Sir Isaac Alfred Isaacs 1906–30

Henry Bournes Higgins 1906–29

Sir Frank Gavan Duffy 1913–31

Sir Charles Powers 1913–29

Albert Bathurst Piddington 1913–13

Sir George Edward Rich 1913–50

Sir Hayden Erskine Starke 1920–50

Sir Owen Dixon 1929–52

Herbert Vere Evatt 1930–40

Sir Edward Aloysius McTiernan 1930–76

Sir Dudley Williams 1940–58

Sir William Flood Webb 1946–58

Sir Wilfred Kelsham Fullagar 1950–61

Sir Frank Walters Kitto 1950–70

Sir Alan Russell Taylor 1952–69

Sir Douglas Ian Menzies 1958–74

Sir Victor Windeyer 1958–72

Sir William Francis Langer Owen
1961–72

Sir Cyril Ambrose Walsh 1969–73

Sir Harry Talbot Gibbs 1970–81

Sir Ninian Martin Stephen 1972–82

Sir Anthony Frank Mason 1972–87

Sir Kenneth Sydney Jacobs 1974–79

Lionel Keith Murphy 1975–86

Sir Keith Arthur Aickin 1976–82

Sir Ronald Darling Wilson 1979–89

Sir (Francis) Gerard Brennan 1981–95

Sir William Patrick Deane 1982–95

Sir Daryl Michael Dawson 1982–97

John Leslie Toohey 1987–98

Mary Genevieve Gaudron 1987–2003

Michael Hudson McHugh 1989–2005

William Montague Charles Gummow
1995–2012

Michael Donald Kirby 1996–2009

Kenneth Madison Hayne 1997–

Ian David Francis Callinan 1998–2007

(John) Dyson Heydon 2003–2013

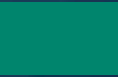
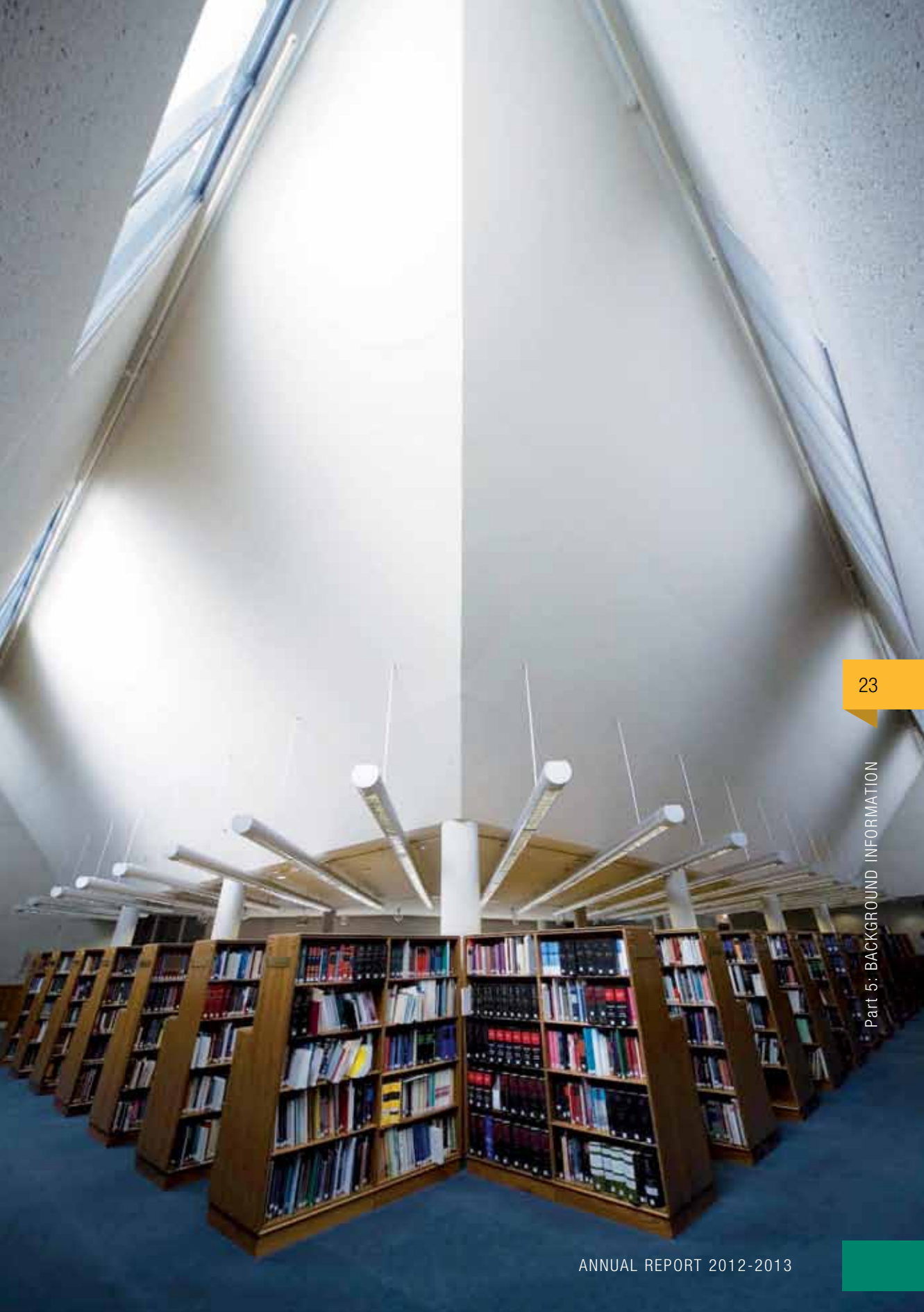
Susan Maree Crennan 2005–

Susan Mary Kiefel 2007–

Virginia Margaret Bell 2009–

Stephen John Gageler 2012–

Patrick Anthony Keane 2013–





Part 6: ADMINISTRATION

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OVERVIEW

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

The High Court's executive team comprises the Chief Executive and Principal Registrar, the Senior Registrar, the Court Librarian, the Manager Corporate Services and the Senior Executive Deputy Registrar.

CHIEF EXECUTIVE AND PRINCIPAL REGISTRAR

Section 18 of the *High Court of Australia Act 1979* (Cth) provides for the appointment by the Governor-General, upon the nomination of the Court, of the Chief Executive and Principal Registrar of the High Court. The Chief Executive and 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)).

The current Chief Executive and Principal Registrar, Mr Andrew Phelan, was originally appointed to the position on 20 July 2007 and was reappointed for a further five years from 20 July 2012.

The Chief Executive and 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)).

The Chief Executive and Principal Registrar 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 and Principal Registrar shall comply with any directions given to him or her by the Court (section 19(7)).

OFFICERS AND EMPLOYEES

The Chief Executive and Principal Registrar may appoint such other officers and engage other employees as the Court considers necessary for the purposes of the Court (section 26(1) and (3)). The Court determines the terms and conditions of employment, including remuneration and allowances (section 26(4)). Employees of the High Court are not covered by the *Public Service Act* 1999 (Cth). Further information about officers and employees of the Court is provided in the organisation chart following, in the Human Resources Management section of this Part below, and in Annexure B.

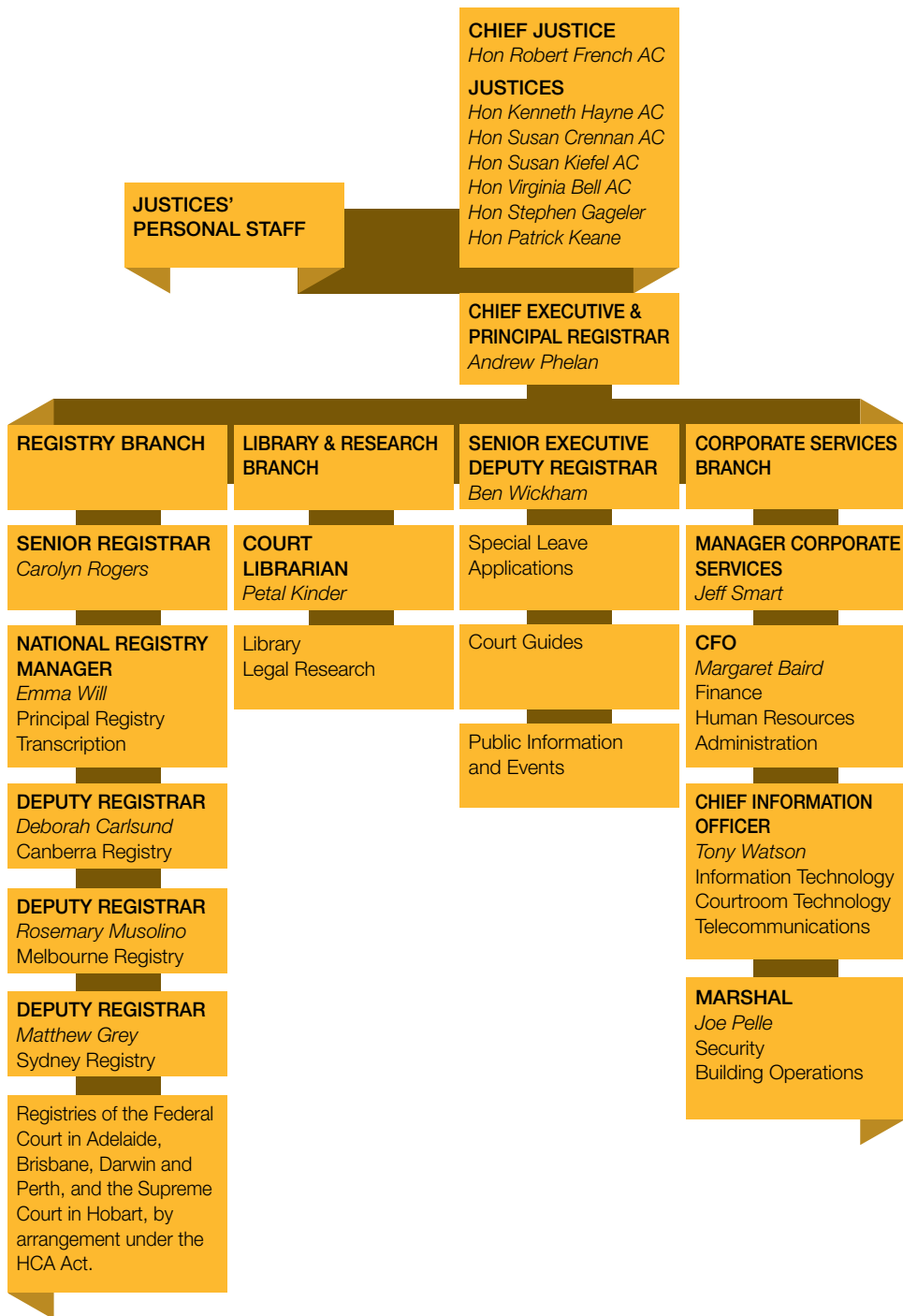
EXTERNAL SCRUTINY

Section 42 of the *High Court of Australia Act* 1979 (Cth) 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 Act provides for the Auditor-General annually to 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. During 2012–13 the Auditor General did not conduct any performance audits involving the Court. Results of the Auditor General's audit of the Court's 2012–13 financial statements, which can be found at Part VII of this report, were reported to the Attorney-General on 9 September 2013. The report was unqualified and there were no significant issues arising from the audit.

Section 47 of the 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

HIGH COURT OF AUSTRALIA ORGANISATIONAL CHART AS AT 30 JUNE 2013



with financial statements in respect of that year in such form as the Finance Minister approves. The Court's *Annual Report 2011–12* was submitted to the Attorney-General in November 2012 and it was presented to the Parliament in late November 2012.

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. 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/HCATrans/>, 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 349 individual transcripts, containing 5892 pages, were produced by the Court reporting service during 2012–13. This is consistent with the number of transcripts produced by the Court reporting service during 2011–12.

When the Court delivers judgments, copies are 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) Regulation 2012, 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 2883 new practitioners were added to the register in 2012-13.



JUDICIAL WORKLOAD

Cases filed

Comparisons of the number of cases filed in each Registry and the categories of cases filed during 2011-12 and 2012-13 are provided in Table F.

The number of cases filed decreased this year, with a total of 618 cases filed compared with 728 cases filed in 2011-12. The proportion of special leave applications filed by self-represented litigants during 2012-13 was 44 per cent compared with 41 per cent during 2011-12.

In 2012-13, 50 per cent of the cases 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 26 per cent of total filings. The Registry in Canberra processed cases filed in Canberra, Brisbane, Darwin and Perth, accounting for 24 per cent of all filings.

Cases decided

Table G compares the number of cases and categories of cases decided by the Court during 2011-12 and 2012-13.

Pending cases

The number of cases pending in the Court at 30 June 2012 is recorded in Table H. The decrease in cases pending in the Sydney Registry this year reflects a large number of applications for constitutional writs filed in that Registry in immigration matters in the last period, most of which

were stood over to await the determination of four test cases. The decision in those test cases was handed down in September 2012, and most of those matters which were stood over have now been determined.

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 122 cases were commenced in the original jurisdiction of the Court, compared with 193 in 2011-12. The decrease in cases pending in the Sydney Registry this year reflects the finalisation of a large number of applications for constitutional writs which were stood over pending the outcome of four immigration test cases.

Cases commenced in the original jurisdiction 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 2012-13, the Full Court delivered judgment in 15 cases filed in the original jurisdiction.

Table F. Cases filed: by Registry

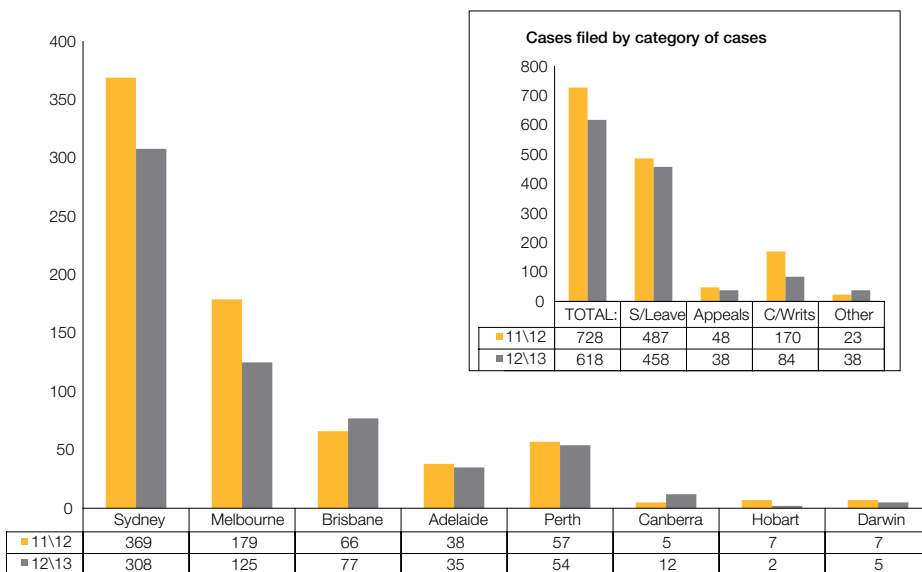


Table G. Cases decided: by Registry

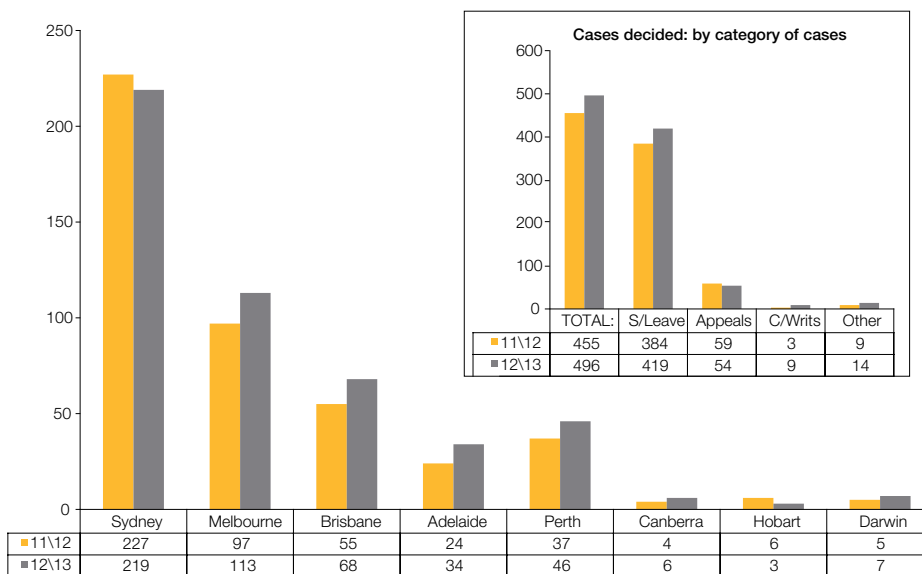


Table H. Pending Cases: by Registry

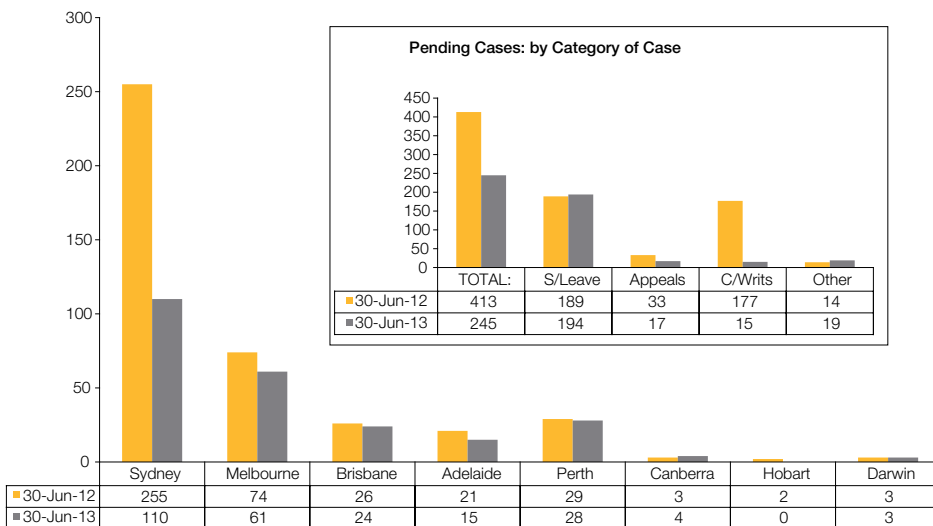
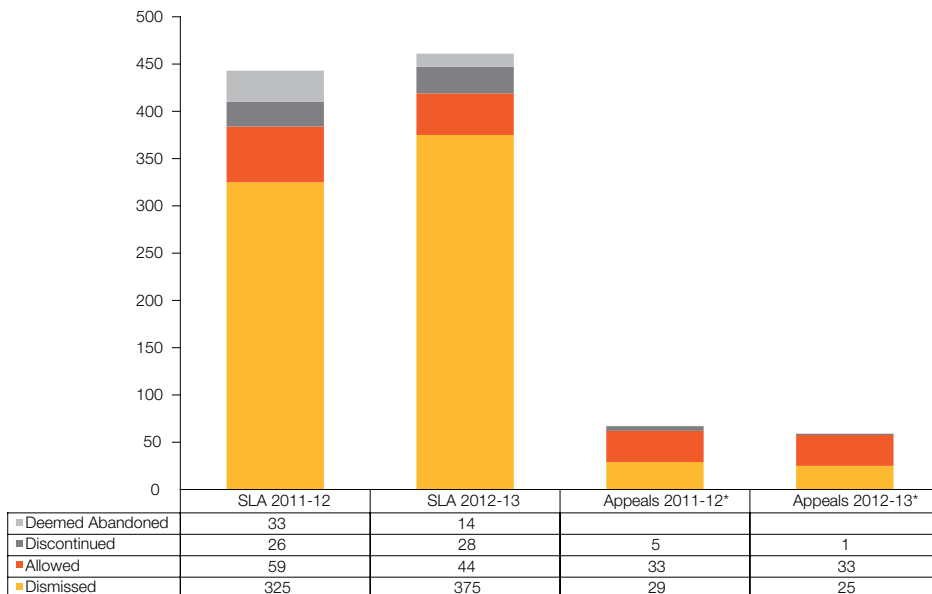
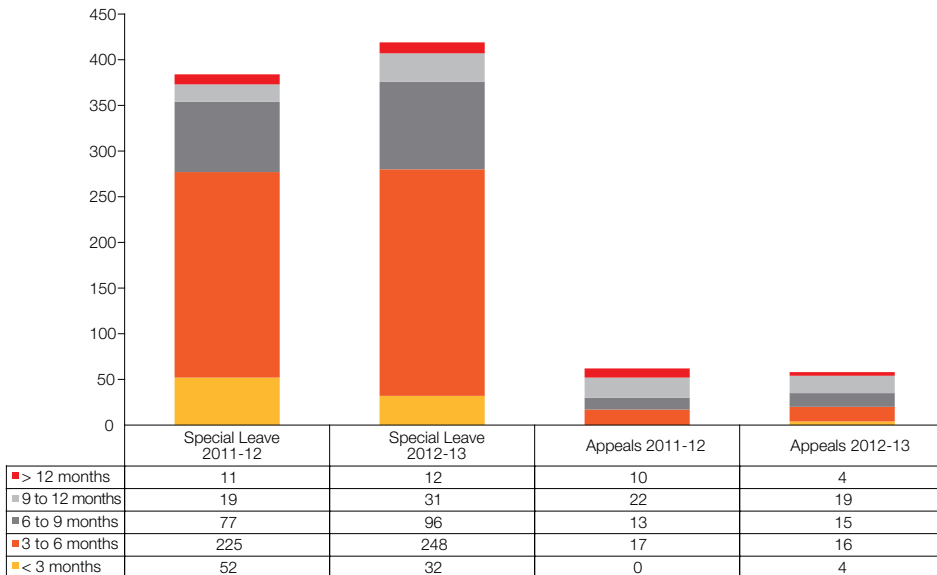


Table I. Means of determination: Applications and Appeals



(*deemed abandonment provisions only apply to special leave applications and do not apply to appeals).

Table J. Time for Determination: Applications and Appeals



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 often determined by a single Justice or remitted to another Court for determination. There were no election petitions filed during the reporting year.

Appellate cases finalised

Table I compares how appellate cases were finalised during 2011-12 and 2012-13.

There were 10 applications for special leave referred to the Full Court to be argued as if on appeal in 2012-13. Nine of these matters have now been heard and judgment given. The determination figures have been adjusted to reflect those final outcomes.

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. Fifty three per cent of the applications decided in 2012-13 were finalised without an oral hearing, compared with 49 per cent in 2011-12.

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. Table J compares the periods of time taken for cases filed in the appellate jurisdiction of the Court during 2011-12 and 2012-13 to be determined.

Ninety per cent of the applications for leave or special leave to appeal and 60 per cent of the appeals decided by the Court during the reporting year were completed within nine months of filing. The figures for 2011-12 were 92 per cent and 48 per cent respectively.

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 2012-13 the Court made the following Rules of Court:

- Legislative Instrument F2012L01740 on 16 August 2012 – Annual sittings of the High Court

- Select Legislative Instrument No 253 of 2012 on 6 November 2012 – Amendment to Schedule 2 (Costs)
- Select Legislative Instrument No 107 of 2012 on 4 June 2013 – Amendment to bring the High Court Rules into conformity with the new Part XAB of the *Judiciary Act* 1903.

Court fees and charges

Fees and charges in the High Court form an integral part of litigation costs and are prescribed by regulation 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 provided in Schedule 1 of the *High Court of Australia (Fees) Regulation* 2012. Prior to January 2013 the fees and charges were prescribed by the *High Court of Australia (Fees) Regulations* 2004.

Exemptions (prior to 1 January 2013 reduced fees)

Regulation 11 of the *High Court of Australia (Fees) Regulation* 2012 provides that persons in receipt of legal aid, persons who hold a concession card issued by Centrelink or the Department of Veterans' Affairs, persons in public detention, children under the age of 18, persons in receipt of youth allowance, an Austudy payment or in receipt of benefits under the ABSTUDY scheme and persons granted assistance under Part II of the *Native Title Act* 1993 are eligible for a full exemption from paying filing and hearing fees associated with the proceedings in the High Court. (In the period July to December 2012 litigants in these categories were eligible, under the *High*

Court of Australia (Fees) Regulations 2004, to pay a reduced fee of \$100 per proceeding.)

Waiver of fees

A person liable to pay a filing fee or a 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 was one refusal to waive a fee in the reporting period.

During the reporting year 604 cases attracting a filing fee and/or hearing fees were filed in the Court. Of these, 258, or 43 per cent, of cases were eligible for an exemption from paying fees (or, for the period July to December 2012, payment of a reduced fee). In addition, the Registrar waived payment of two-thirds of the fee in 122, or approximately 20 per cent, of cases. The filing fees and hearing fees foregone in these 380 cases for the entire period amounted to \$609 557. The composition of this total is shown in the following tables.

RECORD OF NON-PAYMENT OF FEES 2012-13

July to December 2012 *High Court of Australia (Fees) Regulations 2004*

Reasons for non-payment	Regulation	No.	Amount (\$)
Legal Aid (reduced fee)	9(1)(a)	11	\$10 331
Holder of a concession card (reduced fee)	9(1)(b)(i) & (ii)	58	\$118 241
Prison inmate or person in lawful detention (reduced fee)	9(1)(b)(iii)	60	\$89 406
Child under the age of 18 years (reduced fee)	9(1)(b)(iv)	0	\$0
Youth allowance or Austudy payment recipient (reduced fee)	9(1)(b)(v)	0	\$0
ABSTUDY recipient (reduced fee)	9(1)(b)(vi)	0	\$0
Financial hardship (waiver of two-thirds fee)	10	76	\$111 269
TOTAL		205	\$329 247



January to June 2013 *High Court of Australia (Fees) Regulation 2012*

Reasons for non-payment	Regulation	No.	Amount (\$)
Legal Aid (exemption)	11(1)(a)	14	\$15 450
Holder of a concession card (exemption)	11(1)(b)	63	\$148 215
Person in public detention (exemption)	11(1)(c)	52	\$42 015
Child under the age of 18 years (exemption)	11(1)(d)	0	\$0
Youth allowance, Austudy payment recipient or ABSTUDY recipient (exemption)	11(1)(e)	0	\$0
Recipient of assistance under <i>Native Title Act 1993</i> (exemption)	11(1)(f)	0	\$0
Financial hardship (waiver of two-thirds fee)	12	46	\$74 630
TOTAL		175	\$280 310

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 2004* 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

The Court has a Library Committee, which is chaired by Justice Hayne AC and includes Justice Crennan AC, Justice Keane, the Chief Executive and Principal Registrar and the Court Librarian.

The functions of the Library and Research Branch are to:

- assemble and maintain collections to assist the Court in its work
- provide high quality reference and research services to the Court
- provide library facilities to legal practitioners appearing before the Court
- publish bulletins to inform the legal profession and the public about progress in cases before the Court
- maintain links with other libraries and information sources to supplement the reference and research material in the Court's collection
- devise and implement systems supporting reference and research services.

Library Materials Budget

The library's acquisitions and subscription costs remained within budget during the

year. Subscription rates, particularly for on-line subscriptions, have continued to rise above rates of inflation, although these were moderated to some extent by the relative strength of the Australian dollar during the year.

Reference and Research

Legal Research Officer

During the year the Legal Research Officer undertook research and analysis on a variety of legal issues at the direction of the Justices and the Chief Executive and Principal Registrar. The Legal Research Officer also produces the *High Court Bulletin*, which provides information to the public about cases before the Court, and the *Overseas Decisions Bulletin*, which provides information to the Justices about relevant decisions from overseas jurisdictions.

Authorities

The Library is responsible for the coordination, production and distribution of Authorities relied upon by counsel during oral argument in Court for Canberra sittings. During the year, the library provided authorities to the Justices for 47 hearings.

This year Library staff provided fully searchable and paginated electronic copies of all authorities for use by the Justices and their associates, together with printed copies of material not held in chambers. From early 2013, the Legislation Officer has coordinated the provision to Chambers of full copies of legislation considered relevant to forthcoming cases by the Legal Research Officer.

Reference Services

Library staff assist with reference and research queries from the Justices and their staff. These can range from providing a case or early colonial act to researching legislative history. Reference and research assistance is also provided to Counsel when they appear before the Court.

Inter-library Loans

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

Collection development and organisation

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	Number of volumes
Level 9	44 250
Level 8	62 817
Bar Library	16 444
All Canberra chambers	19 728
Level 7	6 186
Total	149 425
Acquisitions	
Books purchased	350
New print subscriptions	1
New online subscriptions	8

Library Systems and Services

Library Management System

The current Integrated Library System (ILS) was purchased in 2002 and it is timely to review the system and look to the procurement of an upgrade or a new ILS. Analysis of future requirements for the Court in conjunction with current trends in library systems is underway.

Library Current Awareness

The library provides a range of current awareness publications to ensure the Court is kept abreast of current news and legal issues.

In 2012 the library introduced a current awareness blog, on the Court's intranet, which is updated daily. Content varies from advice on new or updated services in the library to topical legal issues, both national and international, that are of interest to the Court.

A daily media service covers newspaper, radio and internet articles that are relevant to the Court.

Publications alerting the Court to new resources received in the library include a weekly publication of journal contents and a monthly list of new books and electronic resources which is available on the Court's website. An alert advising of the reporting of High Court judgments is updated as the judgments are published.

The Library compiles a listing of speeches and publications by current and former Justices of the Court. The listing also includes brief biographical information and articles written about the Justices.

Library Web Publications

Traditionally, the Library makes two of its publications publicly available: the *High Court Bulletin* with its full archive is published on the AustLII website and the BarNet website, and the *New Library Books*, published on the Library section of the Court's website. The *High Court Bulletin* is also available in both PDF and RTF formats on the Court's website. Alerts are published for both of these publications enabling the legal profession and wider public to subscribe to these services.

Special Projects

The library has worked on a number of digitisation projects this year. These projects will ensure the preservation of fragile historical material and will provide Court staff with access to these resources in the future. A digital repository has been developed for this purpose and will house different types of library and Court documents.

A collection of historic newspaper cuttings has been scanned and will be stored in the digital repository. Creation of metadata for this material will be an ongoing task. This digitised material will preserve a valuable record of the Court's history.

A set of Sir Robert Gordon Menzies' personal notebooks, which were kindly donated to the Court by his family, have been digitised and will be placed in the digital repository.

Binding of Bills and Explanatory Memoranda

The Binding of Bills and Explanatory Memoranda project involves the binding of loose Australian bills and explanatory memoranda into bound volumes for each Parliamentary session. This is done to prevent the loss of material and facilitate retrieval. Twenty-four volumes were bound during the year. These volumes cover the period 1940-54. Work continues concurrently on binding old bills and explanatory memoranda, some of which are very fragile, and more recent bills and explanatory memoranda. The continuation of this project will ensure that an important, comprehensive resource on Australian legislation will be available to the Court.

High Court Judgments

High Court judgments, covering the period 1948-2013, have been placed in a digital repository and will be available on the High Court website in 2014. Work continues to finalise metadata for the judgments and search functions of the repository.

Volumes 1- 100 of Commonwealth Law Reports have been digitised by Jade BarNet who has worked closely with the High Court library during this project. The material from the 1-100 Project has been provided to the Court by Jade BarNet and will be made available on the Court's website.

Further collaboration with Jade BarNet involved work to digitise a collection of unreported judgments and ceremonial speeches. On completion the collection will be made available on the High Court website.

Activities of the Court Librarian

The Court Librarian, Ms Petal Kinder, as President of the International Association of Law Libraries (IALL) attended and spoke at the 31st Annual Course of International Law and Legal Information in Toronto, Canada in September 2012. In this capacity she attended and presided at two IALL Board Meetings held in conjunction with the conference, and was invited to attend the American Association of Law Libraries (AALL) Conference held in Boston in July 2012.

CORPORATE SERVICES

Corporate Services comprises the financial, human resources, information technology, security and building operations for the Court.

Finance Committee

The Court has a Finance Committee which:

- reviews and, where appropriate, makes recommendations to the Court on Court budgets
- monitors and reports to the Court on expenditure against budgets
- reviews and adopts annual financial statements prior to their signing by the Chief Executive and Principal Registrar
- reviews and advises where necessary on processes for identifying and managing financial business risks, including appropriate risk management, audit and fraud control frameworks
- considers building strategies and projects.

The Finance Committee is chaired by Chief Justice French AC and includes Justice Hayne AC, Justice Kiefel AC and the Chief Executive and Principal Registrar. It met regularly during the year.

Internal Audit

The Court's internal audits are performed by a contracted auditor.

Risk management

During 2012–13 the Court:

- reviewed the work, health and safety risk assessment
- assessed and considered risks for building projects
- improved the contractor induction process

Fraud control

The Court's Fraud Risk Assessment and Fraud Control Plan were updated in 2011-12.

There was one reported allegation of fraud during 2012–13. The Court referred this matter to the Australian Federal Police for investigation.

Financial management

The Court's estimates for 2012–13 were reported in the Attorney-General's Portfolio Budget Statements.

Justices' remuneration and allowances are paid out of a Special Appropriation. Payments are made by the Attorney-General's Department using a drawing right on a Special Appropriation administered by

the Australian Public Service Commission and do not form part of the Court's financial statements in Part VII.

From 1 July 2012, the Court's annual departmental appropriation was reduced due to changes in the management and funding of Commonwealth Law Courts buildings. There was a corresponding reduction in the Court's expenses.

Financial results

In 2012–13 the Court received an operating appropriation of \$13.401m and incurred an operating surplus, excluding unfunded depreciation expenses, of \$0.108m.

In 2012–13 the Court received an equity injection of \$3.870m including departmental capital budget.

The audited financial results for 2012–13 are in Part VII.



Consultants

During 2012–13 the Court entered into 13 consultancy contracts with a total value of \$268 980 (including GST).

Contracts with a total value of \$10 000 or more (including GST) were:

Name	Description	Contract Price
Australian Valuation Office	Revaluation of land, buildings and plant and equipment	11 400
Protiviti Pty Limited	Internal audit services	152 000
Integrated media Pty Ltd	Court technology upgrade	50 000
Caval Limited	Advice on library management system	26 752
Total		\$ 240 152

Contract management

During 2012–13 the Court entered into a contract for building and landscape work in the High Court precinct. As the contract value was greater than \$1m, the Court sought and received approval from the Attorney-General prior to executing the contract.

The Court sought advice from the Australian Government Solicitor in drafting contracts during 2012-13.

HUMAN RESOURCE MANAGEMENT

Terms and conditions of employment

High Court employees are employed under the *High Court of Australia Act 1979* (Cth). Section 26(4) of that Act provides for the terms and conditions of Court employees to be determined by the Court. These terms and conditions are generally similar to those applying in the Australian Public Service. No High Court staff member received performance pay during 2012–13.

Staffing overview

Tables giving an overview of the numbers of employees in full time, part time and casual employment and the composition by gender and salary classification are at Annexure B.

Training

The Court continues to provide a comprehensive first day induction program. In the course of 2012-13 the Court provided training in communication, fraud awareness and work, health and safety.

Work health and safety

Throughout 2012-13 the Court reviewed and updated work health and safety policies and procedures.

An internal audit of compliance with the *Work Health and Safety Act 2011* concluded that the Court's framework and controls were adequate to ensure compliance and identified opportunities for improvement.

During 2012–13 the Work Health and Safety (WH&S) Committee met four times. This Committee provides an opportunity for employees to raise any issues about personal and workplace safety. Designated Workplace Representatives are encouraged to consult within their areas prior to and after Committee meetings.

Information about the Court's health and safety arrangements, WH&S Committee minutes and a register of issues can be accessed by employees from the Court's intranet.

The Court arranged WH&S training in 2012-13 for:

- safe mail opening procedures
- first aid
- hazardous substances
- manual handling
- induction for construction work (white card)

Other initiatives undertaken during 2012–13 to promote the health, safety and welfare at work of employees, contractors and visitors included:

- influenza vaccinations
- workstation assessments
- participation in the Global Corporate Challenge Programme aimed at promoting healthy levels of physical activity
- onsite medical checks for staff
- review and upgrading of first aid and exit signage throughout the Court
- encouraging staff to use services provided by the Court's employee assistance provider

During 2012–13 there were:

- no incidences that required the Court to provide information to Comcare under section 68 of the *Occupational Health and Safety Act* 1991 (Cth) or section 36, 37 and 38 of the *Work Health and Safety Act* 2011 (Cth);
- seven minor incidents (the Court has put in place changes or modifications to mitigate the risk of a re-occurrence of the incidents);

There were no workers compensation claims made during 2012-13.

As at 30 June 2013 there were:

- three continuing workers compensation claims that relate to an injury prior to 1 July 2012
- no continuing workers compensation claim for an injury reported in 2012–13
- No safety issues notified to the OH&S Committee which were unresolved

INFORMATION TECHNOLOGY

Information Technology (IT) Committee

The Court has an IT Committee which oversees and guides, at a strategic level, the use of information and communications technology within the Court.

The IT Committee is chaired by Justice Hayne AC and includes Chief Justice French AC, Justice Gageler and the Chief Executive and Principal Registrar. It met regularly during the year.

Courtroom technology replacement

During 2012-13 the Court completed the replacement of its video reticulation system based on Internet Protocol Television (IPTV), which provided the flexibility to install further video monitors in additional locations in the Court building.

A consultancy report was completed on the replacement of courtroom technology, providing a roadmap for replacing and upgrading the current technology. Work on the implementation of the roadmap will be undertaken in 2013-14.

Some long-standing issues in the Sydney courtroom were resolved during the year after a review by consultants and detailed on-site fault remediation.

Planning to upgrade the Court's transcription software was finalised. This project will be completed in 2013-14.

Network security, filtering, and capacities

New appliances were installed to protect the Court's network and to provide improved filtering for web content and spam-control. These appliances have greater processing capacity and more integrated control features.

Servers and Server room

Planning and initial implementation has been completed to install Active Directory services as part of a larger project to upgrade the backend servers for the Court.

Planning has commenced to consider replacing the hardware server that supports the Library's Integrated Management System.

Significant planning has been completed and a detailed proposal has been received to relocate the server room on the same level as the existing room.

Other IT Projects

Other IT projects undertaken in 2012-13 included:

- upgrading wide-area network links to Brisbane and Perth offices
- preparing a Disaster Recovery Plan for the Court's ICT infrastructure

Contracts

During 2012-13 the Court used whole of government contracts to achieve cost savings for national long distance calls, mobile charges, multifunction devices and printers.

BUILDING OPERATIONS

Rectification of safety and structural issues

In the May 2010 Commonwealth Budget, the Court received \$4.5m in capital funding to address significant occupational health and safety and structural issues in the High Court building forecourt, surrounding precinct and cascade waterfall.

Projects completed using these funds include:

- repair and upgrade of the cascade waterfall;
- design and construction of a new connecting pathway between the

National Portrait Gallery and the High Court;

- repairs to the amphitheatre; and
- installation of glass balustrades at various parts of the forecourt to address safety risks.

In December 2011 the House of Representatives and the Senate passed resolutions supporting plans to rectify safety and structural issues with the western forecourt. The Court subsequently received works approval from the National Capital Authority. After a detailed design process and a publicly advertised procurement, work commenced in May 2013 and is expected to be completed in December 2013. This project includes replacing the original *Casuarina cunninghamiana* trees with the same species.

Other projects during 2012-13 included:

- repair and upgrade of the western forecourt steps, handrail and glass balustrade; and
- design work to increase the height of internal building balustrades and handrails.

Removal of asbestos containing material

A non-destructive asbestos survey conducted in 2009 included a recommendation to remove asbestos-containing air conditioning reheat units. Air quality testing confirmed that there was no immediate safety concern. It is anticipated that units on the last level will be removed in 2013-14.

Contractors identified asbestos material when repairing toilet facilities on level three. A licensed asbestos removalist removed this material consistent with the *Code of Practice for the Safe Removal of Asbestos*.

During 2012-13 the Court continued the program to replace asbestos-containing fire doors.

The Court's Asbestos-Containing Material Register was updated to record these activities.

Building security

During 2012-13 the Court had an agreement with the Australian Federal Police for Protective Security Officers to be present in the Court building during Canberra court sitting days.

High Court art collection

During 2012-13 the Court conserved and rehung photographs of retired Justices on Level two.

Other building projects

Other building projects undertaken in 2012-13 included:

- refurbishing timber panels at the rear of Courtrooms One and Two
- building Chambers for Justice Keane in the Brisbane Commonwealth Law Courts Building
- replacing the Court building boilers and domestic hot water unit
- installing accessible toilets

PUBLIC INFORMATION AND VISITOR PROGRAMS

Public Information Committee

It is important for members of the public to understand why the independent exercise of judicial power is essential to the maintenance of the rule of law in Australia's constitutional democracy. The Court, under broad directions set by the Court's Public Information Committee, contributes to public education through the extensive information on its website, by maintaining appropriate communications with the media, and by offering specialised educational programs and activities in the High Court building in Canberra. The Committee is chaired by Justice Kiefel AC and includes Chief Justice French AC, Justice Bell AC and the Chief Executive and Principal Registrar.

The High Court makes available, via its website, an array of information about the work of the Court. This includes transcripts of hearings, judgments, case summaries, judgment summaries, special leave dispositions, the *High Court Bulletin*, business and court lists, speeches by present and former Justices, and information about the art and architecture of the building.

Activities

During 2012–13 the Committee's priority was to enhance the provision and accessibility of information about the work of the Court and to encourage the use of the High Court building as a civic space. Activities included:

- the creation of subscription services which alert subscribers to upcoming judgments, case summaries, judgment summaries and publications, with approximately 20,000 subscribers to these services;
- the completion of a new documentary on the High Court, its history, role and the architecture of the building. This documentary is on permanent display in the Public Hall and is available on the Court's website;
- The continued development and training of the Court Guide team, which conducts tours of the High Court building and its courtrooms, and provides information to visitors and school groups on the role, history and architecture of the Court;
- the publication of an Information Publication Plan under the *Freedom of Information Act 1981* (Cth);
- two lectures in the ongoing High Court Public Lecture series:
 - on 14 November 2012, Professor Anne Twomey, University of Sydney, presented a lecture, chaired by Justice Heydon AC, entitled "The Unrecognised Reserve Powers"; and
 - on 10 April 2013, Dr Gerard Carney presented a lecture, chaired by Justice Kiefel AC, entitled "The Story Behind the Land Boundaries of the Australian States – A Legal and Historical Overview";

- Chief Justice French AC presided over the Sir Harry Gibbs Constitutional Law Moot Grand Final;
- Justice Heydon AC presided over the Jessup Moot Grand Final and the Court hosted the official dinner for competitors;
- hosting the official dinner for the National Schools Constitutional Convention, with delegates being welcomed by Justice Gageler;
- Justice Gummow AC launched the 1-100 project, a project which makes available the first 100 volumes of the Commonwealth Law Reports in digital form;
- the ACT Chapter of the Australian Institute of Architects and the Canberra International Music Festival hosted another 'Amazing Space' concert in the Public Hall on 13 May 2013, with the public areas of the Court being utilised by different performers, including renowned didgeridoo player William Barton, Synergy Percussion and Taikoz while architect Mr Ross Feller spoke before the concert about the design of the High Court building and its place in Australian architectural history;
- Chief Justice French AC provided educational talks to visiting groups of students from the Universities of Michigan and Alabama.

An important priority for the Court this year was to utilise the Public Hall and its wonderful acoustics for Sunday concerts in conjunction with the Musical Offering, a series of free performances forming part of the Centenary of Canberra. Throughout the year, over 30 concerts were held with

performances by local and national choirs and musical groups, arranged by Dr Don Aitkin AO.

The Court supports the hosting of exhibitions and other events by embassies and cultural communities in its Canberra building. Exhibitions held in 2012–13 included:

- 'Accessible Arctic' photographic exhibition, presented by the High Commission of Canada;
- the Canberra Institute of Technology Graduate Photographic Exhibition; and
- the International Committee of the Red Cross 150th Anniversary Photographic Exhibition.

Visitor numbers

During 2012–13 approximately 35,000 school students received guided tours of the Court and presentations on its constitutional and appellate role. There were approximately 35,000 additional visitors to the High Court's Canberra building during the year.

Links and visits

The Court maintains links with a wide range of international and domestic visitors and their hosts in embassies, universities, government agencies and other organisations. Public and private events engage both visitors and hosts with the work of the Court.

During 2012–13, 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, court administrators, parliamentarians, government officials, lawyers and law students from Canada, Indonesia, Thailand,

Singapore, Bangladesh, New Zealand, the People's Republic of China, the United States, Sweden, Hong Kong, Papua New Guinea and Mongolia.





Part 7: FINANCIALS STATEMENTS



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INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Report on the Financial Statements

I have audited the accompanying financial statements of the High Court of Australia for the year ended 30 June 2013, which comprise: a Statement by the Chief Executive and Chief Financial Officer and Principal Registrar; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income; Administered Cash Flow Statement and Notes comprising a Summary of Significant Accounting Policies and other explanatory information.

Chief Executive's and Principal Registrar's Responsibility for the Financial Statements

The Chief Executive and Principal Registrar of the High Court of Australia is responsible for the preparation of financial statements in accordance with the form required by the Finance Minister under sub-section 47(1) of the *High Court of Australia Act 1979*. The form approved by the Finance Minister is Schedule 1 to the *Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2011)* - the Finance Minister's Orders. Schedule 1 incorporates by reference Australian Accounting Standards. The Chief Executive and Principal Registrar is also responsible for such internal control determined to be necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit 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 about 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 High Court of Australia's preparation of the financial statements that give a true and fair view 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 the High Court of Australia's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Chief Executive and Principal Registrar of the High Court of Australia 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 my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

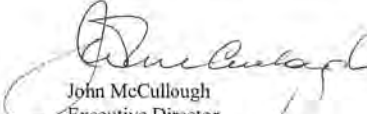
Opinion

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 accounts and records;
- (c) have been prepared in the form of 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 matters required by the Finance Minister's Orders, including High Court of Australia's financial position as at 30 June 2013 and of its financial performance and cash flows for the year then ended.

Further, in my opinion, the receipt, expenditure and investment of monies, and the acquisition and disposal of assets by the High Court of Australia during the year ended 30 June 2013, have been in accordance with the *High Court of Australia Act 1979*.

Australian National Audit Office



John McCullough
Executive Director
Delegate of the Auditor-General

Canberra
09 September 2013

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HIGH COURT OF AUSTRALIA
STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER

The financial statements of the High Court of Australia for the year ended 30 June 2013 have been prepared as required by section 47(1) of the *High Court of Australia Act 1979* (Cth) and include:

Statement of Comprehensive Income;

Balance Sheet;

Statement of Changes in Equity;

Cash Flow Statement;

Schedule of Commitments;

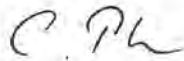
Administered Schedule of Comprehensive Income;

Administered Cashflow; and

Notes to and forming part of the Financial Statements.

In our opinion, the attached financial statements for the year ended 30 June 2013 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*, as amended.

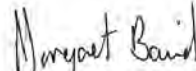
In our opinion, at the date of this statement, there are reasonable grounds to believe that the Court will be able to pay its debts as and when they become due and payable.



Andrew Phelan
Chief Executive & Principal Registrar
High Court of Australia

Date of signing

9 September 2013



Margaret Baird
Chief Financial Officer
High Court of Australia

Date of signing

9 September 2013.

High Court of Australia
Statement of Comprehensive Income
for the period ended 30 June 2013

	Notes	30 June 2013 \$	30 June 2012 \$
EXPENSES			
Employee benefits	3A	8,175,979	8,203,971
Suppliers	3B	8,066,990	8,181,770
Depreciation and amortisation	3C	4,486,984	4,412,954
Write-down and impairment of assets	3D	99,302	3,355,733
Losses from asset sales	3E	-	3,130
Total expenses		<u>20,829,255</u>	<u>24,157,558</u>
LESS:			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	176,109	183,259
Interest	4B	577,313	681,660
Other revenue	4C	148,874	61,675
Resources received free of charge	4D	2,145,474	1,306,053
Total own-source revenue		<u>3,047,770</u>	<u>2,232,647</u>
Gains			
Sale of assets	4E	1,007	-
Other gains	4F	900	564,729
Total gains		<u>1,907</u>	<u>564,729</u>
Total own-source income		<u>3,049,677</u>	<u>2,797,376</u>
Net cost of (contribution by) services		<u>(17,779,578)</u>	<u>(21,360,182)</u>
Revenue from Government	4G	<u>13,401,000</u>	14,261,000
Surplus (Deficit) attributable to the Australian Government		<u>(4,378,578)</u>	<u>(7,099,182)</u>
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation surplus		<u>5,875,680</u>	5,480,304
Total other comprehensive income		<u>5,875,680</u>	5,480,304
Total comprehensive income (loss) attributable to the Australian Government		<u>1,497,102</u>	<u>(1,618,878)</u>

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

High Court of Australia
Balance Sheet
as at 30 June 2013

	Notes	30 June 2013 \$	30 June 2012 \$
ASSETS			
Financial assets			
Cash and cash equivalents	5A	1,199,161	2,755,437
Trade and other receivables	5B	296,621	178,574
Other investments	5C	<u>10,580,334</u>	<u>9,089,952</u>
Total financial assets		<u>12,076,116</u>	<u>12,023,963</u>
Non-financial assets			
Land and buildings	6A,D	199,940,404	195,830,709
Infrastructure, plant and equipment	6B,D	5,011,000	4,777,790
Library holdings	6C,D	16,195,911	15,366,267
Intangibles	6E,F	192,116	247,601
Other non-financial assets	6G	<u>59,808</u>	<u>70,329</u>
Total non-financial assets		<u>221,399,239</u>	<u>216,292,696</u>
Total assets		<u>233,475,355</u>	<u>228,316,659</u>
LIABILITIES			
Payables			
Suppliers	7A	324,202	429,753
Other payables	7B	<u>305,649</u>	<u>371,449</u>
Total payables		<u>629,851</u>	<u>801,202</u>
Provisions			
Employee provisions	8A	<u>2,136,661</u>	<u>2,173,716</u>
Total provisions		<u>2,136,661</u>	<u>2,173,716</u>
Total liabilities		<u>2,766,512</u>	<u>2,974,918</u>
Net assets		<u>230,708,843</u>	<u>225,341,741</u>
EQUITY			
Contributed equity		74,751,598	70,881,598
Reserves		174,127,453	168,251,773
Retained surplus (accumulated deficit)		<u>(18,170,208)</u>	<u>(13,791,630)</u>
Total equity		<u>230,708,843</u>	<u>225,341,741</u>

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

High Court of Australia
Statement of Changes in Equity
for the year ended 30 June 2013

	Retained earnings		Asset revaluation surplus		Contributed equity/capital		Total equity	
	2013	2012	2013	2012	2013	2012	2013	2012
	\$	\$	\$	\$	\$	\$	\$	\$
Opening balance								
Balance carried forward from previous period	(13,791,630)	(6,692,449)	168,251,773	162,771,469	70,881,598	66,741,598	225,341,741	222,820,618
Adjusted opening balance	(13,791,630)	(6,692,449)	168,251,773	162,771,469	70,881,598	66,741,598	225,341,741	222,820,618
Comprehensive income								
Other comprehensive income	-	-	5,875,680	5,480,304	-	-	5,875,680	5,480,304
Surplus (Deficit) for the period	(4,378,578)	(7,099,181)	-	-	-	-	(4,378,578)	(7,099,181)
Total comprehensive income	(4,378,578)	(7,099,181)	5,875,680	5,480,304	-	-	1,497,102	(1,618,877)
Transactions with owners								
Contributions by owners	-	-	-	-	1,450,000	1,361,000	1,450,000	1,361,000
Equity injection - Appropriation	-	-	-	-	2,420,000	2,779,000	2,420,000	2,779,000
Departmental capital budget	-	-	-	-	3,870,000	4,140,000	3,870,000	4,140,000
Sub-total transactions with owners	(18,170,208)	(13,791,630)	174,127,453	168,251,773	74,751,598	70,881,598	230,708,843	225,341,741
Closing balance as at 30 June	(18,170,208)	(13,791,630)	174,127,453	168,251,773	74,751,598	70,881,598	230,708,843	225,341,741
Closing balance attributable to the Australian Government	(18,170,208)	(13,791,630)	174,127,453	168,251,773	74,751,598	70,881,598	230,708,843	225,341,741

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

**High Court of Australia
Cash Flow Statement**

for the period ended 30 June 2013

	Notes	30 June 2013 \$	30 June 2012 \$
OPERATING ACTIVITIES			
Cash received			
Appropriations		13,401,000	14,261,000
Sales of goods and rendering of services		184,484	200,529
Interest		529,031	742,168
Net GST received		866,156	882,231
Other		77,556	61,675
Total cash received		<u>15,058,227</u>	<u>16,147,603</u>
Cash used			
Employees		8,279,695	7,806,067
Suppliers		6,890,326	7,765,046
Total cash used		<u>15,170,021</u>	<u>15,571,113</u>
Net cash from (used by) operating activities	9	<u>(111,794)</u>	576,490
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of infrastructure, plant and equipment		23,476	-
Investments		6,132,277	144,816
Total cash received		<u>6,155,753</u>	<u>144,816</u>
Cash used			
Purchase of infrastructure, plant and equipment		3,847,576	3,408,071
Investments		7,622,659	1,207,212
Total cash used		<u>11,470,235</u>	<u>4,615,283</u>
Net cash from (used by) investing activities		<u>(5,314,482)</u>	(4,470,467)
FINANCING ACTIVITIES			
Cash received			
Capital injection		3,870,000	4,140,000
Total cash received		<u>3,870,000</u>	<u>4,140,000</u>
Net cash from (used by) financing activities		<u>3,870,000</u>	4,140,000
Net increase (decrease) in cash held		<u>(1,556,276)</u>	246,023
Cash and cash equivalents at the beginning of the reporting period		2,755,437	2,509,414
Cash and cash equivalents at the end of the reporting period	5A	<u>1,199,161</u>	<u>2,755,437</u>

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

High Court of Australia
Schedule of Commitments
as at 30 June 2013

	30 June 2013	30 June 2012
	\$	\$
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments	<u>401,749</u>	294,008
Total commitments receivable	<u>401,749</u>	294,008
Commitments payable		
Capital commitments		
Land and buildings ¹	(1,856,764)	(427,115)
Infrastructure, plant and equipment	(26,451)	(13,847)
Intangibles	<u>(33,440)</u>	(4,620)
Total capital commitments	<u>(1,916,655)</u>	(445,582)
Other commitments		
Operating leases	(392,936)	(371,690)
Other ²	<u>(2,109,648)</u>	(2,416,817)
Total other commitments	<u>(2,502,584)</u>	(2,788,507)
Net commitments by type	<u>(4,017,490)</u>	(2,940,081)
BY MATURITY		
Commitments receivable		
Operating lease income		
One year or less	-	-
Total operating lease income	-	-
Other commitments receivable		
One year or less	295,601	153,793
From one to five years	106,148	140,215
Over five years	-	-
Total other commitments receivable	<u>401,749</u>	294,008
Commitments payable		
Capital commitments		
One year or less	<u>(1,916,655)</u>	(445,582)
Total capital commitments	<u>(1,916,655)</u>	(445,582)
Operating lease commitments		
One year or less	(163,919)	(150,995)
From one to five years	(229,017)	(220,695)
Over five years	-	-
Total operating lease commitments	<u>(392,936)</u>	(371,690)
Other commitments		
One year or less	(1,171,042)	(1,095,146)
From one to five years	<u>(938,606)</u>	(1,321,671)
Total other commitments	<u>(2,109,648)</u>	(2,416,817)
Net commitments by maturity	<u>(4,017,490)</u>	(2,940,081)

NB: Commitments are GST inclusive where relevant.

¹ Capital commitments represent contracts for capital works in the Court precinct.

² Other commitments include contracts for security, telecommunications and building maintenance.

High Court of Australia
Schedule of Commitments (continued)
as at 30 June 2013

Nature of lease	General description of leasing arrangement
Agreement for the provision of motor vehicles to Justices and one office vehicle.	The Court leases motor vehicles under the terms of a contract with various operative dates.
Lease for multifunction devices	The court leases multifunction devices under the terms of a contract.

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

High Court of Australia
Administered Schedule of Comprehensive Income
for the period ended 30 June 2013

	30 June 2013	30 June 2012
Notes	\$	\$
EXPENSES		
Total expenses administered on behalf of Government	<u>-</u>	<u>-</u>
LESS		
OWN-SOURCE INCOME		
Non-taxation revenue		
Fees and charges	16A <u>1,276,633</u>	<u>1,277,440</u>
Total non-taxation revenue	<u>1,276,633</u>	<u>1,277,440</u>
Total own-source revenue administered on behalf of Government	<u>1,276,633</u>	<u>1,277,440</u>
Total own source income administered on behalf of Government	<u>1,276,633</u>	<u>1,277,440</u>

Administered Cash Flow Statement
for the period ended 30 June 2013

	30 June 2013	30 June 2012
Notes	\$	\$
OPERATING ACTIVITIES		
Cash received		
Fees and charges	<u>1,276,633</u>	<u>1,277,440</u>
Total cash received	<u>1,276,633</u>	<u>1,277,440</u>
Net cash flows from (used by) operating activities	<u>1,276,633</u>	<u>1,277,440</u>
Net increase (decrease) in Cash Held	1,276,633	1,277,440
Cash and cash equivalents at the beginning of the reporting period	<u>-</u>	<u>-</u>
Cash to Official Public Account for:		
- Other	<u>(1,276,633)</u>	<u>(1,277,440)</u>
Cash and cash equivalents at the end of the reporting period	<u>-</u>	<u>-</u>

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

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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 Court")

The Court is a Commonwealth entity. The objective of the Court is to interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court of Australia.

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

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

The continued existence of the Court is guaranteed by the Constitution.

All activities contributing toward this outcome are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the 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.

The Court conducts the following administered activities: Fees and charges are collected in accordance with the *High Court of Australia (Fees) Regulations 2004* Schedule 1. The fees and charges collected are transferred to consolidated revenue.

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 Robert French, AC

Justices:

The Honourable William Gummow, AC (retired 9 October 2012)

The Honourable Kenneth Hayne, AC

The Honourable Dyson Heydon, AC (retired 1 March 2013)

The Honourable Susan Crennan, AC

The Honourable Susan Kiefel, AC

The Honourable Virginia Bell, AC

The Honourable Stephen Gageler (appointed 9 October 2012)

The Honourable Patrick Keane (appointed 5 March 2013)

Chief Executive & Principal Registrar:

Andrew Phelan

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 2012-2013 financial year.

Notes to and forming part of the Financial Statements

1.3 Basis of Preparation of the Financial Statements

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

- Finance Minister's Orders (or FMO) for reporting periods ending on or after 1 July 2011; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and are in accordance with the historical cost convention, except for certain assets and liabilities 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 statements are 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 FMO's, 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 benefit will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executor contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

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

1.4 Significant Accounting Judgement and Estimates

In the process of applying the accounting policies listed in this note, the Court has made the following judgment's 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's building is purpose-built and may in fact realise more or less in the market.

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 New Australian Accounting Standards

Adoption of new Australian Accounting Standard requirements

No accounting standard has been adopted earlier than the application date as stated in the standard.

None of the new standards, amendments to standards and interpretations that were issued prior to the sign-off date and are applicable to the current reporting period have a financial impact, and are not expected to have a future financial impact on the Court.

Future Australian Accounting Standards requirements

The following new standards were issued by the Australian Accounting Standards Board prior to the signing of the Statement by the Chief Executive & Principal Registrar and Chief Financial Officer, which are expected to have a financial impact on the Court for future reporting periods:

AASB 13 Fair Value Measurement

This revised standard introduces increased disclosures regarding non-financial assets measured at fair value. It also requires fair value to be based on highest and best use by market participants.

Other new standards that were issued prior to the signing of the Statement by the Chief Executive & Principal Registrar and Chief Financial Officer and are applicable to the future reporting period are not expected to have a financial impact on the Court.

Notes to and forming part of the Financial Statements

1.6 Revenue

Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the Court 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.

Resources Received Free of Charge

Resources received free of charge are recognised as revenue 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.

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 Court retains no managerial involvement nor 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 Court.

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 Court.

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 impairment allowance account. Collectability of debts is reviewed at end of reporting period. Allowances 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

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.

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

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 (Refer to Note 1.8).

Sale of Assets

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

Notes to and forming part of the Financial Statements

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) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Australian Government agency or authority under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

1.9 Employee Benefits

Liabilities for 'short-term employee benefits' (as defined in AASB 119 *Employee Benefits*) and termination benefits due within twelve months of end of reporting period 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.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan asset (if any) out of which the obligations are to be settled directly.

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 Court is estimated to be less than the annual entitlement for sick leave.

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

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2013. 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 Court 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 Court are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), 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 in the Department of Finance and Deregulation's administered schedules and notes.

The Court makes employer contributions to the employee superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The Court accounts for the contributions as if they were contributions to defined contribution plans.

Notes to and forming part of the Financial Statements

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

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 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 an 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 is recognised at its nominal amount. Cash and cash equivalents includes:

- cash on hand; and
- demand deposits in bank accounts with an original maturity of 2 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value.

1.13 Financial Assets

The Court classifies its financial assets in the following categories:

- held-to-maturity investments; and
- 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.

Held-to-Maturity Investments

Non-derivative financial assets with fixed or determinable payments and fixed maturity dates that the Court 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.

Notes to and forming part of the Financial Statements

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'. 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 the end of each reporting period.

- *Financial assets held at amortised cost* - if there is objective evidence that an impairment loss has been incurred for loans and receivables or held to maturity investments held at amortised cost, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the Statement of Comprehensive Income.

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. These 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 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.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income 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 accounts immediately prior to the restructuring.

Notes to and forming part of the Financial Statements

1.17 Infrastructure, Plant and Equipment

Asset Recognition Threshold

Purchases of infrastructure, 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).

Revaluations

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

Asset class	Fair value measurement
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 Court's 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, infrastructure, plant and equipment are carried at fair value less subsequent 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 in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit 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 infrastructure, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Court using, in all cases, the straight-line method of depreciation.

The Court has heritage and cultural assets that do not have limited useful lives and are not depreciated.

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

	<u>2013</u>	<u>2012</u>
Building assets	7 to 170 years	8 to 171 years
Infrastructure, plant and equipment	0 to 50 years	0 to 50 years
Library holdings	50 years	50 years

Impairment

All assets were assessed for impairment at 30 June 2013. 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 Court were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Notes to and forming part of the Financial Statements

Derecognition

An item of infrastructure, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Heritage and Cultural Assets

The Court has a small collection of heritage assets which includes rare books, works of art and antique furniture. The aims of the Court's preservation activities are to preserve collection items and to maintain access to them, consistent with their significance to the collection, usage requirements and current condition. The Court's preservation activities include documenting the collection, providing appropriate storage arrangements, adopting adequate security measures and undertaking conservation treatments when material is at risk or damaged.

1.18 Intangibles

The Court's intangibles comprise externally acquired software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over their anticipated useful life. The useful lives of the Court's software is 3 years (2011-12: 3 years).

All software assets were assessed for indications of impairment as at 30 June 2013.

1.19 Taxation

The Court 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
- for receivables and payables.

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 Court for use by the Government rather than the Court is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. These transfers to the OPA are adjustments to the administered cash held by the Court on behalf of the Government and reported as such in the statement of administered cash flows and in the administered reconciliation schedule.

Revenue

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

Note 2: Events After the Reporting Period

No events have occurred after the reporting period that affect the Financial Statements.

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$

Note 3: Expenses

Note 3A: Employee Benefits

Wages and salaries	6,311,140	6,131,466
Superannuation:		
Defined contribution plans	499,219	400,669
Defined benefit plans	629,252	674,717
Leave and other entitlements	619,173	908,938
Separation and redundancies	117,195	88,181
Total employee benefits	8,175,979	8,203,971

The salaries and allowances paid to the Chief Justice and other Justices of the Court are administered by the Attorney-General's Department through a drawing right on a special appropriation held by the Australian Public Service Commission. These payments are not included in the Financial Statements of the High Court of Australia.

Note 3B: Supplier

Goods and services

Property	4,203,560	3,541,287
Travel	1,001,498	993,966
Information Technology and Communications	625,122	539,573
Contractors and other Consultants	341,609	446,242
Fringe Benefits Tax	285,562	251,390
Electronic library subscriptions	243,288	193,059
Insurance	128,234	226,091
Other	874,462	874,372
Total goods and services	7,703,335	7,065,980

Goods and services are made up of:

Provision of goods - related entities	7,315	2,670
Provision of goods - external parties	350,394	307,248
Rendering of services - related entities	2,899,393	2,162,050
Rendering of services - external parties	4,446,233	4,594,012
Total goods and services	7,703,335	7,065,980

Other supplier expenses

Operating lease rentals - external parties:

Minimum lease payments	204,719	984,300
Workers compensation premiums	158,936	131,490
Total other supplier expenses	363,655	1,115,790
Total supplier expenses	8,066,990	8,181,770

Note 3C: Depreciation and Amortisation

Depreciation:

Infrastructure, plant and equipment	382,350	296,874
Buildings	3,643,442	3,608,203
Library holdings	316,266	385,308
Total depreciation	4,342,058	4,290,385

Amortisation:

Intangibles	144,926	122,569
Total amortisation	144,926	122,569
Total depreciation and amortisation	4,486,984	4,412,954

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$
Note 3D: Write-Down and Impairment of Assets		
Asset write-downs and impairments from:		
Decrease impairment allowance	-	(2,640)
Impairment of trade and other receivables	1,664	1,637
Revaluation decrement - Library holdings	-	3,356,502
Impairment of infrastructure, plant and equipment	-	234
Impairment of buildings	97,638	-
Total write-down and impairment of assets	<u>99,302</u>	<u>3,355,733</u>
Note 3E: Losses from Asset Sales		
Infrastructure, plant and equipment:		
Proceeds from sale	-	-
Carrying value of assets sold	-	3,130
Total losses from asset sales	<u>-</u>	<u>3,130</u>

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$
Note 4: Income		
OWN-SOURCE REVENUE		
Note 4A: Sale of Goods and Rendering of Services		
Provision of goods - related entities	30	-
Provision of goods - external parties	37,178	36,376
Rendering of services - related entities	25,006	17,182
Rendering of services - external parties	<u>113,895</u>	<u>129,701</u>
Total sale of goods and rendering of services	<u>176,109</u>	<u>183,259</u>
Note 4B: Interest		
Deposits	<u>577,313</u>	<u>681,660</u>
Total interest	<u>577,313</u>	<u>681,660</u>
Note 4C: Other Revenue		
Practitioner certificates	60,817	55,256
Insurance claims	81,491	-
Other	<u>6,566</u>	<u>6,419</u>
Total other revenue	<u>148,874</u>	<u>61,675</u>
Note 4D: Resources Received Free of Charge		
Financial statement audit	36,000	30,000
Property operating cost	<u>2,109,474</u>	<u>1,276,053</u>
Total resources received free of charge	<u>2,145,474</u>	<u>1,306,053</u>
GAINS		
Note 4E: Sale of Assets		
Proceeds from sale	23,476	-
Carrying value of assets sold	<u>(22,469)</u>	<u>-</u>
Net gain from sale of assets	<u>1,007</u>	<u>-</u>
Note 4F: Other Gains		
Assets received free of charge	-	527,229
Assets recognised for the first time	<u>900</u>	<u>37,500</u>
Total other gains	<u>900</u>	<u>564,729</u>
REVENUE FROM GOVERNMENT		
Note 4G: Revenue from Government		
Appropriations:		
Departmental appropriations	<u>13,401,000</u>	<u>14,261,000</u>
Total revenue from Government	<u>13,401,000</u>	<u>14,261,000</u>
Note 5: Financial Assets		
Note 5A: Cash and Cash Equivalents		
Cash on hand or on deposit	1,197,661	2,753,937
Other	<u>1,500</u>	<u>1,500</u>
Total cash and cash equivalents	<u>1,199,161</u>	<u>2,755,437</u>

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$

Note 5B: Trade and Other Receivables

Goods and Services

Goods and services - related entities	350	7,931
Goods and services - external parties	<u>14,238</u>	<u>14,945</u>
Total receivables for goods and services	<u>14,588</u>	<u>22,876</u>

Other receivables:

GST receivable from the Australian Taxation Office	123,172	115,548
Interest	88,782	40,500
Insurance claims	<u>71,829</u>	<u>-</u>
Total other receivables	<u>283,783</u>	<u>156,048</u>
Total trade and other receivables (gross)	<u>298,371</u>	<u>178,924</u>

Less: impairment allowance account:

Goods and services	<u>1,750</u>	<u>350</u>
Total impairment allowance account	<u>1,750</u>	<u>350</u>
Total trade and other receivables (net)	<u>296,621</u>	<u>178,574</u>

Receivables are expected to be recovered in:

No more than 12 months	<u>296,621</u>	<u>178,574</u>
Total trade and other receivables (net)	<u>296,621</u>	<u>178,574</u>

Receivables are aged as follows:

Not overdue	294,544	175,350
Overdue by:		
0 to 30 days	717	2,934
31 to 60 days	1,710	290
61 to 90 days	-	-
More than 90 days	<u>1,400</u>	<u>350</u>
Total receivables (gross)	<u>298,371</u>	<u>178,924</u>

The impairment allowance account is aged as follows:

31 to 60 days	350	-
61 to 90 days	-	-
More than 90 days	<u>1,400</u>	<u>350</u>
Total impairment allowance account	<u>1,750</u>	<u>350</u>

Reconciliation of the Impairment Allowance Account:

Movements in relation to 2013

	Goods and services \$'000	Total \$'000
Opening balance	350	350
Increase/ (decrease) recognised in net surplus	<u>1,400</u>	<u>1,400</u>
Closing balance	<u>1,750</u>	<u>1,750</u>

Movements in relation to 2012

	Goods and services \$'000	Total \$'000
Opening balance	2,990	2,990
Increase/ (decrease) recognised in net surplus	<u>(2,640)</u>	<u>(2,640)</u>
Closing balance	<u>350</u>	<u>350</u>

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$
Note 5C: Other Investments		
Deposits	<u>10,580,334</u>	<u>9,089,952</u>
Total other investments	<u>10,580,334</u>	<u>9,089,952</u>
Total other investments expected to be recovered in:		
No more than 12 months	<u>10,580,334</u>	<u>9,089,952</u>
Total other investments	<u>10,580,334</u>	<u>9,089,952</u>

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$

Note 6: Non-Financial Assets

Note 6A: Land and Buildings

Land:

Land at fair value	<u>9,000,000</u>	8,925,000
Total Land	<u>9,000,000</u>	8,925,000

Buildings on freehold land:

Work in progress	1,739,715	776,451
Fair value	189,265,861	186,242,520
Accumulated depreciation	<u>(65,172)</u>	<u>(113,262)</u>
Total buildings on freehold land	<u>190,940,404</u>	186,905,709

Total land and buildings	<u>199,940,404</u>	195,830,709
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No indicators of impairment were found for land and buildings.

No land or buildings are expected to be sold or disposed of within the next 12 months.

Note 6B: Infrastructure, Plant and Equipment

Heritage and cultural:

Artworks - fair value	3,332,200	3,317,200
Rare books - fair value	131,940	131,940
Heritage furniture - fair value	<u>176,800</u>	<u>175,900</u>
Total heritage and cultural	<u>3,640,940</u>	3,625,040

Other infrastructure, plant and equipment:

Work in progress	9,503	-
Fair value	1,362,048	1,824,196
Accumulated depreciation	<u>(1,491)</u>	<u>(671,446)</u>
Total other infrastructure, plant and equipment	<u>1,370,060</u>	1,152,750
Total infrastructure, plant and equipment	<u>5,011,000</u>	4,777,790

No indicators of impairment were found for infrastructure, plant and equipment.

No infrastructure, plant or equipment is expected to be sold or disposed of within the next 12 months.

Note 6C: Library Holdings

Work in progress	250,120	270,554
Fair value	16,262,057	15,095,713
Accumulated depreciation	<u>(316,266)</u>	<u>-</u>
Total library holdings	<u>16,195,911</u>	15,366,267

No indicators of impairment were found for library holding assets.

No library holdings are expected to be sold or disposed of within the next 12 months.

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 1. On 30 June 2013, independent valuers conducted valuations on land, buildings and infrastructure, plant and equipment.

Revaluation increment of \$75,000 for land (2012: Nil) and revaluation increment of \$5,686,289 for buildings on freehold land and leasehold improvements (2012: increment of \$5,465,382) and revaluation increment of \$114,391 for infrastructure, plant, equipment assets (2012: Nil) were credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet.

Notes to and forming part of the Financial Statements**Note 6D: Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment (2012-13)**

	Land	Buildings	Total Land and Buildings	Other IP&E	Heritage & Cultural ¹	Library Holdings	Total
	\$	\$	\$	\$	\$	\$	\$
As at 1 July 2012							
Gross book value	8,925,000	187,018,971	195,943,971	1,824,196	3,625,040	15,366,266	216,759,473
Accumulated depreciation and impairment	-	(113,262)	(113,262)	(671,446)	-	-	(784,708)
Net book value 1 July 2012	8,925,000	186,905,709	195,830,709	1,152,750	3,625,040	15,366,266	215,974,765
Additions:							
By purchase	-	2,089,487	2,089,487	490,697	15,000	1,162,953	3,758,137
By other movements	-	-	-	-	900	-	900
By assets received free of charge	-	-	-	-	-	-	-
Revaluations and impairments through equity	75,000	5,686,288	5,761,288	114,391	-	-	5,875,679
Impairments recognised in the operating result	-	(97,638)	(97,638)	-	-	-	(97,638)
Reclassifications	-	-	-	-	-	-	-
Depreciation/amortisation expense	-	(3,643,442)	(3,643,442)	(382,350)	-	(316,266)	(4,342,058)
Disposals:							
Other movements	-	-	-	-	-	-	-
Other disposals	-	-	-	(5,427)	-	(17,042)	(22,469)
Net book value 30 June 2013	9,000,000	190,940,404	199,940,404	1,370,060	3,640,940	16,195,911	221,147,315
Net book value as of 30 June 2013 represented by:							
Gross book value	9,000,000	191,005,576	200,005,576	2,423,856	3,640,940	16,512,177	222,582,549
Accumulated depreciation/amortisation and impairment	-	(65,172)	(65,172)	(1,053,797)	-	(316,266)	(1,435,234)
Net book value 30 June 2013	9,000,000	190,940,404	199,940,404	1,370,060	3,640,940	16,195,911	221,147,315

¹Land, buildings and other property, plant and equipment that met the definition of a heritage and cultural item were disclosed in the heritage and cultural asset class.

Notes to and forming part of the Financial Statements

Note 6D (Cont'd): Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment (2011-12)

	Land	Buildings	Total Land and Buildings	Other IP&E	Heritage and Cultural ¹	Library Holdings	Total
	\$	\$	\$	\$	\$	\$	\$
As at 1 July 2011							
Gross book value	8,925,000	183,272,562	192,197,562	1,653,014	3,033,811	18,832,213	215,716,600
Accumulated depreciation and impairment	-	(64,760)	(64,760)	(386,560)	-	(918,457)	(1,369,777)
Net book value 1 July 2011	8,925,000	183,207,802	192,132,802	1,266,454	3,033,811	17,913,756	214,346,823
Additions*	-	1,840,728	1,840,728	213,112	-	1,194,320	3,248,160
By other movements	-	-	-	-	37,500	-	37,500
By assets received free of charge	-	-	-	-	527,229	-	527,229
Revaluations and impairments recognised in other comprehensive income	-	5,465,382	5,465,382	-	14,922	-	5,480,304
Revaluations recognised in the operating result	-	-	-	-	-	-	-
Impairments recognised in the operating result	-	-	-	(234)	-	(3,356,502)	(3,356,736)
Reclassification	-	-	-	(11,578)	11,578	-	-
Depreciation expense	-	(3,608,203)	(3,608,203)	(296,874)	-	(385,308)	(4,290,385)
Disposals:							
Other movements	-	-	-	(15,000)	-	-	(15,000)
Other	-	-	-	(3,130)	-	-	(3,130)
Net book value 30 June 2012	8,925,000	186,905,709	195,830,709	1,152,750	3,625,040	15,366,266	215,974,765
Net book value as of 30 June 2012 represented by:							
Gross book value	8,925,000	187,018,971	195,943,971	1,824,196	3,625,040	15,366,266	216,759,473
Accumulated depreciation and impairment	-	(113,262)	(113,262)	(671,446)	-	-	(784,708)
	8,925,000	186,905,709	195,830,709	1,152,750	3,625,040	15,366,266	215,974,765

¹ Land, buildings and other property, plant and equipment that met the definition of a heritage and cultural item were disclosed in the heritage and cultural asset class.

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$
Note 6E: Intangibles		
Computer software:		
Purchased in progress	42,173	-
Purchased in use	904,933	857,666
Accumulated amortisation	<u>(754,990)</u>	<u>(610,065)</u>
Total computer software	<u>192,116</u>	<u>247,601</u>
Total intangibles	<u>192,116</u>	<u>247,601</u>

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

Notes to and forming part of the Financial Statements

Note 6F: Reconciliation of the Opening and Closing Balances of Intangibles 2013

	Computer software purchased \$	Total \$
As at 1 July 2012		
Gross book value	857,666	857,666
Accumulated amortisation and impairment	(610,065)	(610,065)
Net book value 1 July 2012	247,601	247,601
Additions:	-	-
By purchase	89,441	89,441
Amortisation	(144,926)	(144,926)
Disposals:		
Other	-	-
Net book value as at 30 June 2013 represented by:		
Gross book value	947,106	947,106
Accumulated amortisation and impairment	(754,990)	(754,990)
Net book value 30 June 2013	192,116	192,116

Note 6F (Cont'd): Reconciliation of the Opening and Closing Balances of Intangibles 2012

	Computer software purchased \$	Total \$
As at 1 July 2011		
Gross book value	826,343	826,343
Accumulated amortisation and impairment	(559,366)	(559,366)
Net book value 1 July 2011	266,977	266,977
Additions	103,193	103,193
Amortisation	(122,569)	(122,569)
Net book value 30 June 2012	247,601	247,601
Net book value as of 30 June 2012 represented by:		
Gross book value	857,666	857,666
Accumulated amortisation and impairment	(610,065)	(610,065)
Net book value 30 June 2012	247,601	247,601

Note 6G: Other Non-Financial Assets

Other prepayments	59,808	70,329
Total other non-financial assets	59,808	70,329
Total other non-financial assets - are expected to be recovered in:		
No more than 12 months	59,808	70,329
Total other non-financial assets	59,808	70,329

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

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$
Note 7: Payables		
Note 7A: Suppliers		
Trade creditors	105,649	148,531
Accruals	<u>218,553</u>	<u>281,222</u>
Total supplier payables	<u>324,202</u>	<u>429,753</u>
Supplier payables expected to be settled within 12 months:		
Related entities	15,036	-
External parties	<u>309,166</u>	<u>429,753</u>
Total supplier payables	<u>324,202</u>	<u>429,753</u>
Settlement is usually made within 30 days.		
Note 7B: Other Payables		
Unearned revenue	17,887	17,536
Salaries and wages	256,383	324,420
Superannuation	<u>31,379</u>	<u>29,493</u>
Total other payables	<u>305,649</u>	<u>371,449</u>
Total other payables are expected to be settled in:		
No more than 12 months	<u>305,649</u>	<u>371,449</u>
Total other payables	<u>305,649</u>	<u>371,449</u>
Note 8: Provisions		
Note 8A: Employee Provisions		
Leave	<u>2,136,661</u>	<u>2,173,716</u>
Total employee provisions	<u>2,136,661</u>	<u>2,173,716</u>
Employee provisions are expected to be settled in:		
No more than 12 months	1,900,465	1,975,900
More than 12 months	<u>236,196</u>	<u>197,816</u>
Total employee provisions	<u>2,136,661</u>	<u>2,173,716</u>

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$
Note 9: Cash Flow Reconciliation		
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Cash and cash equivalent as per:		
Cash flow statement	1,199,161	2,755,437
Balance sheet	<u>1,199,161</u>	<u>2,755,437</u>
Difference	<u>-</u>	<u>-</u>
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(17,779,578)	(21,360,182)
Add revenue from Government	13,401,000	14,261,000
Adjustments for non-cash items		
Depreciation /amortisation	4,486,984	4,412,954
Gain - other, assets recognised for the first time	(900)	(564,729)
Net write down of non-financial assets	-	3,356,736
Reduction in impairment provision	1,400	(2,640)
Gain/Loss on disposal of assets	(1,007)	3,130
Impairment expense	97,638	-
Changes in assets / liabilities		
(Increase) / decrease in net receivables	(119,447)	93,775
(Increase) / decrease in prepayments	10,521	78,392
Increase / (decrease) in employee provisions	(37,055)	288,188
Increase / (decrease) in supplier payables	(105,551)	(100,444)
Increase / (decrease) in other payables	<u>(65,799)</u>	<u>110,310</u>
Net cash from / (used by) operating activities	<u>(111,794)</u>	<u>576,490</u>

Note 10: Contingent Liabilities and Assets

Quantifiable Contingencies

As at 30 June 2013, the Court had no quantifiable contingencies (2012: nil).

Unquantifiable Contingencies

As at 30 June 2013, the Court had no unquantifiable contingencies (2012: 1).

Significant Remote Contingencies

As at 30 June 2013, the Court has no significant remote contingencies (2012: nil).

Notes to and forming part of the Financial Statements

Note 11: Senior Executive Remuneration

Note 11A: Senior Executive Remuneration Expense for the Reporting Period

	2013	2012
Short-term employee benefits:		
Salary	1,165,163	1,137,047
Annual leave accrued	<u>84,119</u>	<u>82,513</u>
Total short-term employee benefits	<u>1,249,282</u>	<u>1,219,560</u>
Post-employment benefits:		
Superannuation	<u>191,529</u>	<u>177,254</u>
Total post-employment benefits	<u>191,529</u>	<u>177,254</u>
Other long-term benefits:		
Long service leave accrued	<u>39,262</u>	<u>56,148</u>
Total other long-term benefits	<u>39,262</u>	<u>56,148</u>
Total employment benefits	<u>1,480,073</u>	<u>1,452,962</u>

Notes to and forming part of the Financial Statements

Note 11: Senior Executive Remuneration (continued)

Note 11B: Average Annual Reportable Remuneration Paid to Substantive Senior Executives During the Reporting Period

	2013				
	Senior Executives No.	Reportable salary ² - \$	Contributed superannuation ³ - \$	Reportable allowances ⁴ - \$	Total
Average annual reportable remuneration ¹ :					
Total remuneration (including part-time arrangements)					
less than \$180,000	-	-	-	-	-
\$180,000 - \$209,999	-	-	-	-	-
\$210,000 - \$239,999	3	183,691	31,314	-	215,005
\$240,000 - \$269,999	-	-	-	-	-
\$270,000 - \$299,999	1	250,638	43,855	-	294,493
\$300,000 - \$329,999	-	-	-	-	-
\$330,000 - \$359,999	-	-	-	-	-
\$360,000 - \$389,999	1	333,989	54,119	-	388,108
Total	5				

	2012				
	Senior Executives No.	Reportable salary ² - \$	Contributed superannuation ³ - \$	Reportable allowances ⁴ - \$	Total
Average annual reportable remuneration ¹ :					
Total remuneration (including part-time arrangements)					
less than \$180,000	-	-	-	-	-
\$180,000 - \$209,999	2	176,014	27,530	-	203,544
\$210,000 - \$239,999	1	181,898	28,267	-	210,165
\$240,000 - \$269,999	-	-	-	-	-
\$270,000 - \$299,999	1	240,405	39,569	-	279,974
\$300,000 - \$329,999	-	-	-	-	-
\$330,000 - \$359,999	-	-	-	-	-
\$360,000 - \$389,999	1	323,582	52,453	2,714	378,749
Total	5				

Notes to and forming part of the Financial Statements**Note 11: Senior Executive Remuneration (continued)***Notes:*

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on headcount for individuals in the band.
2. 'Reportable Salary' includes the following:
 - (a) gross payments; and
 - (b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits).
 - (c) salary sacrificed benefits.
3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to substantive senior executives in that reportable remuneration band during the reporting period.
4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.

Notes to and forming part of the Financial Statements

Note 12: Remuneration of Auditors

	30 June 2013	30 June 2012
	\$	\$
Financial statement audit services were provided free of charge to the Court by the Australian National Audit Office (ANAO).		
Fair value of the services provided		
Financial statement audit services	<u>36,000</u>	<u>30,000</u>
	<u>36,000</u>	<u>30,000</u>

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 2012	860,250	515,750
Amounts received	7,500	859,066
Amounts deducted/paid out	<u>(853,750)</u>	<u>(514,566)</u>
Balance as at 30 June 2013	<u>14,000</u>	<u>860,250</u>

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

Held-to-maturity:

Term deposits	<u>10,580,334</u>	<u>9,089,952</u>
Total	<u>10,580,334</u>	<u>9,089,952</u>

Loans and receivables:

Cash at bank	1,199,161	2,755,437
Receivable for goods and services	<u>14,588</u>	<u>22,876</u>
Total	<u>1,213,749</u>	<u>2,778,313</u>

Carrying amount of financial assets	<u>11,794,083</u>	<u>11,868,265</u>
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Financial Liabilities

At amortised cost:

Supplier payables	105,649	148,531
Accrued expenses	<u>218,553</u>	<u>281,222</u>
Total	<u>324,202</u>	<u>429,753</u>

Carrying amount of financial liabilities	<u>324,202</u>	<u>429,753</u>
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Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$

Note 14B: Net Income and Expense from Financial Assets

Held-to-maturity		
Interest revenue	<u>531,940</u>	<u>587,980</u>
Net gain/(loss) held-to-maturity	<u>531,940</u>	<u>587,980</u>
Loans and receivables		
Interest revenue	<u>45,373</u>	<u>93,680</u>
Net gain/(loss) loans and receivables	<u>45,373</u>	<u>93,680</u>
Net gain/(loss) from financial assets	<u>577,313</u>	<u>681,660</u>

Note 14C: Fair Value of Financial Instruments

	Carrying amount 2013 \$'000	Fair Value 2013 \$'000	Carrying amount 2012	Fair value 2012
	\$'000	\$'000	\$'000	\$'000
Financial Assets				
Cash at bank	1,199,161	1,199,161	2,755,437	2,755,437
Held-to-maturity	10,580,334	10,580,334	9,089,952	9,089,952
Receivables for goods and services	14,588	14,588	22,876	22,876
Other receivables	71,829	71,829	-	-
Total	<u>11,865,912</u>	<u>11,865,912</u>	<u>11,868,265</u>	<u>11,868,265</u>
Financial Liabilities				
Suppliers payable at amortised cost	105,649	105,649	148,531	148,531
Accrued expenses at amortised cost	218,553	218,553	281,222	281,222
Total	<u>324,202</u>	<u>324,202</u>	<u>429,753</u>	<u>429,753</u>

Notes to and forming part of the Financial Statements

Note 14D: Credit Risk

The Court's primary credit risk exposure arises from the Court's business interactions on credit with trade debtors. 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 Court's credit terms is regularly monitored by management.

The Court assessed the risk of the default on payment and has allocated \$1750 in 2013 (2012: \$350) to an impairment allowance account. The Court had policies and procedures that guided employees debt recovery techniques that were to be applied.

The Court held no collateral to mitigate against credit risk.

The following table illustrates the Court's gross exposure to credit risk, excluding any collateral or credit enhancements.

	2013 \$	2012 \$
Loans and receivables	14,588	22,876
Total	14,588	22,876

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

	Not past due nor impaired 2013 \$	Not past due nor impaired 2012 \$	Past due or impaired 2013 \$	Past due or impaired 2012 \$
Loans and receivables	10,761	19,302	3,827	3,574
Total	10,761	19,302	3,827	3,574

Ageing of financial assets that are past due but not impaired for 2013

	0 to 30 days \$	31 to 60 days \$	61 to 90 days \$	90+ days \$	Total \$
Loans and receivables	717	1,360	-	-	2,077
Total	717	1,360	-	-	2,077

Ageing of financial assets that are past due but not impaired for 2012

	0 to 30 days \$	31 to 60 days \$	61 to 90 days \$	90+ days \$	Total \$
Loans and receivables	2,934	290	-	-	3,224
Total	2,934	290	-	-	3,224

Notes to and forming part of the Financial Statements

Note 14E: Liquidity Risk

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

Maturities for non-derivative financial liabilities 2013

	On demand	within 1 year	1 to 2 years	2 to 5 years	> 5 years	Total
	\$	\$	\$	\$	\$	\$
Supplier payables	-	105,649	-	-	-	105,649
Accrued expenses	-	218,553	-	-	-	218,553
Total	-	324,202	-	-	-	324,202

Maturities for non-derivative financial liabilities 2012

	On demand	within 1 year	1 to 2 years	1 to 2 years	> 5 years	Total
	\$	\$	\$	\$	\$	\$
Supplier payables	-	148,531	-	-	-	148,531
Accrued expenses	-	281,222	-	-	-	281,222
Total	-	429,753	-	-	-	429,753

High Court of Australia has no derivative financial liabilities in either 2013 or 2012.

Note 14F: Market Risk

The Court'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 cash at bank funds during the 2012/2013 financial year was 2.825%. 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 +/- 1.20%.

The weighted average interest rate received on investments during the 2012/2013 financial year was 4.388%. 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 +/- 1.20%.

Sensitivity analysis of the risk that the High Court of Australia is exposed to for 2013.

Risk variable	Change in risk variable %	Effect on		
		Profit and loss \$	Equity \$	
Interest rate risk - cash at bank	2.825	-1.20	(14,349)	-
Interest rate risk - cash at bank	2.825	1.20	14,349	-
Interest rate risk - investments	4.388	-1.20	(126,964)	-
Interest rate risk - investments	4.388	1.20	126,964	-

Sensitivity analysis of the risk that High Court of Australia is exposed to for 2012.

Risk variable	Change in risk variable %	Effect on		
		Profit and loss \$	Equity \$	
Interest rate risk - cash at bank	3.850	-1.40	(38,529)	-
Interest rate risk - cash at bank	3.850	1.40	38,529	-
Interest rate risk - investments	5.372	-1.40	(127,259)	-
Interest rate risk - investments	5.372	1.40	127,259	-

Notes to and forming part of the Financial Statements

	30 June 2013	30 June 2012
	\$	\$
Note 15: Financial Assets Reconciliation		
<u>Financial assets</u>		
Total financial assets as per balance sheet	12,076,116	12,023,963
Less: non-financial instruments components		
Other receivables	(211,954)	(156,048)
Impairment allowance	<u>1,750</u>	<u>350</u>
Total financial assets as per financial instruments note	<u>11,865,912</u>	<u>11,868,265</u>

Notes to and forming part of the Financial Statements

	30 June 2013 \$	30 June 2012 \$
Note 16: Administered - Income		
OWN-SOURCE REVENUE		
Non-Taxation Revenue		
<u>Note 16A: Sale of Goods and Rendering of Services</u>		
Filing and other hearing fees - external parties	1,236,685	1,221,558
Other	<u>39,948</u>	<u>55,882</u>
Total sale of goods and rendering of services	<u>1,276,633</u>	<u>1,277,440</u>
Note 17: Administered Reconciliation Table		
Opening administered assets less administered liabilities as at 1 July	-	-
Plus: Administered income	1,276,633	1,277,440
Administered transfers to/from Australian Government:		
Transfers to OPA	<u>(1,276,633)</u>	<u>(1,277,440)</u>
Closing administered assets less administered liabilities as at 30 June	<u>-</u>	<u>-</u>

Notes to and forming part of the Financial Statements

Note 18: Compensation and Debt Relief

	Regulation up to 30-Dec-2012	Regulation effective 1-Jan-2013	2013 \$	2012 \$
25 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 11 (1)(a) of the High Court of Australia (Fees) Regulations 2004, for persons in receipt of legal aid (2012:23)	9(1)(a)	11(1)(a)	<u>25,781</u>	<u>14,145</u>
121 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 11 (1)(b) of the High Court of Australia (Fees) Regulations 2004, for persons who hold a concession card issued by Centrelink or the Dept of Veterans' Affairs (2012:101)	9(1)(b)(i) & (ii)	11(1)(b)	<u>266,456</u>	<u>183,119</u>
112 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 11 (1)(c) of the High Court of Australia (Fees) Regulations 2004, for persons detained in a public institution (2012:133)	9(1)(b)(iii)	11(1)(c)	<u>131,421</u>	<u>210,590</u>
Nil exemptions of amounts owing to the Australian Government were made pursuant to Regulation 11 (1)(d) of the High Court of Australia (Fees) Regulations 2004, for persons being a child under the age of 18 years (2012:5).	9(1)(b)(iv)	11(1)(d)	-	<u>9,870</u>
122 waivers of amounts owing to the Australian Government were made pursuant to Regulation 12 of the High Court of Australia (Fees) Regulations 2004, for persons being in financial hardship (waiver of two-thirds fee) (2012:164)	10	12	<u>185,889</u>	<u>227,851</u>

Notes to and forming part of the Financial Statements**Note 19: Reporting of Outcomes**

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

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

Note 19A: Net Cost of Outcome Delivery

	Outcome 1		Total	
	2013	2012	2013	2012
	\$'000	\$'000	\$'000	\$'000
Departmental				
Expenses	(20,829,255)	(24,157,558)	(20,829,255)	(24,157,558)
Own-source income	3,047,770	2,232,647	3,047,770	2,232,647
Administered				
Expenses	-	-	-	-
Own-source income	1,276,633	1,277,440	1,276,633	1,277,440
Net cost/contribution of outcome delivery	(16,504,852)	(20,647,471)	(16,504,852)	(20,647,471)

Notes to and forming part of the Financial Statements

Note 19B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome

	Outcome I		Total	
	2013	2012	2013	2012
	\$	\$	\$	\$
Expenses:				
Employees	8,175,979	8,203,971	8,175,979	8,203,971
Suppliers	8,066,990	8,181,770	8,066,990	8,181,770
Depreciation and amortisation	4,486,984	4,412,954	4,486,984	4,412,954
Write down of assets	99,302	3,355,733	99,302	3,355,733
Loss on disposal of assets	-	3,130	-	3,130
Total	20,829,255	24,157,558	20,829,255	24,157,558
Income:				
Income from Government	13,401,000	14,261,000	13,401,000	14,261,000
Sale of goods and services	176,109	183,259	176,109	183,259
Interest	577,313	681,660	577,313	681,660
Other revenue	2,294,348	1,367,728	2,294,348	1,367,728
Other gains	1,907	564,729	1,907	564,729
Total	16,450,677	17,058,376	16,450,677	17,058,376
Assets:				
Financial assets	12,076,116	12,023,963	12,076,116	12,023,963
Non-financial assets	221,399,239	216,292,696	221,399,239	216,292,696
Total	233,475,355	228,316,659	233,475,355	228,316,659
Liabilities:				
Payables	629,851	801,202	629,851	801,202
Provisions	2,136,661	2,173,716	2,136,661	2,173,716
Total	2,766,512	2,974,918	2,766,512	2,974,918

Note 19C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcome

	Outcome I		Total	
	2013	2012	2013	2012
	\$	\$	\$	\$
Administered Income:				
Fees and charges	1,276,633	1,277,440	1,276,633	1,277,440
Total	1,276,633	1,277,440	1,276,633	1,277,440

Notes to and forming part of the Financial Statements

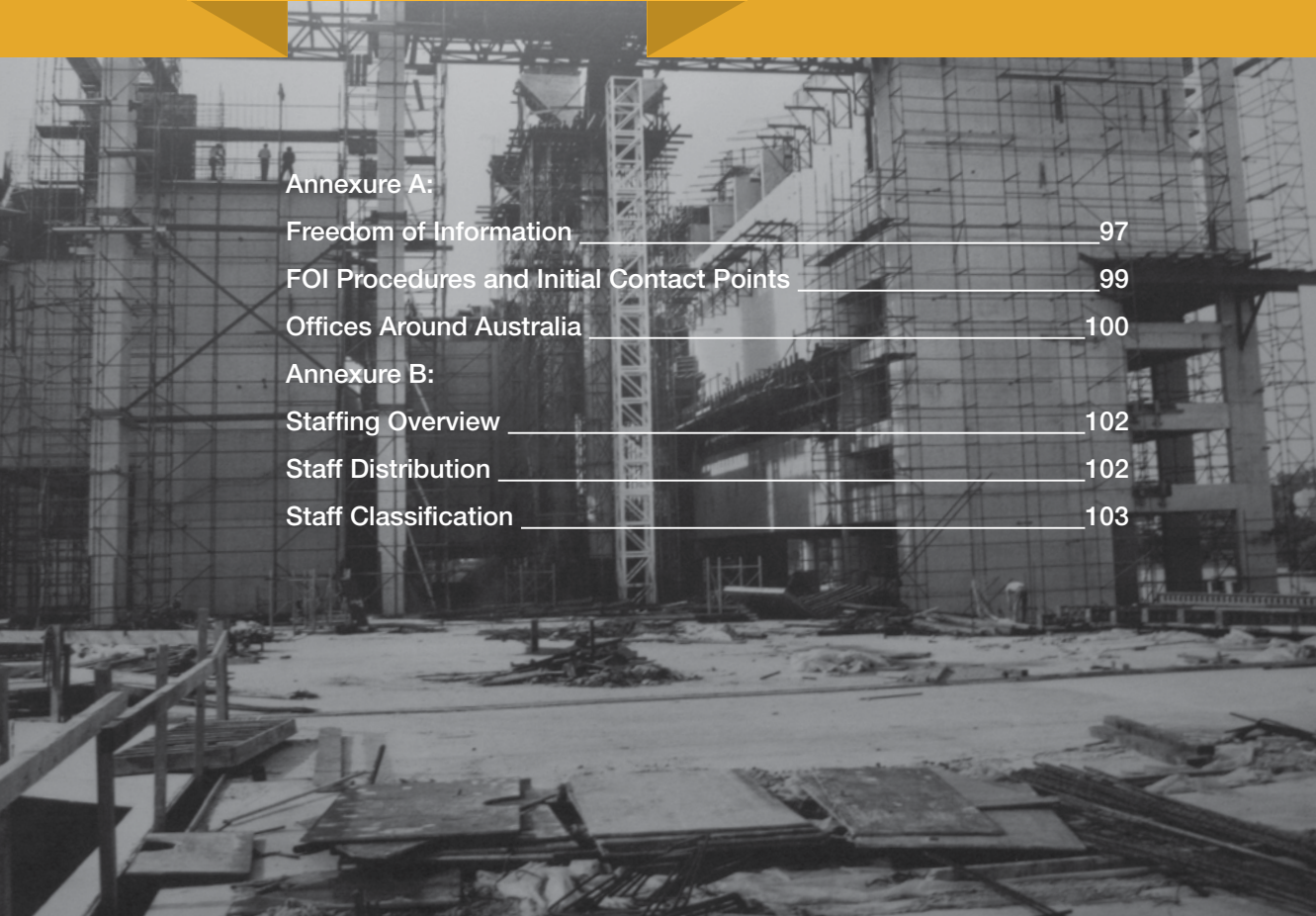
Note 20: Net Cash Appropriation Arrangements

	2013	2012
	\$	\$
Total comprehensive income (loss) less depreciation/amortisation expenses previously funded through revenue appropriations		
Total comprehensive income (loss) attributable to the Australian Government	5,984,086	2,794,076
Plus: non-appropriated expenses		
Depreciation and amortisation expenses	<u>(4,486,984)</u>	<u>(4,412,954)</u>
Total comprehensive income (loss) attributable to the entity	<u>1,497,102</u>	<u>(1,618,878)</u>





Part 8: ANNEXURES



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Annexure A

FREEDOM OF INFORMATION

The High Court administration routinely includes information in its annual and financial reports consistent with the reporting requirements of the *Freedom of Information Act 1982* (Cth) (Fol Act). The Fol Act applies only to administrative, non-judicial documents held by the Court, and does not apply to the holder of a judicial office or other office pertaining to the Court. The officers of the Court who are exempt under the Act include:

- the Chief Executive and Principal Registrar of the High Court
- the officers performing the duties of Senior Registrar, Senior Executive Deputy Registrar, Deputy Registrars, and the Court Marshal.

As noted above, the Act does not apply to Registry documents that are not of an administrative nature. However, the case files of the Court are accessible to members of the public under the procedures in Rule 4.07.4 of the *High Court Rules 2004*.

The primary source of public information available to the public is via the Court website. It provides a wide range of information related to the core business of the Court, its history, structure and administration. The Court has also published an Information Publication Plan as required under section 8 of the Fol Act.

The website provides access to documents related to legal matters filed at the High Court Registry, such as parties' initiating documents and submissions, short

particulars of special leave applications, appeals and original jurisdiction matters, the results of applications for special leave, and judgment summaries. Some of these documents are published on both the Court and AustLII websites and are also distributed through subscription email lists. Transcripts of all Court hearings are also accessible on the website. The website provides links to relevant legislation, the High Court Rules and Forms, the library catalogue, and the library's current year's new books notification service. The website also provides information about fees for filing, issuing or sealing a document or obtaining a service, pursuant to Schedule 1 of the *High Court of Australia (Fees) Regulation 2012*, and the Scale of Professional Costs, pursuant to Schedule 2 of the *High Court Rules 2004*.

The website provides access to many of the speeches delivered by the Justices of the Court, and to speeches of former Chief Justices and Justices.

The website also provides information about the Court building in Canberra – the competition for its design, the materials used in its construction, its heritage listing and the features of each courtroom. It also provides information about visiting the Court.

The website also includes a site map and search function to assist individuals to access information from the site, and includes a 'contact us' webpage and dedicated email address for inquiries, including a link for making FoI inquiries and lodging requests for information.

An email based subscription service is available to the public, media and legal profession which allows for notification of

upcoming judgments, judgment summaries and case summaries.

Other information that the Court makes available includes:

- the *High Court Bulletin*, produced by the High Court library. This provides a record of recent High Court cases: decided, reserved for judgment, awaiting hearing in the Court's original jurisdiction, granted special leave to appeal, and refused special leave to appeal. It is published in hard copy and is also available via the website, on a link to the AustLII website;
- the Conservation Management Plan for the Court consistent with the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- two brochures, including a general overview titled 'High Court of Australia', and a more specialised 'Visitors' Guide to Oral Argument' which explains what happens in the courtroom during a hearing;
- the Court sitting calendar, business lists and daily court lists;
- venue and safety information for school excursions;
- information transmitted orally by Court Guides stationed in the Public Hall and courtrooms to pre-booked school groups, other groups and visitors at large. Visitors are given an overview of the history, role and powers of the High Court and an explanation of the workings of each courtroom they visit. If the court is sitting, school groups watch proceedings for a short time and debrief in another courtroom about what they have observed;

- tailored guided tours for official visitors;
- information about functions such as Sunday concerts, moots and public lectures.

The Court works with other institutions in the Parliamentary Zone to facilitate public access to information about the Court. For example, the Court has an established partnership with the National Archives of Australia (NAA). The NAA includes in its permanent exhibitions and on its website information about the Court, as do other national institutions, including the Australian Parliament.

The Court maintains appropriate channels of communication with the media, relevant agencies and the public about the operations of the Court.

FOI PROCEDURES AND INITIAL CONTACT POINTS

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

High Court of Australia

PO Box 6309
Kingston ACT 2604
Telephone: (02) 6270 6819
Fax: (02) 6270 6868
Email: enquiries@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 offices of the Court Registry.

The Principal Registry of the High Court of Australia is located at the seat of the Court in Canberra. There are offices of the Registry at the capital city of each State and in Darwin.

The Registry services in Adelaide, Brisbane, Darwin and Perth are provided by staff of the Federal Court of Australia. Registry services in Hobart are provided by the Supreme Court of Tasmania.

Canberra:

Parkes Place, Parkes, ACT, 2600
Postal Address: P O Box 6309, Kingston, ACT 2604

Registry telephone: (02) 6270 6857
Registry facsimile: (02) 6273 3025

Offices around Australia



Sydney

Level 23, Law Courts Building
Queens Square, Sydney, NSW, 2000

Registry telephone: (02) 9230 8369

Registry facsimile: (02) 9230 8376



Melbourne

Level 17, Law Courts Building
305 William Street, Melbourne, VIC, 3000

Registry telephone: (03) 8600 3001

Registry facsimile: (03) 8600 3007



Brisbane

Federal Court of Australia
Level 6, Commonwealth Law
Courts Building
119 North Quay, Brisbane, QLD, 4000

Registry telephone: (07) 3248 1100

Registry facsimile: (07) 3248 1260



Perth

Federal Court of Australia
Level 6, Commonwealth Law
Courts Building
1 Victoria Avenue, Perth, WA, 6000

Registry telephone: (08) 9268 7100

Registry facsimile: (08) 9221 3261



Adelaide

Federal Court of Australia
Level 5, Commonwealth Law
Courts Building
3 Angas Street, Adelaide, SA, 5000

Registry telephone: (08) 8219 1000
Registry facsimile: (08) 8219 1001



Hobart

Supreme Court of Tasmania
Salamanca Place, Hobart, TAS, 7000

Registry telephone: (03) 6233 6245
Registry facsimile: (03) 6223 7816



Darwin

Federal Court of Australia
Level 3, Supreme Court Building
State Square, Darwin, NT, 0800

Registry telephone: (08) 8941 2333
Registry facsimile: (08) 8941 4941

Annexure B

STAFFING OVERVIEW

This Annexure comprises two tables which provide a profile of the Court administration's staff as at 30 June 2013.

All High Court staff are employed under the *High Court of Australia Act 1979* (Cth). Conditions of employment for staff below the senior executive level are contained in Determinations under section 26(4) of that Act. As at 30 June 2013 the High Court employed 42 full-time and part-time ongoing staff, 38 full-time and part-time non-ongoing staff, and 21 casual staff.

STAFF DISTRIBUTION

Staff distribution by branch/section, as at 30 June 2013

Branch/section	Ongoing		Non-ongoing		Casual	Total	Total
	full time	part time	full time	part time		2013	2012
CE&PR	1	–	1	–	–	2	3
Chambers	4	–	20	–	–	24	23
Corporate Services	10	6	4	3		23	20
Library	6	3	2	–	1	12	12
Public Information	–	1	1	–	11	13	13
Registry	8	3	5	2	9	27	30
Total	29	13	33	5	21	101	101

STAFF CLASSIFICATION

Ongoing and non-ongoing full-time, part-time and casual staff by classification and gender, as at 30 June 2013.

Classification	Ongoing				Non-ongoing				Casual		Total		Total	
	full time		part time		full time		part time				2013		2012	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M
HCE1	-	1	1	1	-	-	2	-	-	-	1	4	2	5
HCE2	-	1	-	-	-	-	-	-	5	6	5	7	5	7
HCE3	3	-	3	-	-	-	1	-	7	3	14	3	14	5
HCE4	5	2	3	-	-	1	-	-	-	-	8	3	10	2
HCE5	3	1	1	-	6	8	-	1	-	-	10	10	8	9
HCE6	4	2	-	-	6	2	-	-	-	-	10	4	11	3
EL1	3	3	3	-	-	1	1	-	-	-	7	4	7	4
EL2	-	1	1	-	2	2	-	-	-	-	3	3	3	1
Senior Executive	-	-	-	-	2	2	-	-	-	-	2	2	2	2
Office Holder	-	-	-	-	-	1	-	-	-	-	-	1	-	1
Total	18	11	12	1	16	17	2	3	12	9	60	41	62	39
Grand total		29		13		33		5		21		101		101





