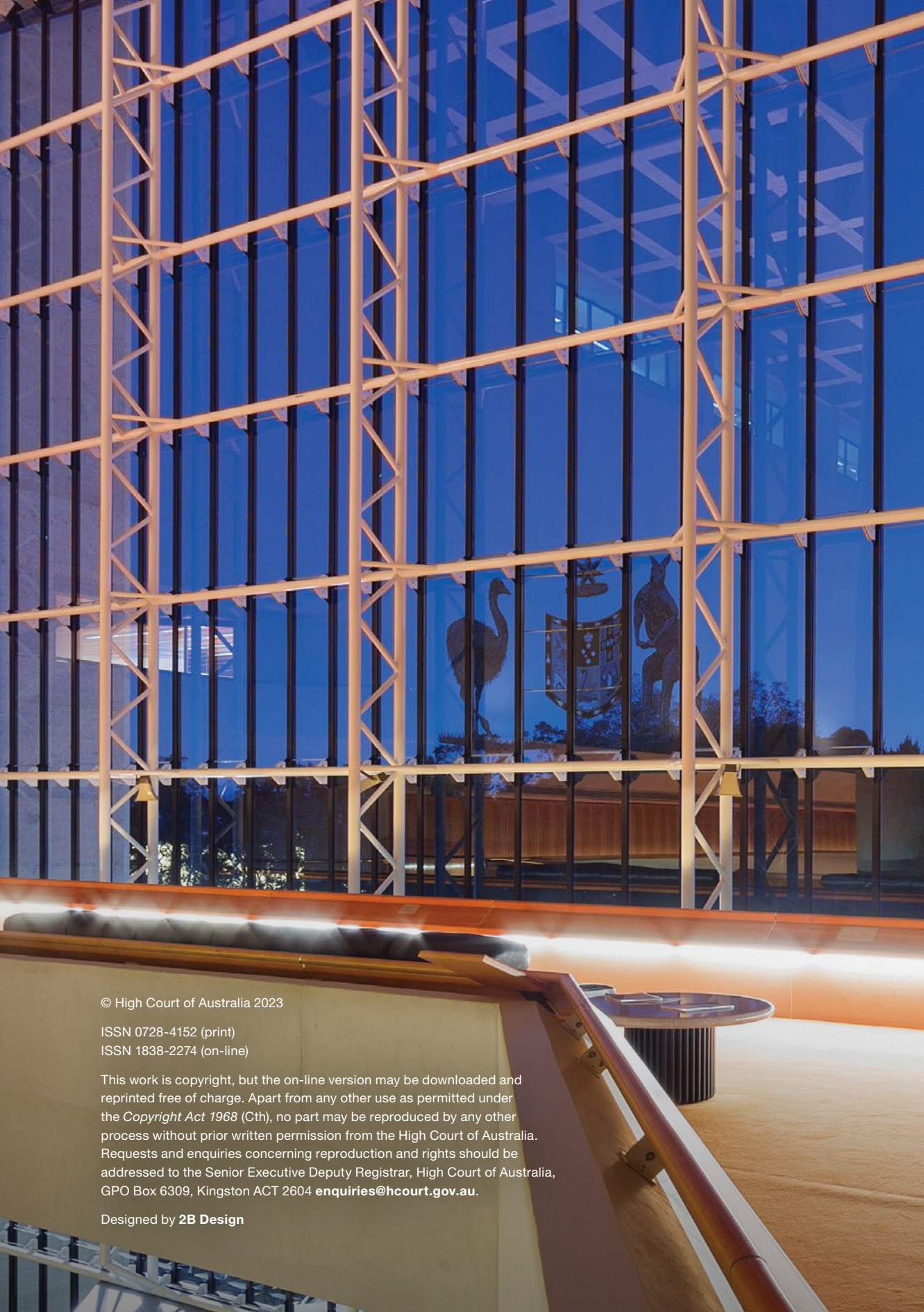




HIGH COURT OF AUSTRALIA

Annual Report
2022–23



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HIGH COURT OF AUSTRALIA

High Court of Australia
Canberra ACT 2600

15 December 2023

Dear Attorney-General

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 2023, together with the financial statements in respect of the year in the form approved by the Minister for Finance.

Section 47(3) of the Act requires you to cause a copy of this report to be laid before each House of Parliament within 15 sitting days of that House after its receipt by you.

Yours sincerely

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

Philippa Lynch
Chief Executive and Principal Registrar
High Court of Australia

The Honourable Mark Dreyfus KC MP
Attorney-General
Parliament House
Canberra ACT 2600



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PART 1
PREAMBLE



PART 1

PREAMBLE

This is the 44th report prepared as required by the *High Court of Australia Act 1979* (Cth).

Enquiries or comments concerning this report may be directed to:

High Court of Australia
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Kingston ACT 2604

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Email: enquiries@hcourt.gov.au

Electronic publication

This report is published as a PDF on the [High Court's website](#).

It may be downloaded from the site free of charge.



PART 2
**CHIEF JUSTICE'S
OVERVIEW**



PART 2

CHIEF JUSTICE'S OVERVIEW

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 section 75 of the Constitution and original jurisdiction conferred by laws made by the Parliament under section 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 or Territory.

The High Court consists of seven Justices, each appointed until the age of 70. The Justices administer the affairs of the Court pursuant to section 17 of the *High Court of Australia Act 1979* (Cth). The Justices are assisted in that task by the Chief Executive and Principal Registrar ('CE&PR'), Ms Philippa Lynch PSM, and by senior staff of the Court.

In 2022–23, the Full Court decided 322 special leave applications, 36 appeals, 2 cases involving applications for constitutional writs and 8 other cases, including applications for removal under s 40 of the *Judiciary Act 1903* (Cth). Ninety-seven per cent of the applications for leave or special leave to appeal were decided within nine months of filing, and 75 per cent of appeals decided by the Court during the reporting year were completed within nine months of filing. All civil and criminal appeals decided by the Full Court in 2022–23 were decided within six months of the hearing of argument, with 44 per cent decided within three months of the hearing.

Fifty per cent of original jurisdiction matters were decided within three months of hearing argument. All the original jurisdiction matters were decided within six months of hearing. There was a small decrease in the percentage of unrepresented litigants seeking special leave to appeal, with such litigants constituting 31 per cent of applicants, compared to 32 per cent in 2021–22.

Cases decided by the Court during the reporting period reflect the Court's functions as the final appellate and constitutional court of Australia and the variety of subject matters encompassed by its jurisdiction. They included cases on constitutional law (judicial power, the implied freedom of communication about governmental or political matters, the taxation power, and executive power), criminal law and practice, administrative law, defamation, immigration, patents, statutory interpretation, trusts, evidence, negligence, insurance, contracts, corporations, family law, intellectual property, public international law, practice and procedure and bias.

On 18 August 2022, the Court held a Ceremonial Sitting in memory of the late Sir Francis Gerard Brennan AC KBE QC, a Justice of the Court from 1981 to 1995 and Chief Justice from 1995 to 1998. As I observed on that occasion, Sir Gerard (as he was widely known), was held in the highest esteem by the legal profession and colleagues, was a model of judicial patience and courtesy, and he made an enduring contribution to Australian law and the Australian community. He was an exemplary judge.

On 8 September 2022, the reign of Her Majesty Queen Elizabeth II came to an end. The Court paid respect to Her Majesty's life of service, dedication and duty, noting that her reign spanned over half of the time that the High Court had been in existence. Her Majesty opened the new High Court building in Canberra on 25 May 1980.

On 16 October 2022, Justice Patrick Keane AC retired from the Court, having been appointed in March 2013, and having previously served as Chief Justice of the Federal Court of Australia and on the Court of Appeal of the Supreme Court of Queensland. His Honour was a valued colleague whose powerful intellect, industry, breadth of legal knowledge and principle were great assets to the Court. On 17 October 2022, the Hon Justice Jayne Jagot was sworn in as a Justice of the Court, having served on the Federal Court of Australia since 2008, and as a Justice of the Land and Environment Court of New South Wales since 2006. Her Honour's appointment also marked the first time in the Court's history when four women served on the Bench.

The 2022–23 year saw the country begin to emerge from the difficulties brought about by the COVID-19 pandemic. The Court was able to resume hearing all Full Court matters in Canberra and again registers its appreciation for the co-operation of the legal profession in adapting to COVID-19 measures.

The Court was delighted to see the return of visitors to the building, including some 11,500 school students who participate in the Court's education programmes.

The emergence from the pandemic brought with it renewed extra-judicial activity by Justices of the Court, including international engagement. Together with Justices Gageler and Gordon, I participated in the Asia Pacific Judicial Colloquium in Wellington, a meeting of justices from the apex courts of Canada, New Zealand, Singapore, Hong Kong and Australia, where a series of papers were given around the broad topic of "Judging in Times of Disruption". In May 2023, I travelled to Papua New Guinea and met with my counterpart Sir Gibuna Gibbs Salika, and officials from the Papua New Guinea Centre for Judicial Excellence, the Papua New Guinea Law Society, the Commonwealth Lawyers Association Council representative, the Commonwealth Judges and Magistrates Association, staff and students of UPNG Law School, staff and students of the Legal Training Institute and delivered the Sir Buri Kidu Lecture, "Prerogative Writs and Modern Judicial Review – Constancy and Change".

Justices of the Court have engaged widely in extra-judicial writing and speech giving throughout the year in review.

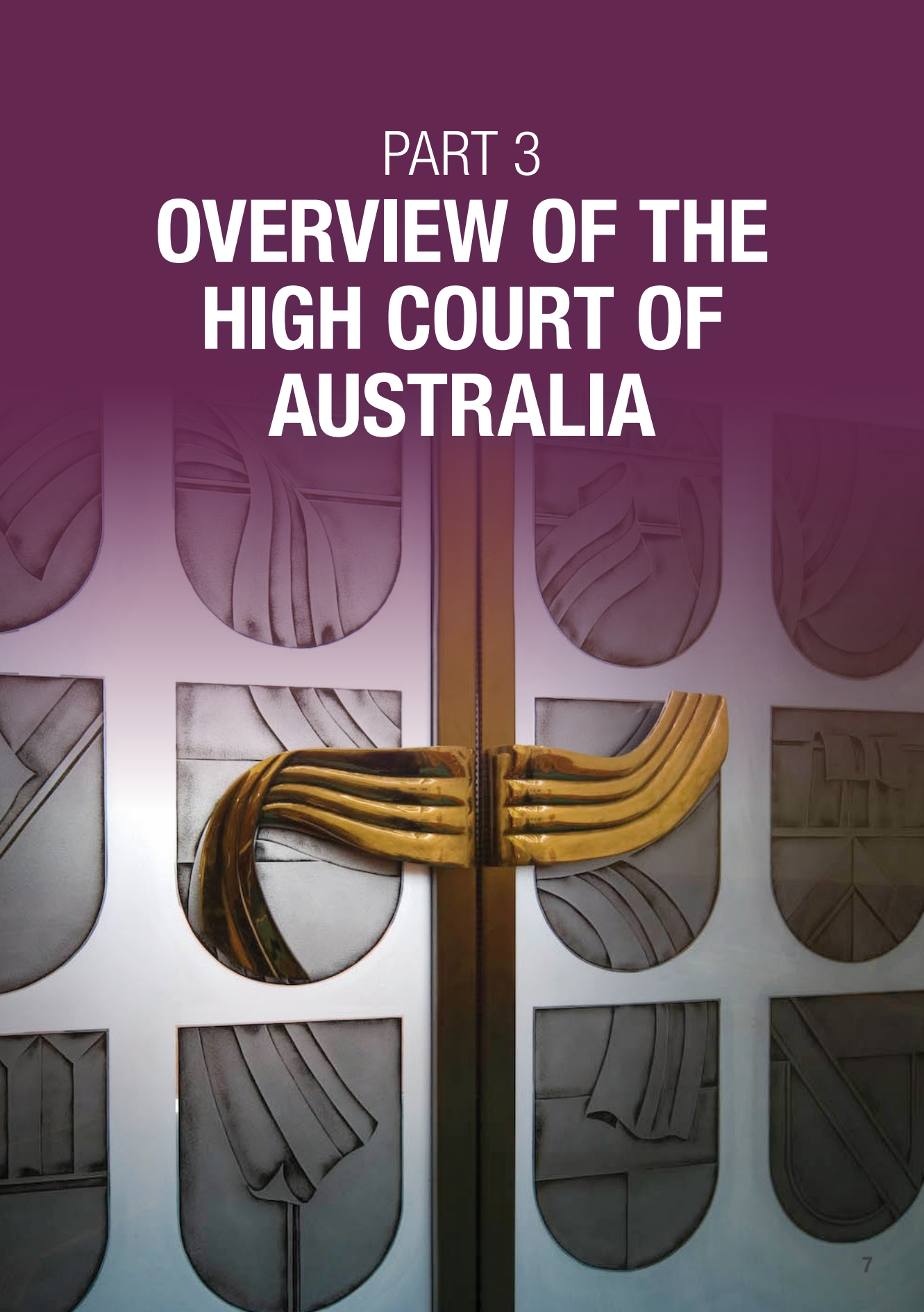
Aspects of the Court's audio-visual systems have come to the end of their useful life. This has started to impact on the Court, with some interruptions to hearings, and limitations on the Court's capacity to conduct hearings outside of its Canberra courtrooms, or to conduct concurrent hearings in Canberra. It is unfortunate that Australia's apex court lags behind other international, federal, state and territory courts in terms of its technological capability and basic functionality for courtrooms and hearings. The Court has approached successive Governments for assistance in resolving these issues. It is hoped that government will be able to address this funding issue in the future.

As this is my last Chief Justice's overview ahead of my retirement on 5 November 2023, I take this opportunity to express my gratitude for the support, collegiality, intellectual rigour and friendship I have experienced from judicial colleagues since my appointment to the Court in 2007. I also wish to thank the many associates who have so ably assisted me on the High Court, whose careers I have seen flourish in the years since they have left. I also extend thanks to my executive assistants who have provided tireless support to me over my years at the High Court – Ms Ingrid Schodel, Ms Vivienne Koroglu, Ms Trish Zellner, Ms Nerissa Kitson and Ms Julie Riley.

I also take this opportunity of thanking all the members of the staff of the Court for the assistance that they have provided to the Justices in the year ended 30 June 2023. The Court has a small number of staff who work with great dedication and professionalism in supporting the Justices in the discharge of their duties. In particular I thank the Senior Registrar, Ms Carolyn Rogers, the Senior Executive Deputy Registrar Mr Ben Wickham and the Deputy Registrars. Finally, I express my gratitude for the very significant assistance I have received from the Court's Chief Executive and Principal Registrar, Ms Philippa Lynch PSM, since her appointment in 2018.



PART 3
**OVERVIEW OF THE
HIGH COURT OF
AUSTRALIA**



PART 3

OVERVIEW OF THE HIGH COURT OF AUSTRALIA

Establishment

The High Court of Australia is the apex court in the Australian judicial system. It has its origins in section 71 of the Constitution. The *Judiciary Act 1903* (Cth) regulates the exercise of the Court's appellate and original jurisdiction. The Court was given the power to administer its own affairs in the *High Court of Australia Act 1979* (Cth).

Functions and powers

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
- hear appeals, by special leave, from federal, state and territory courts.

In addition to its appellate and original jurisdiction, the High Court also has jurisdiction to hear electoral disputes as the Court of Disputed Returns under the *Commonwealth Electoral Act 1918* (Cth).

Justices of the Court

As at 30 June 2023, the seven Justices of the Court were:

Chief Justice Susan Kiefel AC



Susan Mary Kiefel was appointed Chief Justice of the High Court of Australia in January 2017. She was appointed a Justice of the High Court of Australia in September 2007. At the time of her appointment as a Justice 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 appointed Queen’s Counsel in 1987. Chief 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 the University of Cambridge. Chief Justice Kiefel was appointed a Companion in the General Division of the Order of Australia in 2011.

Justice Stephen Gageler AC



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 Gageler was appointed a Companion in the General Division of the Order of Australia in 2017.

Justice Michelle Gordon AC



Michelle Marjorie Gordon was appointed to the Court in June 2015. At the time of her appointment, she was a judge of the Federal Court of Australia, to which she was appointed in April 2007. She graduated in law from the University of Western Australia. She was admitted to practice in Western Australia in 1987 and joined the Victorian Bar in 1992. She was appointed Senior Counsel in 2003. She practised in state and federal courts principally in commercial, equity, taxation and general civil matters. She was appointed a Professorial Fellow of the Melbourne Law School in July 2015. Justice Gordon was appointed a Companion in the General Division of the Order of Australia in 2019.

Justice James Edelman



James Joshua Edelman was appointed to the Court in January 2017. From 2015 until the time of his appointment he was a judge of the Federal Court of Australia. From 2011 until 2015 he was a judge of the Supreme Court of Western Australia. He previously practised as a barrister in Western Australia from 2001 to 2011 in the areas of criminal law and commercial law and at One Essex Court Chambers from 2008 to 2011 in commercial law. He was a Fellow of Keble College, Oxford from 2005, and Professor of the Law of Obligations at the University of Oxford from 2008 until 2011.

Justice Simon Steward



Simon Harry Peter Steward was appointed to the High Court in December 2020. At the time of his appointment, he was a Justice of the Federal Court of Australia to which he had been appointed in February 2018. He was made a Deputy President of the Administrative Appeals Tribunal in June 2018. He holds honours and masters degrees in law from the University of Melbourne. He was admitted to practice as a solicitor in 1991 and was called to the Victorian Bar in 1999 where he practiced in revenue law. He was appointed Queen's Counsel in 2009. He is a former President of the Tax Bar Association of the Victorian Bar and is a Senior Fellow at the University of Melbourne School of Law.

Justice Jacqueline Gleeson



Jacqueline Sarah Gleeson was appointed to the Court in March 2021. At the time of her appointment, she was a judge of the Federal Court of Australia, having been appointed to that position in April 2014. She has Bachelor of Arts, Bachelor of Laws and Master of Laws degrees from the University of Sydney. She was admitted as a solicitor in 1989 and practised as an employed solicitor at Bush Burke & Company in Sydney from 1990 to mid-1991. She then practised as a barrister from mid-1991, leaving the Bar at the end of 2000. From 2001 to 2003, she was General Counsel at the Australian Broadcasting Authority. From 2004 to 2006, she was a Senior Executive Lawyer with the Australian Government Solicitor. She returned to the Bar in 2007 and was made Senior Counsel in 2012.

Justice Jayne Jagot



Jayne Margaret Jagot was appointed to the Court in October 2022. She was a judge of the Federal Court of Australia from 2008 until her appointment. Between 2006 and 2008, she was a judge of the Land and Environment Court of New South Wales. Before her appointment as a judge, she practised as a solicitor between 1991 and 2002 and as a barrister between 2002 and 2006.

Retirement of Justice

Justice Patrick Keane AC



Patrick Anthony Keane was appointed to the High 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 he was appointed Queen's Counsel. He was Solicitor-General for Queensland from 1992 to 2005. Justice Keane AC was appointed a Companion in the General Division of the Order of Australia in 2015.

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.

Sittings of the Court

Sittings of a Full Court (two or more Justices) are held at the places and on the days fixed by a rule of Court. Most Full Court sittings are held in the seat of the Court in Canberra, but are also held in State capital cities if warranted by the amount of business. The Court did not travel on circuit in 2022–23.

A Justice may sit to hear and determine applications to a single Justice at the places and on the days that the Justice thinks fit. During the 2022–23 year, single Justice sittings were generally held in Canberra or by video-conference. Where the Justices sat remotely in 2022–23, proceedings were streamed into open Court in Canberra.

Constitutional cases are usually 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 granted or refused without oral argument, orders to that effect are 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. Video-links are used extensively by the Court in hearings of special leave applications and in single Justice hearings.

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 office of profit within Australia
- the Chief Justices and the other Justices shall receive salary and other allowances at such rates as are fixed from time to time by Parliament.

Chief Justices and Justices of the Court

There have been 13 Chief Justices and 50 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

- Sir Samuel Walker Griffith 1903–1919
- Sir Adrian Knox 1919–1930
- Sir Isaac Alfred Isaacs 1930–1931
- Sir Frank Gavan Duffy 1931–1935
- Sir John Greig Latham 1935–1952
- Sir Owen Dixon 1952–1964
- Sir Garfield Edward John Barwick 1964–1981
- Sir Harry Talbot Gibbs 1981–1987
- Sir Anthony Frank Mason 1987–1995
- Sir (Francis) Gerard Brennan 1995–1998
- (Anthony) Murray Gleeson 1998–2008
- Robert Shenton French 2008–2017
- Susan Mary Kiefel 2017–
- Herbert Vere Evatt 1930–1940
- Sir Edward Aloysius McTiernan 1930–1976
- Sir Dudley Williams 1940–1958
- Sir William Flood Webb 1946–1958
- Sir Wilfred Kelsham Fullagar 1950–1961
- Sir Frank Walters Kitto 1950–1970
- Sir Alan Russell Taylor 1952–1969
- Sir Douglas Ian Menzies 1958–1974
- Sir Victor Windeyer 1958–1972
- Sir William Francis Langer Owen 1961–1972
- Sir Cyril Ambrose Walsh 1969–1973
- Sir Harry Talbot Gibbs 1970–1981
- Sir Ninian Martin Stephen 1972–1982
- Sir Anthony Frank Mason 1972–1987
- Sir Kenneth Sydney Jacobs 1974–1979
- Lionel Keith Murphy 1975–1986
- Sir Keith Arthur Aickin 1976–1982
- Sir Ronald Darling Wilson 1979–1989
- Sir (Francis) Gerard Brennan 1981–1995
- Sir William Patrick Deane 1982–1995
- Sir Daryl Michael Dawson 1982–1997
- John Leslie Toohey 1987–1998
- Mary Genevieve Gaudron 1987–2003
- Michael Hudson McHugh 1989–2005
- William Montague Charles Gummow 1995–2012
- Michael Donald Kirby 1996–2009
- Kenneth Madison Hayne 1997–2015
- Ian David Francis Callinan 1998–2007
- (John) Dyson Heydon 2003–2013
- Susan Maree Crennan 2005–2015
- Susan Mary Kiefel 2007–
- Virginia Margaret Bell 2009–2021
- Stephen John Gageler 2012–
- Patrick Anthony Keane 2013–2022
- Geoffrey Arthur Akeroyd Nettle 2015–2020
- Michelle Marjorie Gordon 2015–
- James Joshua Edelman 2017–
- Simon Peter Harry Steward 2020–
- Jacqueline Sarah Gleeson 2021–
- Jayne Margaret Jagot 2022–

Justices

- Sir Edmund Barton 1903–1920
- Richard Edward O'Connor 1903–1912
- Sir Isaac Alfred Isaacs 1906–1930
- Henry Bournes Higgins 1906–1929
- Sir Frank Gavan Duffy 1913–1931
- Sir Charles Powers 1913–1929
- Albert Bathurst Piddington 1913–1913
- Sir George Edward Rich 1913–1950
- Sir Hayden Erskine Starke 1920–1950
- Sir Owen Dixon 1929–1952

Administration of the Court

In addition to the regular Court Business Meetings between the Justices and the Chief Executive and Principal Registrar (“CE&PR”), the Court had a number of committees consisting of Justices and senior members of staff. As at 30 June 2023, they comprised the following Committees:

- Finance
- Rules
- Communications
- Audit
- Information Technology
- Security
- International
- Library
- Artworks
- Annual Report
- Archives
- Workplace Conduct

The Audit Committee has an independent Chair.

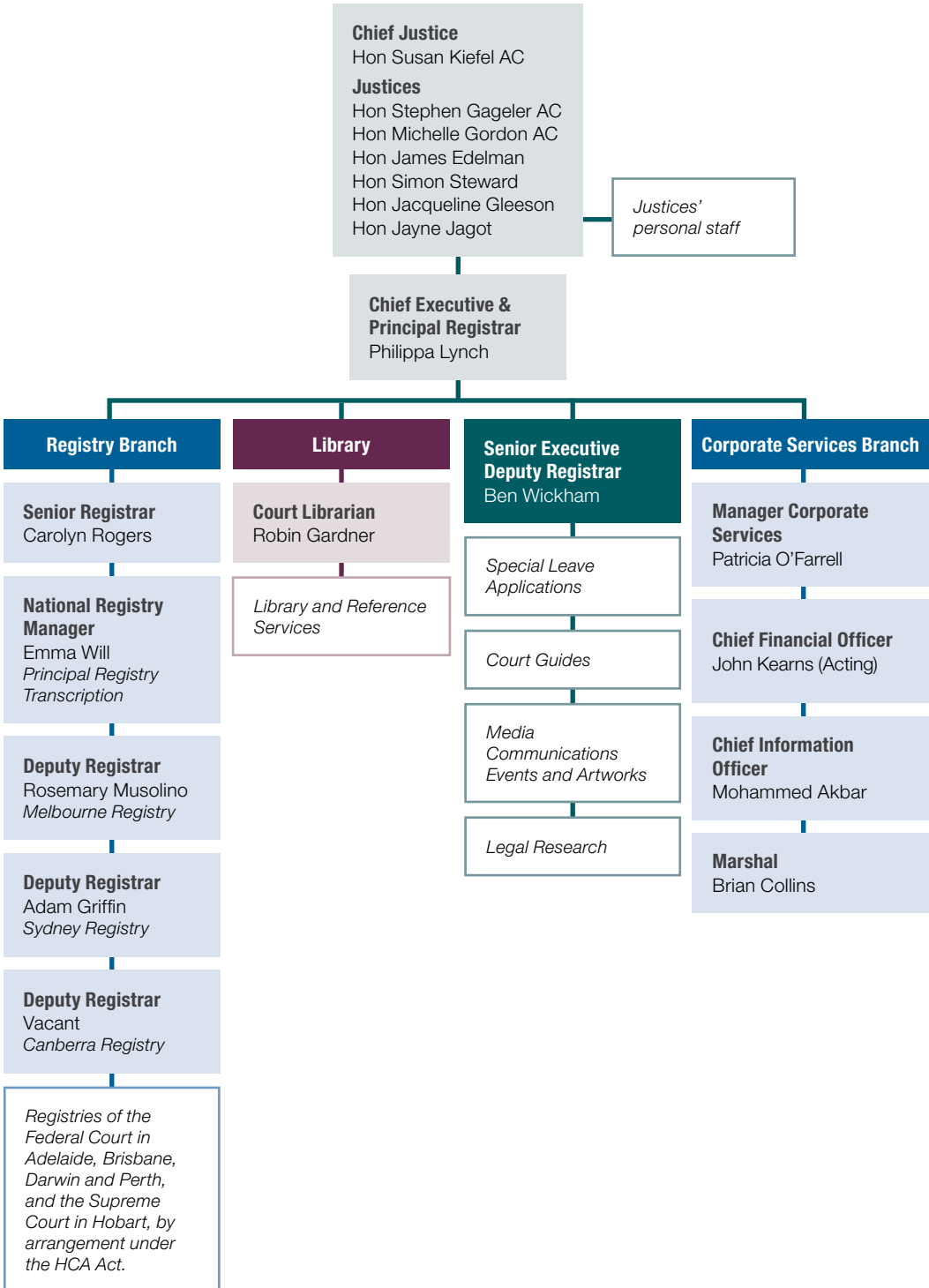
With the enactment of the *High Court of Australia Act 1979* (Cth), the Court was given responsibility for its own administration (section 17). The CE&PR has the function of ‘acting on behalf of, and assisting, the Justices in the administration of the affairs of the High Court under section 17 and has such other functions as are conferred on him or her by this Act or assigned to him or her by the Court’ (section 19(1)).

The CE&PR 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) of the *High Court of Australia Act 1979* (Cth)). The CE&PR may appoint such other officers and engage other employees as the Court considers necessary (section 26(1) and (3)). The Court determines the terms and conditions of employment of employees, including remuneration and allowances (section 26(4)). Employees and officers of the High Court are not covered by the *Public Service Act 1999* (Cth). The Registry is under the control of the CE&PR (section 30(2)), assisted by the Senior Registrar.

The High Court’s senior team comprises the CE&PR, the Senior Registrar, the Senior Executive Deputy Registrar, the Manager Corporate Services, and the High Court Librarian. Employees are located primarily in Canberra but also in chambers and offices of the Registry in Sydney, Melbourne and Brisbane.



High Court of Australia organisational chart as at 30 June 2023



Appropriations and spending

The Court may spend moneys appropriated to it by Parliament (section 35 of the *High Court of Australia Act 1979* (Cth) or other moneys (section 39)). Moneys paid to the Court under section 35 shall be applied only in payment or discharge of the costs and expenses of the administration of the affairs of the Court under section 17 and in payment of any remuneration and allowances payable under the Act to any person other than a Justice (section 37). Timings of the Court's draw-downs of its appropriated moneys are subject to directions from the Finance Minister, but the Court is not otherwise subject to the financial controls exercised by the Minister over Commonwealth agencies and the federal courts. The Court is subject to the processes set by Cabinet for setting of the amounts of moneys to be appropriated, inclusive of the rules set by the Finance Minister for costing agency outputs and any proposed new initiatives. The Court may not expend its appropriated moneys otherwise than in accordance with estimates approved by the Attorney-General (section 36(2)). The Court participates in the Estimates process, and the CE&PR and other officers appear, when called, before the Senate Legal and Constitutional Affairs Committee at Estimates hearings.

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 authorized 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'.

Justices' remuneration is paid from a special appropriation under the *Remuneration Tribunal Act 1973* (Cth).

The High Court building

The High Court building, situated in the National Triangle on the shores of Lake Burley Griffin, is one of Canberra's major national buildings. The building was opened by Her Majesty Queen Elizabeth II on 26 May 1980. The building was designed by the architectural firm of Edwards Madigan Torzillo & Briggs Pty Ltd, the winners of a national competition. The 40-metre tall concrete and glass building comprises a number of major functional elements, namely the large Public Hall, three courtrooms, an administrative wing, and an area provided for the Justices. The forecourt and main entrance of the building are approached via a long ceremonial ramp. A waterfall designed by Robert Woodward and constructed of South Australian speckled granite runs the full length of one side of the ramp.



PART 4
**THE WORK OF THE
COURT IN 2022–23**



PART 4

THE WORK OF THE COURT IN 2022–23

A: Judicial workloads

Special leave applications

Comparisons of the number of special leave applications filed and determined for the last five years are provided in the following tables. The proportion of special leave applications filed by self-represented litigants during 2022–23 was 31 per cent (compared to 32 per cent in 2021–22).

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 determination. Sixty-seven per cent of the applications decided in 2022–23 were finalised without an oral hearing, the figure in 2021–22 compared to 66 per cent.

Ninety-seven per cent of the applications for leave or special leave to appeal decided by the Court during the reporting year were completed within nine months of filing, the figure for 2021–22 was 96 per cent.

Year of filing	Number of SLAs filed
2018/19	565
2019/20	455
2020/21	407
2021/22	382
2022/23	311

Year of determination	Granted	Refused	Other ¹
2018/19	43	507	21
2019/20	52	409	23
2020/21	48	329	7
2021/22	53	334	12
2022–23	37	283	14

¹ Includes matters deemed abandoned or discontinued. It also includes two criminal special leave applications which were referred to the Full Court to be argued as on appeal, one has not yet been finally determined so is not included in the elapsed time figures below.

Elapsed time for special leave applications from time of filing

Year of determination	Less than 3 months	3 to 6 months	6 to 9 months	9 to 12 months	Over 12 months
2018/19	202	316	28	3	1
2019/20	133	291	27	8	2
2020/21	51	251	61	10	4
2021/22	62	194	114	14	3
2022/23 ²	52	185	73	6	5

² Does not include the criminal special leave application referred to the Full Court which has not yet been finally determined.

Appeals

Seventy-five per cent of the 36 appeals decided by the Court during the reporting year were completed within nine months of filing; the figure for 2021–22 was 61 per cent. In 97 per cent of cases decided by the Court in the period, judgment was delivered within six months of the hearing, in 44 per cent of cases judgment was delivered within 3 months of hearing. The Court referred two criminal special leave applications to be argued as if on appeal in the period, one of these has not yet been finally determined. Two civil appeals had special leave revoked at the hearing. The determination figures have been adjusted to include these as final outcomes.

Year of filing	Number of Appeals filed
2018/19	41
2019/20	57
2020/21	46
2021/22	37
2022/23	40

Year of determination	Allowed	Dismissed	Other ¹
2018/19	37	24	0
2019/20	36	19	0
2020/21	23	20	0
2021/22	23	24	0
2022/23	25 ¹	12	0

¹ includes a Criminal Special Leave Application referred to the Full Court which was granted and allowed.

Elapsed time for appeals dealt with by the Full Court from time of filing

Year of determination	Less than 3 months	3 to 6 months	6 to 9 months	9 to 12 months	Over 12 months
2018/19	0	7	19	28	7
2019/20	0	8	29	18	0
2020/21	0	9	21	12	1
2021/22	0	2	26	11	7
2022/23	0	11	16	8	1

Original jurisdiction

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 be considered by the Full Court. Some cases are remitted to another Court for trial pursuant to section 44 of the *Judiciary Act 1903* (Cth). In 2022–23, the Full Court published 6 judgments dealing with 6 cases filed in the original jurisdiction. Another two matters were determined without an oral hearing and two removal applications were dealt with at a special leave oral hearing list.

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. There were no election petitions filed in the period.

Year of filing	Writs of Summons	Constitutional Writs	Electoral	Removals	Cause Removed	Other
2018/19	18	131	0	8	1	24
2019/20	13	42	3	7	2	20
2020/21	10	36	0	5	3	17
2021/22	12	19	0	17	4	28
2022/23	6	22	0	7	1	25

Elapsed time for original jurisdiction matters dealt with by the Full Court from time of filing

Year of determination	Less than 3 months	3 to 6 months	6 to 9 months	9 to 12 months	Over 12 months
2018/19	1	1	0	2	3
2019/20	0	1	0	5	2
2020/21	1	4	3	2	1
2021/22	0	1	1	1	3
2022/23	0	1	4	2	3

B: Judicial leadership activities

Council of Chief Justices of Australia and New Zealand

The Council of Chief Justices of Australia and New Zealand comprises the Chief Justices of the High Court, the Federal Court, the Federal Circuit and Family Court, and the Supreme Courts of each of the States and Territories, together with the Chief Justice of New Zealand. The objects of the Council are to:

- provide a forum within which its members may discuss matters of common concern and exchange information and advice
- advance and maintain the rule of law and the independence of the judiciary in Australia and New Zealand
- advance and maintain the principle that Australian courts together constitute a national judicial system operating within a federal framework
- ensure that its members are aware of proposals by and developments within governments and the legal profession relevant to the preceding objects.

Through reports it receives on the work of the National Judicial College, the Judicial Council on Diversity and Inclusion, and the Legal Services Council, it has an overview function in relation to judicial education, cultural diversity awareness relevant to access to justice and legal education, practical legal training and admission standards. It also promotes the harmonisation of court rules around Australia through its Harmonisation Committee.

The Council met in October 2022 and April 2023. It considered, amongst other things: judicial education and other assistance in the Asia Pacific region, judicial appointment processes, judicial well-being, post-judicial activities, and judicial impartiality and conduct.

International

The gradual lifting of COVID-19 restrictions has meant that the Court has been able to welcome back international visitors and has enabled Justices to once again, engage with their international colleagues. The Court was visited by delegations from the Supreme Court of Japan, the Master of the Rolls, Sir Geoffrey Vos, the Constitutional Court of South Korea, and Law Deans from Indonesia.

The Chief Justice visited Papua New Guinea in May 2023 and met with her counterpart Sir Gibuna Gibbs Salika and officials from the Papua New Guinea Centre for Judicial Excellence, the Papua New Guinea Law Society, the Commonwealth Lawyers Association Council representative, the Commonwealth Judges and Magistrates Association, staff and students of UPNG Law School, staff and students of the Legal Training Institute and delivered the Sir Buri Kidu Lecture, “Prerogative Writs and Modern Judicial Review – Constancy and Change”. The Chief Justice and Justices Gageler and Gordon attended the Asia Pacific Judicial Colloquium in Wellington in 2023. This important Colloquium brings together judges from the apex courts of Singapore, Canada, Hong Kong, New Zealand and Australia to consider matters of mutual interest, on this occasion around the theme “Judging in Times of Disruption”. Justice Gageler delivered a paper on judicial review of national security decisions and Justice Gordon delivered a paper on the politicization of courts.

Justice Gageler participated in the 2022 Yale Global Constitutional Seminar and attended the Joint Conference of the Pacific Judicial Council and the Pacific Judicial Conference in Guam.

National

Beyond the judicial work of the Court, the Justices are active in delivering speeches and publishing scholarly articles. Amongst those activities were Chief Justice Kiefel's addresses to the Australian Women Lawyers Conference in Brisbane in August 2022 "Yesterday, today and tomorrow – a trend towards equality?", the Hal Wootten Lecture at the University of New South Wales in November 2022, "A Nudge in the Right Direction: Some Landmark Cases and the Development of the Law", the George Winterton Lecture "Judicial Review of Legislative and Executive Action: Acceptance and Resentment, Lessons from a Comparative Perspective", and the keynote address at the National Access to Justice and Pro Bono Conference in June 2023. Justice Gageler published a number of articles, including in the *Australian Bar Review*, the *Public Law Review*, the *Australian Law Journal*, the *Judicial Review* and the *Melbourne University Law Review*, and gave speeches at the Supreme Court Annual Conference, the Australian Judicial Officers Association, the National Judicial College of Australia, the Leslie Zines Symposium, and the Annual Judicial Plenary of the Federal Circuit and Family Court of Australia. Justice Gordon gave the Harold Ford Memorial Lecture in May 2023 "Corporate Governance – Big Ideas and Debates?", the Peter Nygh Memorial Lecture at the 19th

National Family Law Conference in August 2022, "Family Law and Equity – Friends, Enemies or Frenemies", and the Monash University Lucinda Lecture, "Taking Judging and Judges Seriously: Facts, Framework and Function in Australian Constitutional Law". Her Honour also teaches in the Melbourne Law School Masters Program "Adversary System – Bases and Corollaries". Justice Edelman published in both monographs and journals on topics ranging from vicarious liability, comparative law, administrative law, equity and legal history. Justice Steward gave the keynote address to the 2022 Monash University Law Review annual dinner. Justice Gleeson gave the Brennan Justice Address at the University of Technology Sydney "Women in Law: How Far Have We Come, and Where to From Here?" in March 2023, addressed the AGS Administrative Law Forum in November 2022, delivered the Kathleen Burrow Research Institute Lecture at the University of Sydney in October 2022 and delivered a speech to the Australian Academy of Law, "Judicial Independence and Liberal Democracy" in August 2022. Justice Jagot gave the keynote address at the National Judicial College of Australia 2023 Conference, delivering a paper "Notes on Judging".

C: Public information and education

The Court's public education and visitor programmes seek to enhance awareness of its constitutional role and the rule of law. The Court provides extensive information on its website, publishes judgment summaries and offers specialised educational programmes and activities in the High Court building in Canberra. It also hosts the Australian Constitution Centre Exhibition which traces the history and evolution of the Australian Constitution, illuminates some of its fundamental principles, and explores the role and history of the Court. It also welcomes visitors to appreciate the unique architectural, design and artistic aspects of the Court building.

The High Court makes available, via its website, comprehensive information about the work of the Court. This includes transcripts of hearings, audio-visual recordings of hearings (where possible), judgments, case summaries, judgment summaries, special leave dispositions, the High Court Bulletin, business and court lists, and speeches by present and former Justices. It contains information about the history of the Court, and the art and architecture of the building. The parties' submissions in Full Court matters are also available on the Court's website, as are audio-visual recordings of most Full Court hearings in Canberra. The Court also has an X (formerly known as Twitter) account which is used to notify followers of forthcoming judgments, judgments, court listings and so forth. As at the end of the financial year, there were approximately 12,000 followers. The implementation of the Digital Lodgment System on 1 January 2020 allows any person to do an online search of the publicly available portions of Court files for all matters filed after that date on payment of the fee prescribed under the *High Court of Australia (Fees) Regulation 2022* (Cth).

Visitor numbers to the Court began to pick up after the COVID-19 pandemic and there were approximately 27,000 visitors to the Court in 2022–23, including some 11,500 school students who participate in the Court's education programmes.

Justices of the Court traditionally preside over the grand finals of the pre-eminent law students' moots, and this year, Chief Justice Kiefel presided over the Jessup Moot Australian grand final, held in Courtroom 1, where Macquarie University prevailed over Bond University. Professor Adrienne Stone from the University of Melbourne delivered the annual High Court Public Lecture on 9 November 2022, "More than a Rule book: Identity and the Australian Constitution".

The High Court's website is the primary source of information concerning the work of the Court. In 2022–23, there were approximately 484,526 visitors to the website. Commencing in late-2013, the Court has published most audio-visual recordings of Full Court hearings, ordinarily at the end of each sitting day. There has also been significant interest in the written submissions of parties in Full Court matters, published on the Court's website, with approximately 141,787 hits. The Court's subscription services alert followers and subscribers to upcoming judgments, case summaries, judgment summaries and publications. At the end of 2022–23 there were approximately 25,537 subscribers to these services.

D: Administrative outcomes and activities

Fees

Regulation 11 of the *High Court of Australia (Fees) Regulation 2022* provides that persons in receipt of legal aid, persons who hold a concession card issued by Centrelink or the Department of Veterans' Affairs, persons detained in a public institution or in immigration detention, persons 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 11 of the *Native Title Act 1993* (Cth) are eligible for a full exemption from paying filing and hearing fees associated with proceedings in the High Court.

Where, in the opinion of a Registrar, the payment of the fee payable by an individual would cause financial hardship to the individual, the Registrar

may determine that the person may instead pay a reduced fee (specified in Schedule 1 as the financial hardship fee). A refusal by a Registrar to make such a determination may be reviewed by the Administrative Appeals Tribunal. There were no such refusals during the reporting period.

During the reporting year 386 cases attracting a filing fee and/or hearing fees were filed in the Court. In 169 of these, or 44 per cent of cases, the person liable to pay the fee was exempt from paying fees. In addition, financial hardship determinations were made in another 21, or 5 per cent, of the cases. The filing and hearing fees foregone in these 190 cases for the entire period amounted to \$519,295.00. The composition of this total is shown in the following table.

Record of fees foregone 2022–23

Reasons for non-payment	Regulation	No.	Amount (\$)
Legal Aid (exemption)	11 (1)(a)	31	\$40,180
Holder of a concession card (exemption)	11(1)(b)	69	\$233,800
Person in public detention (exemption)	11(1)(c)	67	\$173,260
Person under the age of 18 years (exemption)	11(1)(d)		0
Youth allowance, Austudy payment recipient or ABSTUDY recipient (exemption)	11(1)(e)	1	\$3,655
Recipient of assistance under Native Title Act (exemption)	11(1)(f)	1	\$17,160
Financial hardship (waiver of two-thirds fee)	12	21	\$51,240
TOTAL		190	\$519,295

Register of Practitioners

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 CE & PR 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 3,444 new practitioners were added to the register in 2022–23.

Resource management

The Court's budget estimates for 2022–23 were reported in the Attorney-General's Portfolio Budget Statements. The audited financial results for 2022–23 are in Part 5. In 2022–23, income including revenue from appropriations, amounted to \$20.832m, and operating expenses were \$28.595m, resulting in a deficit of \$7.763m. The Court's underlying operating result (excluding unfunded depreciation and other gains) was a loss of \$0.006m.

In 2022–23 the Court received an equity injection of \$3.427m including departmental capital budget.

The Court has a small administration with 97 employees as at 30 June 2023 (excluding Justices). The full-time equivalent number of employees in 2022–23 was 75.57. From 1 March 2023, a pay rise of 3.0% to non-senior executive staff was made under a determination of the Court under section 26(4) of the *High Court of Australia Act 1979* (Cth).

Court staff not only provide the administrative and registry services necessary for the operation of the Court, but also manage a large public building which usually attracts tens of thousands of visitors from around Australia each year. The Court also maintains Registry offices in Canberra, Sydney and Melbourne and also chambers in three States and the Australian Capital Territory.

Section 43 of the *High Court of Australia Act 1979* (Cth) 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. Results of the Auditor-General's audit of the Court's 2022–23 financial statements, which can be found at Part 5 of this report, were reported to the Attorney-General on 4 October 2023. The report was unqualified and there were no significant issues arising from the audit.

Section 47 of the *High Court of Australia Act 1979* (Cth) requires the Court, as soon as practicable after 30 June in each year, to prepare and submit to the Attorney-General a report relating to the administration of the affairs of the Court under section 17 during the year that ended on that 30 June, together with financial statements in respect of that year in such form as the Finance Minister approves. The Court's Annual Report 2021–22 was submitted to the Attorney-General on 30 November 2022 and it was tabled in Parliament on 7 March 2023.

The Court's internal audits are performed by a contracted auditor. During 2022–23 the internal auditor conducted reviews of:

- WHS compliance and risk management and reporting system (Donesafe)
- IT general controls review

During 2022–23 the Court entered into or made payments under 19 consultancy contracts with a total value of \$273,395 (including GST). Contracts with a total value of \$10,000 or more (including GST) were:

Name	Description	Contract Price
Ashurst Australia	Legal advice	41,596.49
Australian Government Solicitor	General legal advice	21,869.65
BellChambersBarrett	Internal audit services	46,053.15
CbrCyber Pty Ltd	IT security compliance review	18,216.00
Echelon Consultancy	Develop service guide for asset database development	17,710.00
Integrity Advisory Pty Ltd	Review fraud and corruption framework	31,900.00
JILL Valuation	Valuation of land and building assets	14,550.00
JLL Valuation	Valuation of infrastructure, plant and equipment assets	7,150.00
Peter Tinslay	Valuation of library assets	13,750.00
Security Consulting Group Pty Ltd	Residential security review	15,867.50

Human Resources Management

Work health and safety

During 2022–23 the Work Health and Safety Committee (WHSC) met four times. The WHSC provides an opportunity for employees to raise any issues they have about personal and workplace safety. Nominated WHSC Representatives are encouraged to consult within their business areas prior to and after WHSC meetings. Information about the Court’s health and safety arrangements and minutes from the WHSC meetings can be accessed by employees from the Court’s intranet.

The Court is undertaking a review of all WHS policies to ensure that they are compliant with applicable legislative requirements. In addition, the Court has reviewed and enhanced the configuration of the electronic platform (“Donesafe”) to ensure that it is able to provide timely and accurate reporting.

In 2022–23:

- there were no notifiable incidents that required the Court to provide information to Comcare under section 68 of the *Occupational Health and Safety Act 1991* (Cth) or sections 36,37 and 38 of the *Work Health and Safety Act 2011* (Cth). No employees suffered serious compensable injuries or illnesses
- there were no work health and safety investigations conducted, and no notices were given in relation to incidents at the Courts workplaces during 2022–23.

In 2022–23, the Court continued its commitment to promoting and sustaining a safe and healthy workplace through the application of policies, procedures and practices to appropriately protect workers from, and respond to, potential hazards. Wellbeing across the Court has continued to be a strong focus during this period as employees transitioned back into the Court after working-from-home arrangements brought about by the COVID-19 pandemic.

Initiatives undertaken to support the Court's commitment to work health and safety included:

- implementing a different workgroup composition on the WHSC, appointing a new health and safety representative (HSR) and increasing the number of WHS staff representatives (WHSR) to better support more productive local communications and consultation with staff on work health and safety matters
- conducting the annual building hazard inspections across the Court's premises
- delivering ergonomic workstation assessments by suitably qualified persons and providing recommended ergonomic equipment
- providing employees access to a free annual influenza vaccination
- promoting and encouraging employees to access the free and confidential counselling services of our employee assistance programme
- wherever practical, supporting employees with the transition back to the workplace through flexible work options
- maintaining enhanced hygiene protocols, including by providing hand sanitiser
- conducting cleaning of high-touch-point areas continuously throughout the day

Training

Over the 2022–23 year, the Court provided, or staff attended or undertook training in the following areas:

- Moving and Manual Handling Body Stressing
- Respectful Workplace Behaviours (bullying and harassment, including sexual harassment)
- Vicarious Trauma
- First Aid and CPR
- Fire Evacuation and Extinguisher Use
- Emergency Response Training, Services and Evacuation Drills
- Fire Warden training

- Business Continuity
- Procurement and Contract Management
- Privacy Awareness
- Content Manager (electronic records management).

Employee Consultative Forum

The Court is committed to communication and consulting with employees and recognises the important role consultation has in supporting a collaborative and engaged workplace. The Employee Consultative Forum (ECF) was established during the 2022–23 year in order to share information and provide an opportunity for employees to discuss terms and conditions of employment. There are six employee representatives on the ECF across different employment levels to give a balanced representation. The ECF meets quarterly, or more regularly if required, and met in March, May and June 2023.

Asset Management

The High Court Building is individually listed on the Commonwealth Heritage List and the High Court National Gallery Precinct is listed on both the National Heritage List and the Commonwealth Heritage List.

The Court has a Conservation Management Plan for the High Court Building which has been developed to operate in a manner that is consistent with the National Capital Plan and the Management Plan for the High Court National Gallery Precinct which in turn are consistent with the National Heritage Principles. In addition to maintaining such an architecturally significant building, the Court is also responsible for the maintenance and preservation of original artworks, ceramics, other heritage artefacts and heritage furniture which all form part of the rich history of the High Court and the Canberra building.

Any restoration works undertaken in the High Court building must be done in a manner that preserves the design intent of the building and any maintenance works to replace ageing infrastructure must also be undertaken in a manner which minimises the impact on the building.

This year, the Court continued on a major project to replace carpets, with carpets replaced in the three courtrooms, some public areas of the building and some administrative areas. The carpet chosen replicates the original colours, designs and type of carpet first laid in the Court in 1980 and aims to restore the design intent of the Court's original architects.

Major infrastructure maintenance projects such as the replacement of the Court's original main switchboard, the replacement of the chiller, HVAC replacement and preparatory work to replace all of the High Court's ageing lifts are underway.

The Court is also working closely with Comcover to finalise plans for repair work to the High Court roof after hail damage suffered in the early 2020 hailstorm in Canberra. The Court is also investigating problems with leaks from the Forecourt and adjoining stairs resulting from deteriorating in the original waterproof membrane.

Risk management

The Court's risk management policy and framework recognises the value of risk management as an essential component of good governance in managing the risks in the administration function of the Court.

The Audit Committee has overarching oversight for risk management including the review of risk policy and oversight of strategic risk profiles. Strategic risks relate to the functional responsibilities for the administration of the Court, work health and safety, information security and overarching enterprise management.

In 2022–23, the Court completed a review of its risk management policies and framework. The Court's Risk Management Policy and Framework sets out the Court's approach to managing risk and engaging with opportunity, consistent with our risk appetite and risk tolerance. The refreshed framework was adopted in April 2023 and includes a continued focus on further maturing the Court's positive risk culture and enhancing support for staff in the practical aspects of risk management levels. The framework is consistent with Australian and international standards on risk management.

The CE&PR and Executive have overarching responsibility for managing risk at the Court, supported by the Audit Committee and the Risk and Governance officer.

The Court monitors and reports on key strategic, project and operational risks through the Risk Management module of the electronic database. The Court has reviewed and enhanced the configuration of the electronic platform to ensure that it is able to provide timely and accurate reporting.

Information management

During 2022–23 the Court:

- continued work on initiatives to improve cyber security and vulnerability management
- completed deployment of end user computing devices enrolled in the new Unified Endpoint Management platform
- continued enhancements and upgrades to the Digital Lodgement System
- commenced work on the cloud-based disaster recovery solution
- commenced market approach for consultancy services for the Court Technology Upgrade project
- completed work on refresh of multi-function devices
- completed work on mobile device refresh (iPhones and iPads)

- completed work on the replacement of on-premise server and storage infrastructure
- completed work on the migration of ISDN to SIP Telephony services
- commenced work on the Backup software refresh project
- commenced work on redevelopment of the Council of Chief Justice Australia and New Zealand (CCJANZ) website
- continued support of remote Court hearings.

Library

Collections

The Court's Library holdings in Canberra total 152,625 volumes. Canberra collections include the main Library collections, chambers collections and the Bar Library, which is available to counsel while they appear before the Court. The Library also has a rare book collection and High Court Collection. The High Court Collection comprises books by and about the High Court and its Justices. There are also small Library collections in the Sydney and Melbourne High Court Registries. The Library acquires material for the collections in accordance with its Collection Development Policy. 1,423 volumes were added to the collections during 2022–23.

Research

Library research staff assist with reference and research queries from the Justices and their staff. These queries range from the simple provision of a case or piece of legislation to in-depth research assistance. Reference assistance is also provided to counsel while they appear before the Court. The Library conducts regular legal research training sessions for associates and other Court staff.

Publications

The Library makes the following publications available online on the Court website:

- New Library Books
- The High Court Bulletin – the full archive is published on AustLII and JADE
- Overseas Decisions Bulletin
- Judgments and Judgment Summaries – also provided to AustLII and JADE

The legal profession and members of the public can subscribe to these publications and receive notification when new issues are uploaded to the website.

The Library makes the following publications available on the Library intranet for use within the Court:

- High Court Reported Judgments – updated as each judgment is progressively published in the ALJRs, ALRs and CLRs
- New Weekly Journals
- Daily Press Clippings and Library Updates

The Library maintains and updates the High Court Archives database and Judicial publications and speeches database. These are for use within the Court but may be made available to researchers on request.



PART 5
**FINANCIAL
STATEMENTS**





INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Report on the annual financial statements

Opinion

In my opinion, the financial statements of the High Court of Australia (the Entity) for the year ended 30 June 2023:

- (a) are based on and are in agreement with proper accounts and records; and
- (b) are in the form approved by the Finance Minister under the *High Court of Australia Act 1979*, including:
 - (i) complying with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
 - (ii) presenting fairly the financial position of the Entity as at 30 June 2023 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2023 and for the year then ended:

- Statement by the Chief Executive & Principal Registrar and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Budget Variance Commentary;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement;
- Administered Budget Variances Commentary; and
- Notes to and forming part of the financial statements, comprising a summary of significant accounting policies and other explanatory information.

Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the Chief Executive and Principal Registrar is responsible under the *High Court of Australia Act 1979* for the preparation and fair presentation of annual financial statements that comply with the form approved by the Finance Minister, being the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* which incorporates Australian Accounting Standards – Simplified Disclosures. The Accountable Authority is also responsible for such internal control as the Accountable Authority determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accountable Authority is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Accountable Authority is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless the assessment indicates that it is not appropriate.

Auditor's responsibilities for the audit of the financial statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit 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 Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit. In accordance with subsection 47(2)(d) of the *High Court of Australia Act 1979*, I also include in this report any other matters arising out of my audit of the financial statements that I consider should be reported to the Attorney-General. I have nothing to report in this regard.

Report on receipts, expenditure and investment of moneys, and the acquisition and disposal of assets

Opinion

In my opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets by the Entity, in all material respects, are in accordance with section 17 of the *High Court of Australia Act 1979*.

I have audited the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets by the Entity during the year ended 30 June 2023.

Responsibilities

The Accountable Authority is responsible for administering the Entity in accordance with the *High Court of Australia Act 1979*. This includes doing all things necessary to ensure that all payments out of the moneys held by the Entity are correctly made and properly authorised and that adequate control is maintained over the assets held by, or in the custody of, the Entity and over the incurring of liabilities by the Entity.

My responsibility is to express an opinion on the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets by the Entity during the year ended 30 June 2023, based on my audit conducted in accordance with the Australian National Audit Office Auditing Standards.

Australian National Audit Office



Fiona Sheppard
Executive Director

Delegate of the Auditor-General

Canberra
16 August 2023

High Court of Australia

Financial Statements

for the period ended 30 June 2023

High Court of Australia
STATEMENT BY THE CHIEF EXECUTIVE & PRINCIPAL REGISTRAR AND
CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2023 are based on properly maintained financial records and are in the form approved by the Finance Minister under section 47(1) of the *High Court of Australia Act 1979*. The statements comply with the Australian Accounting Standards– Simplified Disclosure and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*.

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

Signed.....

Philippa Lynch
Chief Executive & Principal Registrar
High Court of Australia
15 August 2023

Signed.....

John Kearns
Chief Financial Officer
High Court of Australia
15 August 2023

High Court of Australia
STATEMENT OF COMPREHENSIVE INCOME
for the period ended 30 June 2023

	Notes	2023 \$	2022 \$	Original Budget 2023 \$
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	10,156,610	9,973,472	10,182,000
Suppliers	1.1B	10,489,351	10,087,686	10,243,000
Depreciation and amortisation	3.2A	7,769,495	7,803,248	7,840,000
Write-down and impairment of other assets	1.1C	145,703	79,087	2,000
Finance costs	1.1D	3,226	964	-
Losses from asset sales		30,344	59	-
Total expenses		28,594,729	27,944,516	28,267,000
Own-Source Income				
Own-source revenue				
Revenue from contracts with customers	1.2A	453,701	279,096	250,000
Interest		428,814	54,642	350,000
Resources received free of charge	1.2B	3,203,810	3,094,833	3,100,000
Other revenue	1.2C	78,253	382,972	120,000
Total own-source revenue		4,164,578	3,811,543	3,820,000
Gains				
Other gains	1.2D	-	43,390	-
Total gains		-	43,390	-
Total own-source income		4,164,578	3,854,933	3,820,000
Net cost of services		(24,430,151)	(24,089,583)	(24,447,000)
Revenue from Government	1.2E	16,667,000	16,383,000	16,667,000
Deficit		(7,763,151)	(7,706,583)	(7,780,000)
OTHER COMPREHENSIVE INCOME				
Changes in asset revaluation reserve		10,496,635	8,183,240	-
Total other comprehensive income		10,496,635	8,183,240	-
Total comprehensive income/(loss)		2,733,484	476,657	(7,780,000)
Total comprehensive surplus/(loss)		2,733,484	476,657	(7,780,000)

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

For budget variances commentary refer to pages 6.

High Court of Australia

STATEMENT OF FINANCIAL POSITION

as at 30 June 2023

	Notes	2023 \$	2022 \$	Original Budget 2023 \$
ASSETS				
Financial assets				
Cash and cash equivalents	3.1A	2,199,883	2,983,737	3,275,000
Trade and other receivables	3.1B	637,780	619,692	621,000
Other investments		12,039,379	12,000,000	8,500,000
Total financial assets		14,877,042	15,603,429	12,396,000
Non-financial assets¹				
Land and buildings	3.2A	224,755,536	218,701,962	217,166,000
Property, plant and equipment	3.2A	14,069,535	13,711,762	14,204,000
Heritage and cultural	3.2A	4,955,325	4,955,325	4,954,000
Intangibles	3.2A	259,775	279,095	294,000
Other non-financial assets	3.2B	296,994	234,461	234,000
Total non-financial assets		244,337,165	237,882,605	236,852,000
Assets held for sale		-	-	-
Total assets		259,214,207	253,486,034	249,248,000
LIABILITIES				
Payables				
Suppliers	3.3A	427,501	1,026,075	1,026,000
Other payables	3.3B	332,449	300,932	27,000
Total payables		759,950	1,327,007	1,053,000
Interest bearing liabilities				
Leases	3.4A	208,858	86,725	92,000
Total interest bearing liabilities		208,858	86,725	92,000
Provisions				
Employee provisions	6.1	3,134,603	3,121,990	3,506,000
Total provisions		3,134,603	3,121,990	3,506,000
Total liabilities		4,103,411	4,535,722	4,651,000
Net assets		255,110,796	248,950,312	244,597,000
EQUITY				
Contributed equity		118,674,598	115,247,598	118,675,000
Reserves		223,384,768	212,888,133	212,886,000
Accumulated deficit		(86,948,570)	(79,185,419)	(86,964,000)
Total equity		255,110,796	248,950,312	244,597,000

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

¹ Property plant and equipment includes the library collection. Right-of-use assets are included in the Property, plant and equipment category of non-financial assets. Intangibles includes computer software and other intangibles.

For budget variances commentary refer to pages 6.

High Court of Australia
STATEMENT OF CHANGES IN EQUITY
for the period ended 30 June 2023

	2023	2022	Original Budget 2023
	\$	\$	\$
CONTRIBUTED EQUITY			
Opening balance			
Balance carried forward from previous period	115,247,598	111,808,598	115,248,000
Transactions with owners			
Contributions by owners			
Equity injection - appropriation	850,000	900,000	850,000
Departmental capital budget	<u>2,577,000</u>	<u>2,539,000</u>	<u>2,577,000</u>
Total transactions with owners	<u>3,427,000</u>	<u>3,439,000</u>	<u>3,427,000</u>
Closing balances as at 30 June	<u>118,674,598</u>	<u>115,247,598</u>	<u>118,675,000</u>
ACCUMULATED DEFICIT			
Opening balance			
Balance carried forward from previous period	(79,185,419)	(71,478,836)	(79,184,000)
Comprehensive income			
Surplus / (Deficit) for the period	<u>(7,763,151)</u>	<u>(7,706,583)</u>	<u>(7,780,000)</u>
Total comprehensive income	<u>(7,763,151)</u>	<u>(7,706,583)</u>	<u>(7,780,000)</u>
Closing balances as at 30 June	<u>(86,948,570)</u>	<u>(79,185,419)</u>	<u>(86,964,000)</u>
ASSET REVALUATION RESERVE			
Opening balance			
Balance carried forward from previous period	212,888,133	204,704,893	212,886,000
Comprehensive income			
Other comprehensive income	<u>10,496,635</u>	<u>8,183,240</u>	<u>-</u>
Total comprehensive income	<u>10,496,635</u>	<u>8,183,240</u>	<u>-</u>
Closing balances as at 30 June	<u>223,384,768</u>	<u>212,888,133</u>	<u>212,886,000</u>
TOTAL EQUITY			
Opening balance			
Balance carried forward from previous period	248,950,312	245,034,655	248,950,000
Comprehensive income			
Other comprehensive income	10,496,635	8,183,240	-
Surplus / (Deficit) for the period	<u>(7,763,151)</u>	<u>(7,706,583)</u>	<u>(7,780,000)</u>
Total comprehensive income	<u>2,733,484</u>	<u>476,657</u>	<u>(7,780,000)</u>
Transactions with owners			
Contributions by owners			
Equity injection - appropriation	850,000	900,000	850,000
Departmental capital budget	<u>2,577,000</u>	<u>2,539,000</u>	<u>2,577,000</u>
Sub-total transactions with owners	<u>3,427,000</u>	<u>3,439,000</u>	<u>3,427,000</u>
Closing balances as at 30 June	<u>255,110,796</u>	<u>248,950,312</u>	<u>244,597,000</u>

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

For budget variances commentary refer to pages 6

Accounting Policy

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

High Court of Australia
CASH FLOW STATEMENT
for the period ended 30 June 2023

		2023	2022	Original Budget 2023
	Notes	\$	\$	\$
OPERATING ACTIVITIES				
Cash received				
Appropriations		16,667,000	16,383,000	16,667,000
Sale of goods and rendering of services		402,602	23,240	250,000
Interest		349,788	23,962	350,000
Net GST received		982,845	760,028	785,000
Other		153,780	260,562	120,000
Total cash received		18,556,015	17,450,792	18,172,000
Cash used				
Employees		10,093,988	9,892,794	10,072,000
Suppliers		8,911,597	7,403,819	7,928,000
Interest payments on lease liabilities		3,226	964	2,000
Total cash used		19,008,811	17,297,577	18,002,000
Net cash from/(used by) operating activities	5.3	(452,796)	153,215	170,000
INVESTING ACTIVITIES				
Cash received				
Proceeds from sales of property, plant and equipment		10,217	598	-
Investments				3,500,000
Total cash received		10,217	598	3,500,000
Cash used				
Purchase of infrastructure, plant and equipment		3,652,037	2,033,783	6,746,000
Purchase of investments		39,254	-	
Total cash used		3,691,291	2,033,783	6,746,000
Net cash from/(used by) investing activities		(3,681,074)	(2,033,185)	(3,246,000)
FINANCING ACTIVITIES				
Cash received				
Capital injection		3,427,000	3,439,000	3,427,000
Total cash received		3,427,000	3,439,000	3,427,000
Cash used				
Principal payments of lease liabilities		76,984	56,156	60,000
Total cash used		76,984	56,156	60,000
Net cash from/(used by) financing activities		3,350,016	3,382,844	3,367,000
Net increase/(decrease) in cash held		(783,854)	1,502,874	291,000
Cash and cash equivalents at the beginning of the reporting period		2,983,737	1,480,863	2,984,000
Cash and cash equivalents at the end of the reporting period	5.3	2,199,883	2,983,737	3,275,000

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

For budget variances commentary refer to pages 6

High Court of Australia

BUDGET VARIANCE COMMENTARY

for the period ended 30 June 2023

Budget Variation Commentary

A variation is considered major when the variance between budget and actual is greater than 10% and greater than 5% of the relevant category (expenses, revenue, assets, liabilities, receipts, or payments). An item below this threshold will be included if considered important for the readers understanding.

Explanation of Major Variances	Affected line item
<p>Several items are excluded from the Portfolio Budget Statements estimates (budget) due to either the unpredictable, uncontrollable and/or the unplanned nature of the transaction. These transactions include unplanned one-off gains, asset write downs and revaluations adjustments.</p> <p>During 2022-23 the following write down charges were incurred:</p> <ul style="list-style-type: none"> An impairment adjustment of \$145,703 and losses on sale of \$39,656 were recognised for library materials disposed of that were surplus to requirements. 	<p>Write down and impairment of other assets (statement of comprehensive income).</p> <p>Property, plant and equipment (statement of financial position).</p>
<p>Resources received free of charge revenue is higher than the original budget by \$103,810. The Court has registry and judicial offices located in most capital cities. The Court does not pay for the use of these premises but does recognise resources free of charge (voluntary services) in association with its occupancy. The basis of the value as at 30 June 2023 was determined by an independent valuer.</p>	<p>Resources received free of charge revenue (Statement of comprehensive income).</p>
<p>The increase in the asset revaluation reserve relates to the revaluation of the HCA building (\$9,750,548) and the revaluation of the library collection (\$746,087) by independent valuers as at 30 June which was not budgeted.</p>	<p>Other comprehensive Income (Statement of comprehensive income)</p> <p>Land & Buildings, Property Plant and Equipment and Asset revaluation reserve (statement of financial position).</p>
<p>Investments are \$3,539,379 higher than the original budget. Funding received for capital acquisitions is predominately held in investments and only used when capital acquisition payments are due. The budget provided for capital additions totalling \$6,746,000 with actual expenditure recorded of \$3,652,035, a variance of \$3,093,965. This is predominately due to project management resourcing constraints and supply chain timing issues. A number of capital projects are currently in the procurement or design stage that the budget assumed would be close to completion.</p>	<p>Cash and cash equivalents, other investments, Land and Buildings (statement of financial position).</p> <p>Cash received from investments, Purchase of investments, Purchase of infrastructure, plant, and equipment (cash flow statement).</p>
<p>Total payables are lower than the original budget with a variance of \$293,050. The budget split between other payables (wages and superannuation) and suppliers (accruals and creditors) needs to be adjusted to reflect actual spend patterns. The original budget for suppliers was based on 2021-22 actuals which were higher than normal primarily as a result of restrictions on spending during the year which result in projects being completed, or payment milestones reached at the end of the financial year that were not invoiced and/or paid.</p>	<p>Total payables</p>

High Court of Australia
ADMINISTERED SCHEDULE OF COMPREHENSIVE INCOME
for the period ended 30 June 2023

	Notes	2023 \$	2022 \$	Original Budget 2023 \$
Income				
Revenue				
Non-taxation revenue				
Fees and charges	2.1	<u>1,804,565</u>	<u>2,016,273</u>	<u>2,400,000</u>
Total non-taxation revenue		<u>1,804,565</u>	<u>2,016,273</u>	<u>2,400,000</u>
Total income		<u>1,804,565</u>	<u>2,016,273</u>	<u>2,400,000</u>
Total comprehensive income		<u>1,804,565</u>	<u>2,016,273</u>	<u>2,400,000</u>

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

For budget variances commentary refer to page 9.

ADMINISTERED SCHEDULE OF ASSETS AND LIABILITIES
as at 30 June 2023

	Notes	2023 \$	2022 \$	Original Budget 2023 \$
ASSETS				
Financial Assets				
Cash and cash equivalents	4.1	<u>191,624</u>	<u>124,594</u>	<u>124,000</u>
Total financial assets		<u>191,624</u>	<u>124,594</u>	<u>124,000</u>
LIABILITIES				
Payables				
Other payables		<u>-</u>	<u>-</u>	<u>-</u>
Total payables		<u>-</u>	<u>-</u>	<u>-</u>
Net assets/(liabilities)		<u>191,624</u>	<u>124,594</u>	<u>124,000</u>

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

For budget variances commentary refer to page 9.

High Court of Australia
ADMINISTERED RECONCILIATION SCHEDULE
for the period ended 30 June 2023

	2023	2022	Original Budget 2023
	\$	\$	\$
Opening assets less liabilities as at 1 July	124,594	152,172	124,000
Adjusted opening assets less liabilities	124,594	152,172	124,000
Net (cost of)/contribution by services			
Income	1,804,565	2,016,273	2,400,000
Transfers (to)/from the Australian Government			
Appropriation transfers to OPA			
Transfers to OPA	(1,737,535)	(2,043,851)	(2,400,000)
Closing assets less liabilities as at 30 June	191,624	124,594	124,000

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

For budget variances commentary refer to page 9

Accounting Policy

Administered Cash Transfers to and from the 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. 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 schedule of administered cash flows and in the administered reconciliation schedule.

ADMINISTERED CASH FLOW STATEMENT
for the period ended 30 June 2023

	2023	2022	Original Budget 2023
Notes	\$	\$	\$
OPERATING ACTIVITIES			
Cash received			
Fees and charges	1,804,565	2,016,273	2,400,000
Total cash received	1,804,565	2,016,273	2,400,000
Net cash from/ (used by) operating activities	1,804,565	2,016,273	2,400,000
Net increase (decrease) in cash held	1,804,565	2,016,273	2,400,000
Cash and cash equivalents at the beginning of the reporting period	124,594	152,172	124,000
Cash to Official Public Account			
Cash to OPA	(1,737,535)	(2,043,851)	(2,400,000)
Cash and cash equivalents at the end of the reporting period	191,624	124,594	124,000
4.1			

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

For budget variances commentary refer to page 9

High Court of Australia
ADMINISTERED BUDGET VARIANCES COMMENTARY
for the period ended 30 June 2023

Budget Variation Commentary

A variation is considered major when the variance between budget and actual is greater than 10% and greater than 5% of the relevant category (expenses, revenue, assets, liabilities, receipts, or payments). An item below this threshold will be included if considered important for the readers understanding.

Explanation of Major Variances	Affected line item
Filing and hearing fees are determined under the <i>High Court of Australia (fees) Regulation 2012</i> . Hearing fees are paid once a date has been set. Appeal filling are lower than the prior year. The budget was based on prior year filling rates.	Non-taxation revenue (Administered statement of comprehensive income)

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High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Overview

The Basis of Preparation

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:

- *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- Australian Accounting Standards - Simplified Disclosure 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 FRR's, assets and liabilities are recognised in the statement of financial position 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.

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.

New Accounting Standards

Two amending standards (AASB 2021-2 and AASB 2021-6) were adopted earlier than the application date as stated in the standard. The amending standards have been adopted for the 2022-23 reporting period but do not have a material impact on the Court's financial statements.

The following new amending accounting standards were issued by the AASB and are applicable to the current reporting period:

AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates (AASB 2021-2). The amending standard requires the disclosure of material, rather than significant, accounting policies, and clarifies what is considered a change in accounting policy compared to a change in accounting estimate and

AASB 2021-6 Amendments to Australian Accounting Standards - Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards (AASB 2021-6). ASB 2021-6 amends the Tier 2 reporting requirements set out in AASB 1049, AASB 1054 and AASB 1060 to reflect the changes made by AASB 2021-2.

These amending standards are not expected to have a material impact on the Court's financial statements for the current reporting period or future reporting periods.

Material Accounting Judgement and Estimates

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

- An independent valuer has utilised the market approach to determine the fair value of the Court's land asset. The Court's land asset is zoned as designated land under the National Capital Plan and may in fact realise more or less in the market.
- The fair value of the Court's 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.
- The valuation method adopted to determine the fair value of Property, plant and equipment (including the library collection) was by market-based evidence in instances where there were sufficient observable transactions of similar assets. Market evidence has primarily been sourced from national physical and online auction markets. International and Australian dealers' catalogues and price lists were also used as market evidence for the library collection. The depreciated replacement cost approach has been utilised to determine fair value for the remaining assets in the Property,

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

plant and equipment class. These assets include audio visual, security related and IT networking equipment. The current replacement cost had been sourced from suppliers and manufacturers. Allowances for physical depreciation and obsolescence had been deducted from the current replacement cost to establish the fair value measurement. Independent valuations of property, plant and equipment and the library collection are undertaken every three years.

- The heritage and cultural asset class comprises artwork, antique furniture, and rare book collections. The fair value of these collections is based upon observations of the selling prices in the art and collectable markets. For rare and unique items and where there is a paucity of market data or past sales evidence is not available the Valuer looked at current market activity and used their professional judgement and interpretation of comparable items and the prevailing market conditions. An independent valuation of heritage and cultural asset class is undertaken every three years.

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

Accounting Policy

Sale of Assets

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

Interest

Interest revenue is recognised using the effective interest method.

Taxation

The Court is exempt from all forms of taxation. The Court has elected to pay notional Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST) payments. 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.

Reporting of Administered activities

Administered revenues, assets and cash flows are disclosed in the schedule of administered items and related notes.

Except where otherwise stated, 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.

Events After the Reporting Period

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

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1. Financial Performance

This section analyses the financial performance of the High Court of Australia for the year ended 2023.

1.1. Expenses

	2023	2022
	\$	\$
Note 1.1A: Employee Benefits		
Wages and salaries	7,580,732	7,894,641
Superannuation		
Defined contribution plans	691,401	702,988
Defined benefit plans	652,083	606,855
Leave and other entitlements	883,998	495,473
Fringe Benefits Tax	348,396	273,515
Total employee benefits	10,156,610	9,973,472

Accounting Policy

Accounting policies for employee related expenses is contained in section 6. People and Relationships.

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 special appropriation held by the Australian Public Service Commission. The Justices' salary and allowances are set by the Remuneration Tribunal and are not paid by the Court.

Note 1.1B: Suppliers

Goods and services supplied or rendered

Property	4,889,909	4,971,840
Security	1,290,018	994,458
Travel	904,004	366,747
Information technology and communications	1,053,327	745,972
Contractors and other consultants	371,484	878,866
Electronic library subscriptions	602,995	588,822
Legal Expenses	109,722	249,569
Courier and freight charges	46,932	40,837
General insurance	275,775	238,448
Printing	83,532	85,820
External audit fees	70,000	63,000
Other	472,034	656,984
Total goods and services supplied or rendered	10,169,732	9,881,363

Goods supplied in connection with

Goods supplied	481,227	323,226
Services rendered	9,688,505	9,558,137
Total goods and services supplied or rendered	10,169,732	9,881,363

Other suppliers' expenses

Short-term leases	-	16,690
Vehicle running costs	565	17,535
Workers compensation expenses	319,054	172,098
Total other suppliers	319,619	206,323
Total suppliers	10,489,351	10,087,686

The above lease disclosures should be read in conjunction with the accompanying notes 1.1D, 3.2A and 3.4A.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Accounting Policy

Short-term leases and leases of low-value assets

The Court has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and leases of low-value assets (less than \$10,000). The entity recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

Note 1.1C: Write-Down and Impairment of Other Assets

Impairment of property, plant and equipment	145,703	30,812
Impairment of buildings	-	-
Revaluation decrements	-	45,684
Impairment of intangibles	-	2,591
Total write-down and impairment of other assets	145,703	79,087

Note 1.1D: Finance Costs

Interest on lease liabilities	3,226	964
Total finance costs	3,226	964

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1.2. Own-Source Revenue and Gains

	2023	2022
	\$	\$
Own-Source Revenue		
<u>Note 1.2A: Revenue from Contracts with Customers</u>		
Sale of goods	205,448	190,259
Rendering of services	<u>248,253</u>	<u>88,837</u>
Total revenue from contracts with customers	<u>453,701</u>	<u>279,096</u>
Timing of transfer of goods and services:		
Over time	77,964	55,634
Point in time	<u>375,737</u>	<u>223,462</u>
	<u>453,701</u>	<u>279,096</u>

Accounting Policy

Revenue from the sale of goods is recognised when control has been transferred to the buyer.

The following is a description of principal activities from which the Court generates revenue:

Over time – subscription service for the provision of published High Court Judgements and/or submissions. Subscribers to these services pay annually in advance. One twelfth of the annual subscription fee income is recognised monthly as the service is rendered.

Point in time – hire of office facilities, levy on staff and visitors who utilise car park facilities and fees for the provision of practitioner certificates. Revenue is recognised at the time the performance obligation has been satisfied when the service has been rendered.

The transaction price is the total amount of consideration to which the Court expects to be entitled in exchange for transferring promised goods or services to a customer. The consideration promised in a contract with a customer may include fixed amounts, variable amounts, or both.

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 the reporting period. Allowances are made when collectability of the debt is no longer probable.

	2023	2022
	\$	\$
<u>Note 1.2B: Resources Received Free of Charge</u>		
Resources received free of charge		
Remuneration of auditors	70,000	63,000
Property operating cost	<u>3,133,810</u>	<u>3,031,833</u>
Total resources received free of charge	<u>3,203,810</u>	<u>3,094,833</u>

Accounting Policy

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.

Property operating cost

The Court has registry offices and judicial offices located within Law Court Buildings in most capital cities. The Court is not charged for the use of these spaces. The Law Court buildings are owned by the Commonwealth other than the Sydney Law Court Building, which is jointly funded by the Commonwealth and NSW Governments.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2023	2022
	\$	\$
Note 1.2C: Other Revenue		
Insurance recoveries	50,419	382,155
Other	<u>27,834</u>	<u>817</u>
Total other revenue	<u>78,253</u>	<u>382,972</u>

Gains

Note 1.2D: Other Gains		
Assets recognised for the first time ¹	-	8,390
Donation	-	35,000
Other	<u>-</u>	<u>-</u>
Total other gains	<u>-</u>	<u>43,390</u>

¹These are existing assets identified as not being reported in the financial statements for the preceding reporting periods. These assets have been valued by an independent valuer.

Accounting Policy

Resources Received Free of Charge

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 entity as a consequence of a restructuring of administrative arrangements.

Revenue from Government

Note 1.2E: Revenue from Government

Appropriations

Departmental appropriation	<u>16,667,000</u>	<u>16,383,000</u>
Total revenue from Government	<u>16,667,000</u>	<u>16,383,000</u>

Accounting Policy

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.

High Court of Australia**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS****2. Income Administered on Behalf of Government**

This section analyses the activities that the High Court of Australia does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

2.1. Administered – Income

	2023	2022
Non-Taxation Revenue	\$	\$
<u>Fees and charges</u>		
Hearing fees	411,560	338,600
Filing and other fees	2,093,357	2,263,382
Refunds ¹	<u>(700,352)</u>	<u>(585,709)</u>
Total fees and charges	<u>1,804,565</u>	<u>2,016,273</u>

Accounting Policy

Administered revenues relate to revenue collected, pursuant to Section 8 of the *High Court of Australia (Fees) Regulations 2012*. These Regulations applies to fees for filing of a document, obtaining a document, and or a hearing in relation to a proceeding and the provision of a service. Administered fee revenue is recognised when the service occurs. Under Section 15 of the *High Court of Australia (Fees) Regulations 2012* refunds are permitted.

¹Fees paid under the *High Court of Australia (Fees) Regulations 2012* (Fee Regulations) form part of the Consolidated Revenue Fund on receipt. Refunds of fees, in circumstances prescribed by Section 15 of the Fee Regulations, are paid from the Consolidated Revenue Fund. The Court has received authorisation from the delegate in the Attorney General's Department to use the special appropriation under Section 77 of the *Public Governance, Performance and Accountability Act 2013* for repayments under the Fee Regulations.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3. Financial Position

This section analyses the High Court of Australia's assets used to generate financial performance and the operating liabilities incurred as a result.

Employee related information is disclosed in the People and Relationships section.

3.1. Financial Assets

	2023	2022
	\$	\$
Note 3.1A: Cash and Cash Equivalents		
Cash on hand or on deposit	2,199,883	2,983,737
Total cash and cash equivalents	2,199,883	2,983,737

Accounting Policy

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

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

Note 3.1B: Trade and Other Receivables

Goods and services receivables

Goods and services	71,082	145,781
Total goods and services receivables	71,082	145,781

The contract assets are associated with point in time contracts.

Other receivables

Statutory receivables - goods & services tax ATO	79,404	134,640
Interest	113,626	34,601
Other Receivables	374,778	305,780
Total other receivables	567,808	475,021
Total trade and other receivables (gross)	638,890	620,802
Less impairment loss allowance	(1,110)	(1,110)
Total trade and other receivables (net)	637,780	619,692

Accounting Policy

Financial assets

Trade and other receivables that are held for the purpose of collecting the contractual cash flows where the cash flows are solely payments of principal and interest, that are not provided at below-market interest rates and are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance.

Other investments include term deposits held with financial institutions as authorised by the Chief Executive and Principal Registrar (CE&PR) under Section 41 of the *High Court of Australia Act 1979*.

High Court of Australia NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3.2. Non-Financial Assets

Note 3.2.A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles (2023)

	Land	Buildings	Library holdings	Other PP&E	Heritage and cultural ¹	Computer software	Other intangibles	Total
	\$	\$	\$	\$	\$	\$	\$	\$
As at 1 July 2022								
Gross book value	10,200,000	208,520,967	13,067,285	3,184,020	4,955,325	1,750,324	106,688	241,784,609
Accumulated depreciation and impairment	-	(19,005)	(2,444,731)	(94,812)	-	(1,561,335)	(16,582)	(4,136,465)
Total as at 1 July 2022	10,200,000	208,501,962	10,622,554	3,089,208	4,955,325	188,989	90,106	237,648,144
Opening balance adjustment	-	-	-	-	-	-	-	-
Adjusted total as at 1 July 2022	10,200,000	208,501,962	10,622,554	3,089,208	4,955,325	188,989	90,106	237,648,144
Additions:								
By purchase	-	1,654,022	877,107	994,019	-	126,887	-	3,652,035
By other movements	-	-	-	-	-	-	-	-
Right-of-use assets	-	-	-	199,117	-	-	-	199,117
Revaluations and impairments recognised in other comprehensive income	-	9,750,547	746,088	-	-	-	-	10,496,635
Impairments recognised in the operating result	-	-	(145,703)	-	-	-	-	(145,703)
Depreciation and amortisation expense	-	(5,350,994)	(1,525,792)	(669,302)	-	(146,207)	-	(7,692,295)
Depreciation on right-of-use assets	-	-	-	(77,200)	-	-	-	(77,200)
Disposals:								
Other disposals	-	-	(39,656)	(906)	-	-	-	(40,562)
Other movements of right-of-use assets	-	-	-	-	-	-	-	-
Movements:								
Transfers between asset classes	-	-	-	-	-	-	-	-
Total as at 30 June 2023	10,200,000	214,555,537	10,534,598	3,534,936	4,955,325	169,669	90,106	244,040,171
Total as at 30 June 2023 represented by:								
Gross book value	10,200,000	214,564,266	10,683,104	4,374,366	4,955,325	1,877,211	106,688	246,760,960
Accumulated depreciation and impairment	-	(8,729)	(148,506)	(839,430)	-	(1,707,542)	(16,582)	(2,720,789)
Total as at 30 June 2023	10,200,000	214,555,537	10,534,598	3,534,936	4,955,325	169,669	90,106	244,040,171
Carrying amount of right-of-use assets	-	-	-	208,858	-	-	-	208,858

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High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

¹Buildings 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.

No indicators of impairment were found.

No property, plant and equipment or intangibles 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 7.4. On 30 June 2023, independent valuers conducted valuations on land and buildings, and the library.

Contractual commitments for the acquisition of property, plant, equipment, and intangible assets

The Court has contracts for capital projects in progress for IT systems upgrades, replacement of office furniture and other minor building works.

	2023	2022
	\$	\$
Commitments are payable as follows:		
Within 1 year	<u>1,062,333</u>	<u>964,292</u>
Total commitments¹	<u>1,062,333</u>	<u>964,292</u>

¹Including GST.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Accounting Policy

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's accounts immediately prior to the restructuring.

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$3,000 (or building improvements less than \$10,000), which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for as separate asset classes to corresponding assets owned outright but included in the same column as where the corresponding underlying assets would be presented if they were owned.

On initial adoption of AASB 16 the Court adjusted the ROU assets at the date of initial application by the amount of any provision for onerous leases recognised immediately before the date of initial application. Following initial application, an impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Lease ROU assets continue to be measured at cost after initial recognition in the financial statements.

Revaluations

Following initial recognition at cost, Property, plant and equipment (excluding ROU assets) are carried at fair value (or an amount not materially different from 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 property, 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.

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

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

	2023	2022
Building assets	5 to 161 years	5 to 161 years
Infrastructure, plant, and equipment	1 to 46 years	1 to 46 years
Library holdings	7 to 25 years	15 to 25 years

All heritage and cultural assets have indefinite useful lives and are not depreciated.

The depreciation rates for ROU assets are based on the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

High Court of Australia**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS***Impairment*

All assets were assessed for impairment at 30 June 2023. 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 of disposal 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.

Derecognition

An item of property, 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 Court has classified them as heritage and cultural assets as they are primarily used for purposes that relate to their cultural significance. 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.

Intangibles

The Court's intangibles comprise externally acquired software for internal use, electronic library materials and artwork licence agreements. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

All intangibles are amortised on a straight-line basis over their anticipated useful life. The useful lives of the Court's software is 3 years (2021-22: 3 years), other intangibles is 10 years. (2021-22: 10 years)

All intangible assets were assessed for indications of impairment as at 30 June 2023.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2023	2022
	\$	\$
<u>Note 3.2B: Other Non-Financial Assets</u>		
Prepayments	<u>296,994</u>	<u>234,461</u>
Total other non-financial assets	<u>296,994</u>	<u>234,461</u>

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

3.3. Payables

<u>Note 3.3A: Suppliers</u>		
Trade creditors	44,745	805,832
Accruals	<u>382,756</u>	<u>220,243</u>
Total suppliers	<u>427,501</u>	<u>1,026,075</u>

Settlement is usually made within 30 days.

<u>Note 3.3B: Other Payables</u>		
Wages and salaries	290,269	242,872
Superannuation	36,801	31,262
Unearned revenue	<u>5,379</u>	<u>26,798</u>
Total other payables	<u>332,449</u>	<u>300,932</u>

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3.4. Interest Bearing Liabilities

	2023	2022
	\$	\$
Note 3.4A: Leases		
Finance leases	<u>208,858</u>	86,725
Total leases	<u>208,858</u>	<u>86,725</u>

Total cash outflow for leases for the year ended 30 June 2023 was \$80,210 (2021-22: \$57,119)

Maturity analysis - contractual undiscounted cash flows

Within 1 year	<u>96,102</u>	48,619
Between 1 to 5 years	<u>121,204</u>	<u>38,106</u>
Total leases	<u>217,306</u>	<u>86,725</u>

The High Court in its capacity as lessee has a total of 7 motor vehicle leases (2022: 7). All the motor vehicles are carried at cost with most leases expiring between 1 to 5 years. All the leases have the option to extend the terms.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1D and 3.2A.

Accounting Policy

For all new contracts entered into, the Court considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

High Court of Australia**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS****4. Assets Administered on Behalf of Government**

This section analyses assets used to generate financial performance and the operating liabilities incurred as a result the High Court of Australia does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

4.1. Administered – Financial Assets

	2023	2022
	\$	\$
<u>Cash and Cash Equivalents</u>		
Cash on hand or on deposit	<u>191,624</u>	<u>124,594</u>
Total cash and cash equivalents	<u>191,624</u>	<u>124,594</u>

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

5. Funding

This section identifies the High Court of Australia funding structure.

5.1. Appropriations

Annual Appropriations ('Recoverable GST exclusive')

Annual Appropriations for 2023

	<i>Appropriation Act</i>	Appropriation applied in 2022-23 (current and prior years)	Variance
	Annual Appropriation \$		
Departmental			
Ordinary annual services	16,667,000	16,667,000	-
Capital Budget (DCB) ¹	2,577,000	2,577,000	-
Other services			
Equity Injections	850,000	850,000	-
Total departmental	20,094,000	20,094,000	-

Annual Appropriations for 2022

	<i>Appropriation Act</i>	Appropriation applied in 2021-22 (current and prior years)	Variance
	Annual Appropriation \$		
Departmental			
Ordinary annual services	16,383,000	16,383,000	-
Capital Budget (DCB)	2,539,000	2,539,000	-
Other services			
Equity Injections	900,000	900,000	-
Total departmental	19,822,000	19,822,000	-

The amounts are appropriated directly to the High Court of Australia in the Appropriations Acts. The appropriations are applied when amounts are paid to the High Court of Australia.

¹Departmental Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

5.2. Net Cash Appropriation Arrangements

	2023	2022
	\$	\$
Total comprehensive income/(loss) - as per the Statement of Comprehensive Income		
Income	2,733,484	476,657
Plus: depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections)	7,692,295	7,747,155
Plus: depreciation of right-of-use assets	77,200	56,093
Less: lease principal repayments	(76,984)	(56,156)
Net Cash Operating Surplus/ (Deficit)	10,425,995	8,223,749

From 2010-11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses ceased. Entities now receive a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

The inclusion of depreciation/amortisation expenses related to ROU leased assets and the lease liability principal repayment amount reflects the cash impact on implementation of AASB 16 Leases, it does not directly reflect a change in appropriation arrangements.

5.3. Cash Flow Reconciliation

	2023	2022
	\$	\$
Reconciliation of cash and cash equivalents as per statement of financial position to cash flow statement		
Cash and cash equivalents as per		
Cash flow statement	2,199,883	2,983,737
Statement of financial position	2,199,883	2,983,737
Discrepancy	-	-
Reconciliation of net cost of services to net cash from/(used by) operating activities		
Net (cost of)/contribution by services	(24,430,151)	(24,089,583)
Revenue from Government	16,667,000	16,383,000
Adjustments for non-cash items		
Depreciation / amortisation	7,769,495	7,803,248
Gain - assets recognised for the first time	-	(43,390)
Gain - other	-	-
Net write down of non-financial assets	145,703	79,087
Losses from sale of assets	30,344	59
Movements in assets and liabilities		
Assets		
(Increase) / decrease in net receivables	(18,211)	(475,617)
(Increase) / decrease in prepayments	(62,533)	24,055
Liabilities		
Increase / (decrease) in employee provisions	12,613	27,925
Increase / (decrease) in supplier payables	(598,573)	390,685
Increase / (decrease) in other payable	31,517	53,746
Net cash from/(used by) operating activities	(452,796)	153,215

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

6. People and Relationships

This section describes a range of employment and post-employment benefits provided to our people and our relationships with other key people.

6.1. Employee Provisions

	2023	2022
	\$	\$
Note 6.1: Employee Provisions		
Annual leave	1,060,924	1,046,825
Long service leave	2,073,679	2,075,165
Total employee provisions	3,134,603	3,121,990

Accounting Policy

Liabilities for 'short-term employee benefits' (as defined in AASB 119 Employee Benefits) and termination benefits expected within twelve months of the end of the 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 benefit liabilities are measured as the 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 assets (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 personal leave as all personal leave is non-vesting and the average personal leave taken in future years by employees of the Court is estimated to be less than the annual entitlement for personal 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 shorthand method standard factors as at 30 June 2023. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

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's administered schedules and notes.

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

The liability for superannuation recognised as at 30 June 2023 represents outstanding contributions.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

6.2. Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing, and controlling the activities of the Court, directly or indirectly. The Court has determined the key management personnel to be the Chief Justice, the Justices, the Chief Executive and Principal Registrar, the Senior Registrar, the Manager Corporate Services, and the Senior Executive Deputy Registrar.

Key management personnel remuneration is reported in the table below:

	2023	2022
	\$	\$
<u>Note 6.2: Senior Executive Remuneration Expense for the Reporting Period</u>		
Short-term employee benefits	1,259,472	1,258,954
Post-employment benefits	188,634	185,192
Other long-term employee benefits	<u>36,534</u>	<u>(36,815)</u>
Total key management personnel remuneration expenses¹	<u>1,484,640</u>	<u>1,407,331</u>

The total number of key management personnel that are included in the above table are 4 (2021-22: 5).

¹ The above key management personnel remuneration excludes the remuneration and other benefits of the Chief Justice and the Justices. The salaries and allowances paid to the Chief Justice and other Justices of the Court are paid from a special appropriation held by the Australian Public Service Commission. The Justices' salary and allowances are set by the Remuneration Tribunal and are not paid by the Court.

On leaving the Court the Chief Justice and the other Justices of the Court receive payments in accordance with the *High Court Justices (Long Leave Payments) Act 1979* and the *Judges' Pensions Act 1968*. These payments are made from special appropriations held by the Attorney General's Department and the Department of Finance respectively.

In 2022-23 the Court spent \$421,886 (2021-22: \$308,495) in the provision of benefits to the Chief Justice and the other Justices. These benefits include the provision of a private plated vehicle, spouse/partner travel and the fringe benefits tax paid on the benefits provided.

6.3. Related Party Disclosures

Related party relationships:

The High Court is a Commonwealth entity within the General Government Sector for the consolidated financial statements of the Australian Government. Related parties to the High Court are other Government entities and the Court's Key Management Personnel.

Transactions with related parties:

Giving consideration to relationships with related parties, and transactions entered into during the reporting period by the Court, it has been determined that there are no related party transactions to be separately disclosed.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

7. Managing Uncertainties

This section analyses how the High Court of Australia manages financial risks within its operating environment.

7.1. Contingent Assets and Liabilities

Unquantifiable contingent asset

At 30 June 2023, the Court held an unquantifiable contingent asset in relation to an insurance claim for hail damage to the roof of the High Court building in Canberra. The Court's claim is still being assessed by the Court's insurer. The same claim and contingent asset existed and was unquantified at 30 June 2022.

Accounting Policy

Contingent liabilities and contingent assets are not recognised in the statement of financial position 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.

7.2. Financial Instruments

	2023	2022
	\$	\$
Note 7.2A: Categories of Financial Instruments		
Financial assets at amortised cost		
Term deposits	12,039,379	12,000,000
Cash at bank	2,199,883	2,983,737
Receivable for goods and services	71,082	145,781
Total financial assets at amortised cost	14,310,344	15,129,518
Total financial assets	14,310,344	15,129,518
Financial Liabilities		
Financial liabilities measured at amortised cost		
Supplier payables	44,745	805,832
Accrued expenses	382,756	220,243
Total financial liabilities measured at amortised cost	427,501	1,026,075
Total financial liabilities	427,501	1,026,075
Note 7.2B: Net Gains or Losses on Financial Assets		
Financial assets at amortised cost		
Interest revenue (other investments)	340,415	53,020
Interest revenue (bank accounts)	88,399	1,622
Net gains/(losses) financial assets at amortised cost	428,814	54,642
Net gains/(losses) from financial assets	428,814	54,642

High Court of Australia
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

7.3. Administered - Financial Instruments		
	2023	2022
	\$	\$
<u>Note 7.3A: Categories of Financial Instruments</u>		
Financial Assets		
Financial assets at amortised cost		
Cash and cash equivalents	191,624	124,594
Total financial assets at amortised cost	191,624	124,594
Total financial assets	191,624	124,594
Financial Liabilities		
Financial liabilities measured at amortised cost		
Other payables	-	-
Total financial liabilities measured at amortised cost	-	-
Total financial liabilities	-	-

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Accounting Policy

Financial Assets

With the implementation of AASB 9 Financial Instruments for the first time in 2019, the entity classifies its financial assets in the following categories:

- a) financial assets at fair value through profit or loss.
- b) financial assets at fair value through other comprehensive income; and
- c) financial assets measured at amortised cost.

The classification depends on both the Court's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the Court becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

Comparatives have not been restated on initial application.

Presently, the Court has classified its financial assets only as Financial Assets at Amortised Cost.

Financial Assets at Amortised Cost

Financial assets included in this category need to meet two criteria:

1. the financial asset is held in order to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

Effective Interest Method

Income is recognised on an effective interest rate basis for financial assets that are recognised at amortised cost.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to *lifetime expected credit losses* where risk has significantly increased, or an amount equal to *12-month expected credit losses if risk has not increased*.

The simplified approach for trade, contract, and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a de-recognition event where the write-off directly reduces the gross carrying amount of the financial asset.

Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

Financial Liabilities at Fair Value Through Profit or Loss

Financial liabilities at fair value through profit or loss are initially measured at fair value. Subsequent fair value adjustments are recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest paid on the financial liability.

Financial Liabilities at Amortised Cost

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 interest basis.

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).

High Court of Australia**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS****7.4. Fair Value Measurement**

The following tables provide an analysis of assets that are measured at fair value. The remaining assets and liabilities disclosed in the statement of financial position do not apply the fair value measurements.

Accounting Policy

The Court's policy is to revalue the land and buildings asset classes annually. All other asset classes are revalued on a rolling cycle every three years. The Court tests the procedures of the valuation model of all other asset classes as an internal management review at least once every 12 months (with a formal revaluation undertaken once every three years). If a particular asset class experiences significant and volatile changes in fair value (i.e. where indicators suggest that the value of the class has changed materially since the previous reporting period), that class is subject to specific valuation in the reporting period, where practicable, regardless of the timing of the last specific valuation.

Note 7.4A: Fair value measurement

	Fair value measurements at the end of the reporting period	
	2023	2022
	\$	\$
Non-financial assets		
Land	10,200,000	10,200,000
Buildings on freehold land	214,555,537	208,501,962
Heritage and cultural	4,955,325	4,955,325
Property, plant and equipment	3,326,078	3,002,267
Library holdings	10,534,598	10,622,554
Total non-financial assets	243,571,538	237,282,108
Total fair value measurements of assets in the statement of financial position	243,571,538	237,282,108

Fair value measurements – highest and best use differs from current use for non-financial assets (NFAs)

The Court's assets are held to meet the operational requirements of the Court and not held for the purposes of deriving a profit. The current use of all non-financial assets is considered their highest and best use.

Accounting Policy

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.

High Court of Australia

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

8. Other Information

This section provides other disclosures relevant to the High Court of Australia financial information environment for the year.

8.1. Current/non-current distinction for assets and liabilities

	2023	2022
	\$	\$
Note 8.1A: Current/non-current distinction for assets and liabilities		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	2,199,883	2,983,737
Trade and other receivables	637,780	619,692
Other investments	12,039,379	12,000,000
Other non-financial assets	296,994	234,461
Total no more than 12 months	15,174,036	15,837,890
More than 12 months		
Land	10,200,000	10,200,000
Buildings	214,555,536	208,501,962
Heritage and cultural	4,955,325	4,955,325
Plant and equipment	3,534,937	3,089,208
Library Holdings	10,534,598	10,622,554
Computer software	169,669	188,989
Other intangibles	90,106	90,106
Total more than 12 months	244,040,171	237,648,144
Total assets	259,214,207	253,486,034
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	427,501	1,026,075
Other payables	332,449	300,932
Leases	90,349	48,619
Employee provisions	2,931,422	2,866,108
Total no more than 12 months	3,781,721	4,241,734
More than 12 months		
Leases	118,509	38,106
Employee provisions	203,181	255,882
Total more than 12 months	321,690	293,988
Total liabilities	4,103,411	4,535,722

High Court of Australia
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2023	2022
	\$	\$
<u>Note 8.1B: Administered – Current/non-current distinction for assets and liabilities</u>		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	191,624	124,594
Total no more than 12 months	191,624	124,594
Total assets	191,624	124,594
Liabilities expected to be settled in:		
No more than 12 months		
Other payables	-	-
Total no more than 12 months	-	-
Total liabilities	-	-

High Court of Australia
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

8.2. Public Money in the Custody of the Court

	2023	2022
	\$	\$
Suitor's Fund		
Balances as at July 2022	31,250	32,500
Amounts received	6,250	252
Amounts deducted/paid out	(2,447)	(1,502)
Balance as at 30 June 2023	35,053	31,250

These are funds paid to the Court under an order of the Court or a Justice of the Court. The Suitors Fund holds funds on behalf of third parties. These funds are managed separately and are not reflected in the financial assets of the Court.



PART 6
ANNEXURES



PART 6

ANNEXURES

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) (FOI Act). The FOI Act applies only to administrative documents held by the Court, and does not apply to the holder of a judicial office or other office pertaining to the Court.

As noted above, the Act does not apply to 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's 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 FOI Act.

The website provides access to documents related to legal matters filed at the High Court Registry, such as parties' initiating documents and submissions in Full Court matters, short particulars of 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, AustLII, and BarNet websites and are also distributed through subscription email lists. Transcripts of all Court hearings are also accessible on the website, as are audio-visual recordings of most Full Bench hearings in

Canberra. 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) Regulations*, and the Scale of Professional Costs, pursuant to Schedule 2 of the *High Court Rules*.

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

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 and the art collection.

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 enquiries, including a link for making FOI enquiries 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*. 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.
- the Conservation Management Plan for the Court consistent with the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- the Court sitting calendar, business lists and daily court lists
- venue and safety information for school excursions
- information given by Court Guides stationed in the Public Hall and courtrooms to pre-booked school groups, other groups and visitors at large
- case summaries handed out for hearings in sitting courts
- tailored guided tours for official visitors.

The Court works with other nearby institutions to facilitate public access to information about the Court.

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

Enquiries 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.

Canberra

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

Registry telephone: (02) 6270 6829

Offices around Australia

Sydney

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

Melbourne

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

Brisbane

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

Perth

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

Adelaide

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

Hobart

Supreme Court of Tasmania
Salamanca Place, Hobart TAS 7000

Darwin

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

Annexure B

Staffing overview

This Annexure comprises two tables which provide a profile of the Court administration staff as at 30 June 2023.

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 the Determination under section 26(4) of that Act. As at 30 June 2023, the High Court employed 32 full-time and part-time ongoing staff, 44 full-time and part-time non-ongoing staff and 21 casual staff.

Staff Distribution by branch as at 30 June 2023

Branch	Ongoing		Non-ongoing		Casual	Total	Total
	Full Time	Part Time	Full Time	Part Time		2022	2023
CE&PR	1	0	2	1	0	4	4
Chambers	2	0	22	1	0	28	25
Corporate Services	9	0	8	0	0	18	17
Library	3	4	0	0	0	8	7
Public Information	0	1	2	0	15	13	18
Registry	7	2	3	4	11	26	27
TOTAL	22	7	37	6	26	97	98

Ongoing and non-ongoing full-time, part-time and casual staff by classification and gender as at 30 June 2022:

Classification	Ongoing				Non-Ongoing				Casual		Total		Total	
	Full Time		Part Time		Full Time		Part Time				2022		2023	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
HCE 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HCE 2	0	0	0	0	0	0	0	0	6	9	3	8	6	9
HCE 3	1	1	0	3	0	0	0	0	4	6	3	10	5	10
HCE 4	2	2	0	1	0	0	0	0	0	1	2	6	2	4
HCE 5	0	3	0	0	5	10	0	0	0	0	8	13	5	13
HCE 6	1	2	0	2	1	9	0	1	0	0	3	14	2	14
EL 1	3	3	0	1	2	3	1	2	0	0	3	9	6	9
EL 2	2	2	0	0	3	2	0	0	0	0	6	5	5	4
Senior Exec	0	0	0	0	1	2	0	0	0	0	1	2	1	2
Office Holder	0	0	0	0	0	1	0	0	0	0	0	1	0	1
TOTAL	92	13	0	7	12	27	1	3	10	16	29	68	32	66
GRAND TOTAL	29				43				26		97		98	







HIGH COURT OF AUSTRALIA

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