



HIGH COURT OF AUSTRALIA



**ANNUAL REPORT
1998-99**

High Court of Australia
Canberra ACT

29 October 1999

Dear Attorney,

In accordance with Section 47 of the *High Court of Australia Act 1979*, I submit on behalf of the Court and with its approval a report relating to the administration of the affairs of the High Court of Australia under Section 17 of the Act for the year ended 30 June 1999, together with financial statements in respect of the year in the form approved by the Minister for Finance.

Sub-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 'C.M. Doogan', with a long, sweeping horizontal stroke extending to the right.

(C.M. DOOGAN)
Chief Executive and Principal Registrar
of the High Court of Australia

The Honourable D. Williams, AM, QC, MP
Attorney-General
Parliament House
Canberra ACT 2600

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PART I – PREAMBLE

This is the twentieth report prepared as required by the *High Court of Australia Act 1979*. It is divided into seven parts, as follows:

Part I is the Preamble.

Part II introduces the members of the High Court of Australia.

Part III contains a review of significant events in the Court's administration during 1998-99.

Part IV provides background information on the High Court.

Part V contains a report on the administration of the Court's affairs.

Part VI contains the Court's Financial Statements for the year ended 30 June 1999, together with the Auditor-General's report thereon.

Part VII contains a number of Annexures, including tables of judicial activity and professional costs, fees and charges.

Aids to Access

Contact Officer

In the first instance inquiries or comments concerning this report may be directed to:

The Marshal
High Court of Australia
PO Box E435
Kingston ACT 2604

Telephone: (02) 6270 6983
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Freedom of Information (FOI)

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

PART II - INTRODUCTION

The High Court of Australia is the nation's highest court. It is established by the Constitution for the resolution of constitutional disputes. It is also the nation's final court of appeal.

The Court sits in Canberra and, if there is sufficient business, it sits for one week each year in Brisbane, Adelaide, Perth and Hobart.

There are seven Justices of the Court. Ordinarily, constitutional cases are heard by all seven Justices. Appeals usually raise important questions of law and are 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 usually heard by two or three Justices. Special leave applications are heard in Sydney and Melbourne and by video-link from Canberra to other capital cities. Chamber applications are heard by a single Justice, usually in the capital city in which he or she resides or by video-link from Canberra.

As at 30 June 1999, the seven Justices of the High Court were:



Chief Justice Gleeson

Anthony Murray Gleeson was appointed Chief Justice of the High Court of Australia in May 1998. At the time of his appointment he was Chief Justice of the Supreme Court of New South Wales, having been appointed to that office in November 1988.

He graduated in Arts and Law from the University of Sydney and was admitted to the New South Wales Bar in 1963. He was appointed Queen's Counsel in 1974. He was President of the New South Wales Bar Association during the period 1984-1985. He was Lieutenant Governor of New South Wales from 1989 to 1998, and was appointed a Companion in the General Division of the Order of Australia in 1992.



Justice Gaudron

Mary Genevieve Gaudron was appointed to the Court in February 1987. At the time of her appointment she was Solicitor-General for New South Wales. She graduated from the University of Sydney as a Bachelor of Arts in 1962 and as a Bachelor of Laws in 1965. She was admitted to the New South Wales Bar in 1968. In 1981 she became a Queen's Counsel.

From 1974 to 1980 she was a Deputy President of the Australian Conciliation and Arbitration Commission. In 1979 she was appointed first chairman of the Legal Services Commission of New South Wales.



Justice McHugh

Michael Hudson McHugh was appointed to the Court in February 1989. At the time of his appointment he was a Judge of the New South Wales Court of Appeal, having been appointed to that office in October 1984.

He was admitted to the New South Wales Bar in 1961 and was appointed a Queen's Counsel in 1973. He was President of the New South Wales Bar Association during the period 1981 to 1983 and President of the Australian Bar Association during the period 1983 to 1984. He was appointed a Companion in the General Division of the Order of Australia in 1989.



Justice Gummow

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

He graduated from the University of Sydney as Bachelor of Arts and Master of Laws. After ten years in practice as a solicitor, he was called to the New South Wales Bar in 1976. For thirty years he lectured, part-time, at the University of Sydney. He was appointed a Companion in the General Division of the Order of Australia in 1997.



Justice Kirby

Michael Donald Kirby was appointed to the Court in February 1996. At the time of his appointment he was President of the New South Wales Court of Appeal, having been appointed to that office in September 1984.

He was admitted to the New South Wales Bar in 1967, and appointed a Deputy President of the Australian Conciliation and Arbitration Commission in 1975. He served as first Chairman of the Australian Law Reform Commission from 1975 to 1984. In 1983 he became a judge of the Federal Court of Australia, serving on that Court until 1984.

Justice Kirby has held numerous national and international positions including on the board of the CSIRO, as President of the Court of Appeal of Solomon Islands, as UN Special Representative in Cambodia and as President of the International Commission of Jurists. He is a Companion in the General Division of the Order of Australia and a Companion of the Order of St. Michael and St. George.



Justice Hayne

Kenneth Madison Hayne was appointed to the Court in September 1997. At the time of his appointment he was a judge of the Court of Appeal of Victoria having been appointed one of the foundation judges of that Court in 1995. He graduated in Arts and Law from the University of Melbourne and as a Bachelor of Civil Law from the University of Oxford. Elected Rhodes Scholar for Victoria in 1969, he joined the Victorian Bar in 1971 and was appointed Queen's Counsel for Victoria in 1984. He was appointed a judge of the Supreme Court of Victoria in 1992. He practised in State and Federal courts principally in commercial, constitutional and general civil matters.



Justice Callinan

Ian David Francis Callinan was appointed to the Court in February 1998. At the time of his appointment he was a practising barrister. After spending five years as a solicitor he was admitted to the Queensland Bar in 1965 and was appointed a Queen's Counsel in 1978. He was President of the Australian Bar Association in 1984-85. Justice Callinan is a playwright and author, a former Chairman of Trustees of the Queensland Art Gallery, a former Honorary Chairman of the Brisbane Community Arts Centre and was formerly a director of a number of public companies as well as the Australian Broadcasting Corporation.

PART III - THE YEAR IN REVIEW

The Court and the Public

The Court has recognized the need to ensure that the public generally, as well as the media, are fully and accurately informed of the Court's functions. This has led the Justices to give consideration to the ways in which the work and decisions of the Court may better be explained. It was announced in the annual report for 1997-98 that the Justices had given consideration to the ways in which better communications with the Australian community could be achieved. They were minded that the Court should engage a Public Information Officer to undertake a generally educative role concerning the functions of the Court and its decisions. Such an officer would respond appropriately from time to time to comment and criticism. He or she would ensure that the role of the Court was more clearly understood in the Australian community than is sometimes the case. In previous times the Attorney-General for the Commonwealth would respond to criticisms of the Court, Justices of the Court and, where appropriate, decisions of the Court. However, the present Attorney-General has expressed the view that the Courts generally, including the High Court, would in the future develop their own means to respond to such criticism and comment. The Justices remain willing to recruit and employ a Public Information Officer when funds become available. Although this view has been communicated to the Government with a request for the appropriation of funds for that purpose, such funds have not been forthcoming. Until such funds are forthcoming, the desirable appointment of a Public Information Officer is not possible. Other institutions of government, including the Commonwealth Parliament, employ Public Information Officers.

Regular Meetings of the Court

For many years the Justices have met regularly, during the sittings of the Court in Canberra, to review the administration of the Court with the Chief Executive and Principal Registrar. It is at these Business Meetings that decisions are made on the budget, expenditure of funds and issues of policy that affect the Court's administration.

During the year under review, upon the initiative of Chief Justice Gleeson, a new series of regular meetings of the Justices has been commenced. Between sittings of the Court, the Justices meet regularly in a formal session to consider the list of reserved decisions, the priorities that should be attached to the completion of cases, and any urgent matters of administration that arise between their regular Business Meetings.

One of the principal purposes of the new series of meetings has been to facilitate discussion of the opinions of the Justices on matters that are reserved and awaiting decision. In the past, there has always been informal discussion on such matters. The new series of meetings has formalized the arrangements to a greater extent and provided the occasion for the review of current thinking of the Justices concerning the cases reserved for decision. The discussion has contributed in some cases to agreement upon single opinions for the Court, following the concurrence of opinion amongst the Justices both as to the result and as to the reasons for the result. It has also facilitated arrangements for the acceptance of obligations, on the part of particular Justices, to prepare a first draft for the Court's consideration. Such a division of labour promotes efficiency. It can also assist in the early delivery of decisions. Other final appellate courts have established systems, many of them of long standing, for formal discussion amongst the Justices of the kind now introduced by the Justices of the High Court of Australia. The discussions will not always secure agreement between the Justices and this is not their purpose. Even where important differences exist, discussion can help to clarify and refine opinions and reasoning. Such meetings also

contribute to the collegiality of the Court and to relationships between the Justices and their understanding of their respective opinions.

Weekend Closure of Court Building

It is a matter of regret that the Court remains closed on weekends and public holidays. The Court looks forward to re-opening when adequate funds are provided for this purpose.

Developments in Information Technology

The following developments in the Court's use of information technology took place during 1998-99:

- Work continued on enhancement of the Court's case management system to allow legal practitioners and members of the public to obtain a wide range of information about proceedings before the Court. Subject to availability of funds, it is expected that this enhancement will be completed by December 2000.
- Technical investigations were completed on broadcasting, via the Internet, the Court's Canberra sittings. Subject to availability of funds, audio broadcasting could be in place during the next financial year.
- Work was completed in October 1998 on expanding the Court's video link network to the No. 3 Courtroom in Canberra, allowing single Justice matters to be heard by this medium. This is a complementary development to the increasing use of video link technology in hearing special leave applications, and is designed to further contain the costs of litigation in the High Court.
- Summaries of the facts and issues of law involved in appeals and Constitutional cases before the Court were included on the Court's Internet site from November 1998. They are identical to summaries given to people who visit the Court.
- The number of links from reputable legal sites on the Internet to the Court's site continued to increase, thereby making the Court's work more widely distributed and readily accessible around the world.
- the Court's Internet site (<http://www.hcourt.gov.au>) was re-designed in a more convenient format, utilising frames which keep the most frequently accessed information readily available at all times. This development, along with the other enhancements detailed above, have ensured the continuing growth in the popularity of the site, which achieved an average of more than 5,000 "hits" per month throughout the year. When coupled with the Australasian Legal Information Institute (AustLII) site where the Court's judgments and transcripts are held, there are in excess of 40,000 "hits" per month.
- In conjunction with other federal Courts and State and Territory Supreme Courts, feasibility studies are continuing in relation to electronic filing of documents in the Courts' Registries.

Repair of Roof

As reported last year, essential repairs to the roof of the High Court building were commenced in 1997-98, using funds specifically allocated by the Federal Government. The repairs were successfully completed in August 1998 at a total cost of \$866,000.

Changes in Proceedings

The tables of judicial workload annexed to this report disclose an increase in the number of matters filed in comparison to the matters filed in 1997-98.

In particular, the number of civil special leave applications filed increased by 23% and the number of civil appeals filed increased by 26%. The number of order nisi applications filed jumped by 110% to 82 applications. Two-thirds of the order nisi applications filed during 1998-99 involved immigration matters.

Nine election petitions relating to the federal election held on 3 October 1998 were filed throughout November and December 1998. Another election petition, filed in May 1999, challenges the appointment of a Senator to fill a casual vacancy in the Senate.

Unrepresented Litigants

The number of unrepresented litigants appearing before the Court remained high during the past year. In the case of proceedings heard before a single Justice during the year the figure reached 28%. In approximately one-quarter of the applications for special leave filed during the year the applicants were unrepresented.

An increase of 79% in the number of applications for removal pursuant to s40 of the *Judiciary Act 1903* (Cth) was noted. More than half of the applications for removal filed in the past year were filed by unrepresented applicants.

Service Charter for the Registry

During the last year a Service Charter for the Registry was developed, in consultation with staff and practitioners. The Service Charter describes the function of the Registry and the standards of service that can be expected from the Registry staff. The Service Charter also provides a system for the resolution of complaints regarding the provision of Registry services.

The Service Charter is available at the Registry in each capital city and on the Court's site on the Internet.

Links and Visits

During the year under review the Court has maintained its links with courts, judges and legal organizations in the region and around the world. The Court welcomed and entertained a number of international visitors, including The Lord High Chancellor of Great Britain, the Chief Justice of Zimbabwe, senior Justices from various courts in China, Indonesia, Japan, Korea, South Africa, Vietnam and Zimbabwe, and government ministers with responsibility for justice matters from countries in Europe, Asia and the Pacific.

Centenary of Federation

During the year, arrangements continued with a number of initiatives to mark Australia's Centenary of Federation in 2001, including the following:

- A proposal to scan all High Court judgments prior to 1947, with the help of the Australasian Legal Information Institute (AustLII). Once scanned, using Optical Character Reading technology to enable text searching, the judgments would be loaded onto the AustLII Internet site and linked to the High Court site, thereby enabling electronic access to all High Court decisions since the first sitting of the Court in 1903.
- Contributions will be made to a forthcoming Oxford Companion to the High Court of Australia, a publication being edited by a group of legal scholars from the Australian National University and planned for release in 2001.

- A number of exhibitions and displays on the history of Australia's governmental institutions will be held in the High Court building, in conjunction with similar exhibitions in Parliament House.
- The Court has lodged proposals with both Australia Post and the Royal Australian Mint for some recognition of the High Court's contribution to Australia's governance in Centenary of Federation stamp and coin issues.

PART IV – BACKGROUND INFORMATION

Establishment

In 1901 the High Court of Australia was established by Section 71 of the Constitution and, to the extent that legislative provision was necessary, was given the power to administer its own affairs by the *High Court of Australia Act 1979* (“the Act”), which was proclaimed on 21 April 1980. The responsible Minister for the Court’s Administration is the Federal Attorney-General.

Section 71 of the Constitution provides:

“The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction”.

Functions and Powers

The Constitution confers both an appellate and an original jurisdiction upon the High Court. Appeals from the Supreme Courts of the States and Territories, from the Federal Court of Australia and from the Family Court of Australia are heard pursuant to special leave being granted. The Family Court has power to grant special leave to appeal to the High Court but this is rarely exercised. Under the Australian Constitution, the High Court is also the final arbiter upon constitutional questions. Such questions may come on appeal from a lower court or may be initiated by an application to the High Court itself.

Sittings of the Court

The Court conducts its sittings in Canberra and such other places as are determined by Rule of Court made by the Justices in the preceding year. Approximately two-thirds of all sitting days are scheduled in Canberra. In addition, applications for special leave to appeal to the Court are heard regularly in Sydney and Melbourne, and the Court continues the practice, established on its inauguration, of sitting in Brisbane, Adelaide, Perth and Hobart once each year if warranted by the amount of business. When sitting in Sydney, Melbourne, Brisbane and Perth, the Court utilizes facilities in the Commonwealth Law Courts buildings. In Adelaide and Hobart, facilities are provided with the kind cooperation and assistance of the South Australian and Tasmanian Supreme Courts respectively.

The 1998 and 1999 sittings are shown below:

1998

| | | | | |
|----------|----|--------------|---|--------------|
| CANBERRA | .. | 3 February | - | 12 February |
| CANBERRA | .. | 3 March | - | 12 March |
| HOBART | .. | 30 March | - | 2 April |
| CANBERRA | .. | 21 April | - | 30 April |
| CANBERRA | .. | 20 May | - | 29 May |
| CANBERRA | .. | 16 June | - | 18 June |
| BRISBANE | .. | 22 June | - | 26 June |
| CANBERRA | .. | 4 August | - | 6 August |
| ADELAIDE | .. | 10 August | - | 14 August |
| CANBERRA | .. | 1 September | - | 10 September |
| CANBERRA | .. | 30 September | - | 8 October |

| | | | | |
|----------|----|-------------|---|-------------|
| PERTH | .. | 19 October | - | 22 October |
| CANBERRA | .. | 10 November | - | 19 November |
| CANBERRA | .. | 1 December | - | 10 December |

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

| | | | | |
|-----------|----|--------------|--|--|
| SYDNEY | .. | 13 February | | |
| MELBOURNE | .. | 13 February | | |
| CANBERRA | .. | 12 March | (by video-link from Adelaide) | |
| SYDNEY | .. | 13 March | | |
| BRISBANE | .. | 17 April | | |
| SYDNEY | .. | 1 May | | |
| SYDNEY | .. | 19 May | | |
| MELBOURNE | .. | 19 May | | |
| CANBERRA | .. | 21 May | (by video-link from Brisbane and Darwin) | |
| SYDNEY | .. | 19 June | | |
| CANBERRA | .. | 19 June | (by video-link from Perth) | |
| SYDNEY | .. | 7 August | | |
| SYDNEY | .. | 11 September | | |
| MELBOURNE | .. | 11 September | | |
| SYDNEY | .. | 9 October | | |
| SYDNEY | .. | 20 November | | |
| CANBERRA | .. | 20 November | (by video-link from Brisbane and Perth) | |
| SYDNEY | .. | 11 December | | |
| MELBOURNE | .. | 11 December | | |

1999

| | | | | |
|-----------|----|--------------|---|-------------|
| CANBERRA | .. | 1 February | - | 11 February |
| CANBERRA | .. | 2 March | - | 11 March |
| CANBERRA | .. | 22 March | - | 25 March |
| MELBOURNE | .. | 26 March | | |
| CANBERRA | .. | 7 April | - | 15 April |
| CANBERRA | .. | 3 May | - | 13 May |
| CANBERRA | .. | 15 June | - | 17 June |
| BRISBANE | .. | 21 June | - | 24 June |
| CANBERRA | .. | 2 August | - | 5 August |
| ADELAIDE | .. | 9 August | - | 13 August |
| CANBERRA | .. | 31 August | - | 9 September |
| CANBERRA | .. | 28 September | - | 7 October |
| PERTH | .. | 18 October | - | 22 October |
| CANBERRA | .. | 9 November | - | 18 November |
| CANBERRA | .. | 30 November | - | 9 December |

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

| | | | | |
|--------|----|-------------|--|--|
| SYDNEY | .. | 12 February | | |
|--------|----|-------------|--|--|

| | | |
|-----------|----|--|
| MELBOURNE | .. | 12 February |
| SYDNEY | .. | 12 March |
| SYDNEY | .. | 16 April |
| CANBERRA | .. | 16 April (by video-link from Brisbane) |
| SYDNEY | .. | 14 May |
| MELBOURNE | .. | 14 May |
| SYDNEY | .. | 18 June |
| CANBERRA | .. | 18 June (by video-link from Adelaide) |
| SYDNEY | .. | 6 August |
| CANBERRA | .. | 6 August (by video-link from Perth) |
| SYDNEY | .. | 10 September |
| MELBOURNE | .. | 10 September |
| SYDNEY | .. | 8 October |
| SYDNEY | .. | 19 November |
| SYDNEY | .. | 10 December |
| MELBOURNE | .. | 10 December |

Seat of the High Court

Section 14 of the Act provides that the seat of the High Court shall be at the seat of Government in the Australian Capital Territory.

The High Court building in Canberra is located on the shores of Lake Burley Griffin, within the Parliamentary Triangle. It is one of Australia's National Buildings and a major tourist attraction. Forty metres tall, it consists of three courtrooms, Justices' Chambers, the Court's principal Registry, library facilities, an administrative wing and a large public hall. Her Majesty Queen Elizabeth II opened the building on 26 May 1980.

Appointment of Justices of the High Court

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

- are appointed by the Governor-General in Council;
- cannot be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;
- receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office; and
- must retire on attaining the age of seventy years.

Part II of the *High Court of Australia Act 1979* contains further provisions concerning the Court and the Justices including the following:

- the Court is a superior court of record and consists of the Chief Justice and six other Justices appointed by the Governor-General by commission;
- the Attorney-General shall, before an appointment is made to a vacant office, consult with the Attorneys-General of the States in relation to the appointment;
- a person shall not be appointed as a Justice unless:
 - he or she is or 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 5 years;

- a Justice is not capable of accepting or holding any other office of profit within Australia;
- the Chief Justice and the other Justices shall receive salary and other allowances at such respective rates as are fixed from time to time by the Parliament;
- the salary and annual allowance of a Justice accrue from day to day and are payable monthly;
- the Chief Justice and the other Justices shall receive such allowances in respect of travelling expenses as are provided by the Parliament.

Composition of the Court

The Justices of the High Court for the period to which this report relates, and their dates of swearing in, are:

| | <i><u>Date of Swearing In</u></i> |
|-----------------------|-----------------------------------|
| Chief Justice Gleeson | 22 May 1998 |
| Justice Gaudron | 6 February 1987 |
| Justice McHugh | 14 February 1989 |
| Justice Gummow | 21 April 1995 |
| Justice Kirby | 6 February 1996 |
| Justice Hayne | 22 September 1997 |
| Justice Callinan | 3 February 1998 |

Former Chief Justices and Justices of the Court

Apart from the current members of the Court, there have been ten Chief Justices and thirty- two Justices since the Court was established in 1903.

Chief Justices

| | |
|-----------------------|-----------|
| Sir Samuel Griffith | 1903-1919 |
| Sir Adrian Knox | 1919-1930 |
| Sir Isaac Isaacs | 1930-1931 |
| Sir Frank Gavan Duffy | 1931-1935 |
| Sir John Latham | 1935-1952 |
| Sir Owen Dixon | 1952-1964 |
| Sir Garfield Barwick | 1964-1981 |
| Sir Harry Gibbs | 1981-1987 |
| Sir Anthony Mason | 1987-1995 |
| Sir Gerard Brennan | 1995-1998 |

Justices

| | |
|----------------------------|-----------|
| Sir Edmund Barton | 1903-1920 |
| Richard Edward O'Connor | 1903-1912 |
| Sir Isaac 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 Rich | 1913-1950 |
| Sir Hayden Starke | 1920-1950 |
| Sir Owen Dixon | 1929-1952 |
| Herbert Vere Evatt | 1930-1940 |
| Sir Edward McTiernan | 1930-1976 |

| | |
|----------------------|-----------|
| Sir Dudley Williams | 1940-1958 |
| Sir William Webb | 1946-1958 |
| Sir Wilfred Fullagar | 1950-1961 |
| Sir Frank Kitto | 1950-1970 |
| Sir Alan Taylor | 1952-1969 |
| Sir Douglas Menzies | 1958-1974 |
| Sir Victor Windeyer | 1958-1972 |
| Sir William Owen | 1961-1972 |
| Sir Cyril Walsh | 1969-1973 |
| Sir Harry Gibbs | 1970-1981 |
| Sir Ninian Stephen | 1972-1982 |
| Sir Anthony Mason | 1972-1987 |
| Sir Kenneth Jacobs | 1974-1979 |
| Lionel Keith Murphy | 1975-1986 |
| Sir Keith Aickin | 1976-1982 |
| Sir Ronald Wilson | 1979-1989 |
| Sir Gerard Brennan | 1981-1995 |
| Sir William Deane | 1982-1995 |
| Sir Daryl Dawson | 1982-1997 |
| John Leslie Toohey | 1987-1998 |

PART V - ADMINISTRATION

General

Section 17 of the Act makes provision for the High Court to administer its own affairs subject to and in accordance with the Act. Section 46 of the Act provides for the Justices (or a majority of them) to exercise the powers of the High Court and allows the Court to delegate to one or more of the Justices any or all of the powers of the Court set out in the Act.

The administrative functions of the Court are in general discharged by the Chief Executive and Principal Registrar who is appointed by the Governor-General, upon the nomination of the Court, under Section 18 of the Act. The occupant of this position holds office for a period not exceeding 5 years (but is eligible for re-appointment) and has the function of acting on behalf of and assisting the Justices in the administration of the affairs of the Court.

The Court's administration is divided into three Branches, titled the Registry Branch, the Library and Research Branch, and the Marshal's Branch. Figure 1 overleaf shows the Court's organizational structure and gives the names of the senior executives of the Court.

External Scrutiny

1997-98 Annual Report

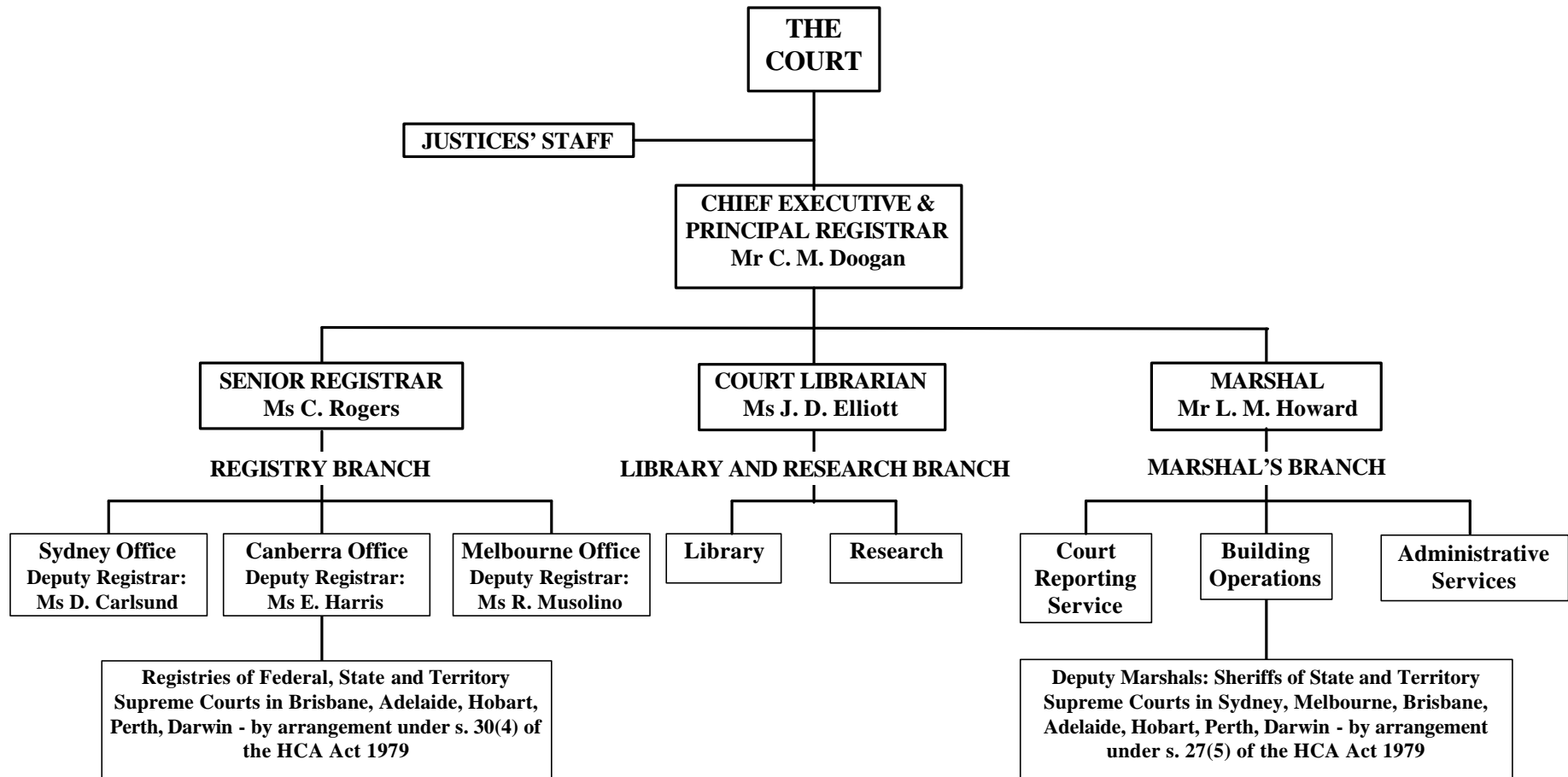
The Court's 1997-98 annual report was submitted to the Attorney-General on 13 November 1998 and tabled in Parliament on 26 November 1998.

Auditor-General's Report

Results of the Auditor-General's audit of the Court's 1997-98 financial statements were reported in Auditor-General's Audit Report No. 20 of 1998-99, which was submitted to Parliament on 8 December 1998. The results of the audit of the High Court's financial statements were satisfactory and an unqualified audit report was issued.

Figure 1

HIGH COURT OF AUSTRALIA ORGANIZATIONAL CHART



REGISTRY

Functions

The Registry provides administrative services for the judicial activities of the Court. Under the direction of the Principal Registrar, the Registry in Canberra coordinates the case flow management of the judicial workload of the Court.

The Senior Registrar and Deputy Registrars provide information and assistance to practitioners and unrepresented persons on the jurisdiction, practice and procedure of the Court as contained in the Constitution, the *Judiciary Act 1903* and the High Court Rules. They supervise the issue of writs of summons and the filing of applications for prerogative relief in the original jurisdiction and the filing of applications for leave or special leave to appeal and notices of appeal in the appellate jurisdiction of the Court.

The Registry of the Court is situated in Canberra. Offices of the Registry are also located in Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and Darwin. Sydney, Melbourne and Canberra Registries are staffed by officers of the Court. Registry functions in Adelaide, Hobart and Darwin are performed by officers of the Supreme Court of the respective States or Territory under ministerial arrangements. Registry functions in Brisbane and Perth are performed by officers of the Federal Court of Australia by arrangement between the Chief Justices of the respective Courts.

Registry Goals

The goals of the Registry are to:

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

Registry Workload

A comparison of the number of matters filed in each Registry during 1997-98 and 1998-99 is provided in Table 1. (Reference is made throughout this section to numbered tables located in Annexure B to Part VII of this report.)

Thirty-seven percent of the matters filed during the year were filed in the Sydney office of the Registry. Ten special leave hearing days were held in Sydney during 1998-99 and 46% of the single Justice hearings were conducted in Sydney.

The Melbourne office of the Registry, which processed matters filed in Melbourne, Adelaide and Hobart, accounted for 33% of total filings in 1998-99. Four special leave hearing days were held in Melbourne together with 27% of the single Justice hearings.

The Registry in Canberra processed matters filed in Canberra, Brisbane, Darwin and Perth (accounting for 30% of all filings). The Canberra Registry supervised eleven sittings of the Full Court in Canberra, circuit sittings in Adelaide, Perth and Brisbane and video-link hearings from

Adelaide, Brisbane and Perth. Twenty-seven percent of the single Justice hearings were supervised by the Registry in Canberra.

Registry Services

The Registry in Canberra and the offices of the Registry in Sydney and Melbourne provide a variety of services to the profession, the public and other institutions. Registry staff respond to counter, telephone and written inquiries concerning the status and disposition of cases.

The Court has its own court reporting service and is therefore able to provide a fast and efficient service for parties and other interested persons who may wish to purchase copies of transcripts of cases heard by the Court. In addition, transcript of cases heard can be accessed from the Court's site on the Internet, the address of which is <http://www.hcourt.gov.au>. Paper copies of transcripts of recent cases are kept in the Canberra, Sydney and Melbourne offices, and transcripts of past cases may be ordered through those offices. The cost of transcripts is provided in the High Court of Australia (Fees) Regulations.

When the Court delivers judgments, copies are immediately available from the Canberra, Sydney and Melbourne offices and are provided to the parties and the media free of charge. Additional copies can be purchased, at the fee prescribed in the Regulations, by the parties and the public in the Canberra, Sydney and Melbourne offices of the Registry. This service is also provided if the Court delivers judgment when sitting in other cities. The Court's home page on the Internet also provides access to judgments on the day they are delivered by the Court.

All legal practitioners in Australia who wish to practise in federal courts or State or Territory courts exercising federal jurisdiction are required to have their names entered in the Register of Practitioners maintained by the Principal Registrar in Canberra. The Registry provides an information service to practitioners advising them of their entitlement to practise in federal courts, the procedure for entering their name on the register and, if required, providing them with certificates of good standing to enable them to seek admission in other jurisdictions. The names of 1,338 new practitioners were added to the Register in 1998-99.

The demand for registry services, such as the purchase of judgments and transcripts, remained at a high level during 1998-99, as did inquiries concerning the registration of practitioners on the Register of Practitioners and the status of matters pending before the Court. Registry staff received both oral and written commendations for the courteous and efficient way in which these services were provided.

Rules of Court

The Justices have the responsibility for making Rules of Court which prescribe the annual sittings of the Court, regulate all matters of practice and procedure in the Court and prescribe the various forms to be used for proceedings of the Court. The Justices also consider the recommendations of the Federal Costs Advisory Committee in respect of the fees to be recovered by practitioners practising in the High Court for the work done by them in relation to proceedings in the Court. A Rule adopting the recommendations of the Committee is introduced when such recommendations are accepted.

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

Rules of Court are made and promulgated as Commonwealth Statutory Rules. Copies of the Rules are distributed to all legal publishers, law societies and bar associations immediately a Rule is made, and copies are available in all offices of the Registry for the information of the profession and the public.

The Court made the following Rules of Court in 1998-99:

- Statutory Rule No 393 of 1998 - Annual Sittings of the High Court; and
- Statutory Rule No 298 of 1998 - Amendment to Order 68 of the Rules of Court to provide a form for electoral petitions (form 70).

The Court issued the following Practice Direction during 1998-99:

- Practice Direction No 1 of 1999 - Use of initials or pseudonyms in applications for leave or special leave to appeal and applications for removal pursuant to s40 of the *Judiciary Act 1903* (Cth).

Caseflow Management

Orders 69A and 70 of the High Court Rules impose time standards for the filing of applications for special leave to appeal and appeals. The Rules were introduced to give more control over caseflow management by providing time standards for the various stages in the preparation of special leave applications and appeals.

Applications for special leave to appeal and appeals constitute only part of the High Court's workload. Many cases involve other procedures such as applications for prerogative relief, removals under s40 of the *Judiciary Act 1903*, demurrer, cases stated, references under s18 of the *Judiciary Act 1903*, and electoral petitions. Cases governed by these procedures include cases arising under the Constitution or involving its interpretation. Table 2 provides a breakdown of the categories of matters filed during 1997-98 and 1998-99.

The conduct of the case by the parties, the need to give priority to those cases which require urgent disposition, and the resources available in the Registry, may all affect the time between the filing and hearing of matters. In addition, a special leave application or an appeal may be filed and no further steps taken pending a grant of legal aid or the pronouncement of judgment by a lower court in a related case.

The period between filing and the time when a matter is ready for hearing influences, but does not necessarily determine, the time at which matters are heard. The listing of matters for hearing is influenced by the volume of cases filed and the need to accord priority to those matters requiring urgent resolution. Furthermore, the parties may agree that a matter should be heard at the next annual sitting of the Court in the State or Territory in which the matter originated or may agree that a special leave application be heard by video-link when there are sufficient matters to justify a video-link hearing.

Tables 23 to 28 provide a comparison, for each category of matter during the 1997-98 and 1998-99 reporting periods, of the elapsed period between the date of filing of matters to the date they were ready for hearing, the elapsed time between matters being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. The total elapsed time from the date of filing to the date of decision is provided in the final column of each table.

Judicial Workload of the Court

Tables 7 and 8 provide details of the total matters heard by the High Court during 1998-99, together with a breakdown of the categories of those matters. Tables 13 and 14 provide details of the total number of decisions of the Court delivered during 1997-98 and 1998-99 together with a breakdown of the categories of those decisions by type of matter.

Tables 3 to 6 provide a comparison by Registry and by court appealed from of all appellate matters filed during 1997-98 and 1998-99. Tables 9 to 12 provide a breakdown by Registry and court appealed from of all appellate matters heard during 1997-98 and the reporting period. The results of appellate matters decided during 1997-98 and 1998-99 are recorded in Tables 16, 18, 20 and 22.

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. Ten election petitions were filed during 1998-99.

A comparison of the number of matters heard by a single Justice during 1997-98 and the reporting year is recorded in Table 29. A breakdown of the categories of matters heard by a single Justice during 1998-99 is provided in Table 30. Twenty-eight percent of applications heard by a single Justice during the reporting period involved unrepresented persons.

Cost of Litigation

Court Fees and Charges

Fees and charges in the High Court form an integral part of litigation costs and, since 1 April 1992, have been set by the High Court of Australia (Fees) Regulations on the initiative of the Attorney-General. Fees payable for filing, issuing or sealing a document in an office of the Registry of the High Court, or for obtaining a document or service, are set out in Schedule 1 of the Regulations. The schedule of fees payable as at 30 June 1999 is included in Annexure C to Part VII of this report.

Waiver of fees

The person liable to pay a filing or hearing fee may apply to a Registrar to have the fee waived, upon grounds specified in the Regulations. A refusal by a Registrar to waive a fee may be reviewed by the Administrative Appeals Tribunal. There were no refusals to waive a fee in the reporting period.

Between 1 July 1998 and 30 June 1999 a total of 615 matters attracting a filing fee and/or hearing fees were filed in the Court. Of these, 269 matters, or 44%, were exempt from payment of fees, resulting in a total of \$263,215 being forgone for the payment of filing and hearing fees. The composition of this total is shown in Annexure C to Part VII of this report.

Professional Costs

The allowable professional costs of, and incidental to, the steps in proceedings in the High Court are contained in the Second Schedule to the High Court Rules and are approved by the Court on the recommendation of the Federal Costs Advisory Committee. The Schedule in operation during 1998-99 is included in Annexure C to Part VII of this report.

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

Taxation of costs

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

There is a considerable spread of fees charged. Not all fees and charges are subsequently allowed on taxation. By way of illustration, during the reporting period a bill of costs in a Sydney appeal (including the related application for special leave to appeal) was presented for taxation seeking an amount of \$56,293. Of this amount, \$51,757 was allowed on taxation. Also in Sydney, a bill relating to an application for special leave to appeal was claimed at \$46,458. This amount was reduced to \$18,107 on taxation. A bill relating to an application for special leave to appeal and the subsequent appeal in a Darwin matter was claimed at \$43,074. This amount was reduced to \$38,432 on taxation.

LIBRARY AND RESEARCH BRANCH

Functions

The functions of the Library and Research Branch are to :

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

Goals

The goals of the Library and Research Branch are to:

- acquire and efficiently organize library material in accordance with the requirements of the Court; and
- provide high quality and timely reference and research services to the Justices.

The Library Collection

The library collection consists of approximately 156,000 volumes (including multiple copies) distributed mainly on three floors in the High Court building in Canberra. Books are held in the Chambers collections, the Judges' Library, and the Bar Library. There are further collections in interstate Chambers in Brisbane, Melbourne and Sydney, and in other areas of the Court in Canberra including the Registry and Court Reporting Service.

The collection exists as a service to the Justices and staff of the Court but is also available through the Bar Library to visiting counsel, and to external users by appointment with the Court Librarian. There is a strong demand from other libraries to borrow material on interlibrary loan.

Law Reports and Statutes

Holdings of law reports and statutes in the High Court represent some of the most comprehensive in Australia. There is particular emphasis on historical materials such as nineteenth century State reports of the United States and early English reports. Foreign language reports and statutes are not held but there are extensive holdings of European decisions.

Monographs

The monograph collection of 27,000 volumes specializes in constitutional law, jurisprudence and legal history. It includes 10,000 microfiche titles in the *Nineteenth Century Legal Treatises Series* and in-depth holdings of early editions of classical legal texts. A number of multi-volume looseleaf titles in United States law are also held.

Electronic Resources

Increasingly the Library is using networked electronic sources to provide access to materials. All Canberra-based and interstate staff have desktop access to the Library catalogue and to a range of CD-ROMs. For reference works and journal indexes the CD-ROMs offer quick and easy access while the Internet has proved to be an invaluable research and reference resource, particularly for recent judgments.

Reference and Research

Overseas Decisions

From October 1998 the Library has been compiling and distributing to Chambers a monthly bulletin of *Overseas Decisions*, comprising catchwords arranged by subject of the latest decisions of the United States Supreme Court, the Supreme Court of Canada, the House of Lords, and the New Zealand Court of Appeal.

Legal Research and Judgment Production Officers

Due to lack of funds, the Library continued with one Legal Research Officer instead of two during the year. A second Judgment Production Officer was appointed, however, reflecting the Court's commitment to expediting the delivery of judgments.

Collection Development and Organization

Interstate Collections

Library staff made several visits to interstate registries in order to rationalise the holdings between the library in Canberra and the smaller collections supporting interstate Chambers and registries.

ALLG Pacific Twinning Scheme

In May, as Coordinator of the Australian Law Librarians' Group Pacific Twinning Scheme, the Court Librarian organized through the RAAF the freight of 79 boxes of books (donated by the BHP Library in Melbourne) to the High Court of Kiribati. Further shipments were sent to The University of the South Pacific Faculty of Law in Vanuatu, and to the High Court of Fiji.

Library Assessment in China

At the request of the Australian Agency for International Development (AusAID), and using funds provided by AusAID, the Court Librarian spent a week in Beijing in March doing a training needs analysis of the Treaty & Law (DTL) Library in the Ministry of Foreign Trade and Economics. Part of a four-year aid project, the visit aimed to develop the capacity of the DTL Library to provide accessible and effective information services to the staff of the Ministry.

MARSHAL'S BRANCH

Functions

The Marshal's Branch provides financial, personnel and corporate management services to the Court. It also provides court reporting services and is responsible for the operation, security and maintenance of the High Court building and its precincts.

In addition to corporate management responsibilities, the Marshal is responsible under Section 27 of the *High Court of Australia Act 1979* for:

- the service and execution of all writs, summonses, orders, warrants, precepts, process and commands of the Court that are directed to him; and
- taking, receiving and detaining all persons who are committed to his custody by the Court, and for discharging all such persons when directed by the Court or otherwise required by law.

A Deputy Marshal may, subject to any direction of the Marshal, exercise any power or perform any function of the Marshal.

Marshal's Branch Goals

The goals of the Marshal's Branch are to:

- provide high-quality and responsive financial, human resource, technical and general administrative services to the Court;
- manage and maintain a national building;
- ensure the safety and well-being of persons employed in or visiting premises under the control of the High Court; and
- provide, in a timely and economic manner, an accurate transcript of the proceedings of the High Court to the Justices, legal practitioners, litigants and other interested parties.

Program Structure

The High Court's operations form a distinct program within the Attorney-General's portfolio. Within this program there are two sub-programs:

Sub-program 1: Management of High Court Business: The objective of this sub-program is to provide, in a timely and efficient manner, those direct supporting services which are required to enable the Court to carry out its judicial function. It therefore encompasses registry, library and research services, court reporting services, as well as the administrative expenses of Justices, and services provided by their personal staff. The Justices' remuneration and allowances are paid from Special Appropriations administered by the Attorney-General's Department.

Sub-program 2: Corporate Services: The purpose of this sub-program is to provide supporting services for the efficient management of the administrative affairs of the Court under the provisions of the *High Court of Australia Act 1979*. Included in this sub-program are the costs associated with such activities as financial management, personnel services, information technology, building services, security and public information. These activities are all administered within the Marshal's Branch.

This is the final annual report for the High Court of Australia to provide financial information on the program basis outlined above. Beginning with the 1999-00 Budget, the Federal Government replaced its Program Budgeting system with Accrual Budgeting. Amongst other things, accrual

budgeting requires all Budget-funded departments and agencies to report all of their activities in an accrual format, as is done in the financial statements at Part VI of this Annual Report. Thus, the Financial and Staffing Resources Summary table below will be replaced next year by one or more tables prepared on an accrual basis. The precise format of these tables will be decided during the coming year.

Financial and Staffing Resources Summary - Budgetary (Cash) Basis

The table below shows comparative cash outlays and staffing resources for the High Court program. Accrual-based figures, excluding Special Appropriations administered by the Attorney-General’s Department, are presented in the financial statements at Part VI of this Annual Report.

| | 1997-98 | | 1998-99 | | 1998-99 | |
|---|----------------|---------------|----------------|---------------|----------------|---------------|
| | Actual | Staff | Budget | Staff | Actual | Staff |
| | \$'000 | Years* | \$'000 | Years* | \$'000 | Years* |
| Sub-program 5.1: Management of High Court Business | | | | | | |
| - Special Appropriations: High Court Justices | 2,358 | 7.0 | 1,887 | 7.0 | 1,829 | 7.0 |
| - Appropriation Acts: | 4,450 | 51.1 | 4,697 | 52.6 | 4,931 | 54.8 |
| Total Outlays - Sub-program 5.1 | 6,808 | 58.1 | 6,584 | 59.6 | 6,760 | 61.8 |
| Sub-program 5.2: Corporate Services | | | | | | |
| - Appropriation Acts: | 3,839 | 29.2 | 2,970 | 27.0 | 2,736 | 24.2 |
| Total Outlays - Sub-program 5.2 | 3,839 | 29.2 | 2,970 | 27.0 | 2,736 | 24.2 |
| Total Outlays - High Court of Australia Program | 10,647 | 87.3 | 9,554 | 86.6 | 9,496 | 86.0 |

* Full-time equivalent positions.

Major causes of variations in outlays between 1997-98 and 1998-99 are given below:

1. Sub-program 5.1: Management of High Court Business:

Special Appropriations – High Court Justices. The 1997-98 figure in the above table includes additional expenditure resulting from changes in the composition of the Court in that financial year. There were no such changes during 1998-99.

Appropriation Acts.

(a) In February 1999 the Court moved from premises it had occupied at 200 Queen Street, Melbourne, to the newly-completed Commonwealth Law Courts Building at Flagstaff Gardens.

Due to the particular financing arrangements for the new building, rental payments increased by \$240,000 over the previous year.

(b) Increased staff usage in the provision of registry, court reporting and library services led to increased salary and related expenses of \$150,000 in 1998-99.

(c) Changes in travel patterns, caused in part by changes to the composition of the Court itself, led to increased travel expenses of \$93,000.

2. Sub-program 5.2: Corporate Services:

Appropriation Acts.

(a) As indicated earlier in this report, repairs to the roof of the High Court building were substantially completed in 1997-98. The bulk (\$856,000) of expenditure on the project therefore shows in the 1997-98 figure in the above table.

(b) Reduced staff usage in the provision of administrative and public information services led to reduced salary and related expenses of \$135,000 in 1998-99.

(c) Savings in energy, communication and travel expenses in 1998-99 totalled \$97,000.

Human Resource Management

Terms and Conditions of Employment

Staff of the High Court are employed under the *High Court of Australia Act 1979*. Sub-section 26(4) of the Act provides for the terms and conditions of the Court staff to be determined by the Court itself. The terms and conditions of employment of High Court staff are generally similar to those applying in the Australian Public Service.

On 2 December 1998 the Australian Industrial Relations Commission certified the Court's fifth Certified Agreement with staff. This was a comprehensive agreement under s170LK of the *Workplace Relations Act 1996*. Senior staff of the Court were not included in this Agreement, instead settling individual Australian Workplace Agreements with the Chief Executive and Principal Registrar.

Workplace Diversity

During the year, the Court approved a new Workplace Diversity Program, including a Workplace Harassment Plan. The Workplace Diversity program, which covers the period 1998-2001, was prepared in accordance with the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987* and the relevant Public Service and Merit Protection Commission guidelines. The objectives of the program concentrate on the identification and elimination of all forms of unjustified discrimination in relation to employment matters, and ensuring the provision of a working environment free of harassment.

Performance

The 1998-99 financial year was the first in this Workplace Diversity Program, and performance against the published standards was satisfactory. The percentage of women in the Court's administration rose slightly, to just over 62%. Significantly, the proportion of women at the senior management levels rose by 19.5 percentage points, to 75%. The percentage of staff from a non-English speaking background rose by 3 percentage points to 26%, and those with disabilities remained constant at 1%.

Staffing Overview

At Annexure D to Part VII of this report are tables giving an overview of the numbers of men and women in full-time and part-time employment in the Court's administration, and the composition of staff by salary classification.

Industrial Democracy

The Court is committed to the principles and practices of Industrial Democracy which results in participative management practices throughout all areas of the Court. A Joint Consultative Committee serves as the formal mechanism for consultation on a broad range of industrial democracy issues. For several years now the Committee has formed the basis of the negotiation team to work with management in developing Workplace Agreements.

Occupational Health and Safety (OH&S)

The Court has developed a comprehensive OH&S policy that meets the requirements of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*. The policy outlines the mechanisms required for a healthy and safe working environment. During the year, the Court reviewed and updated its OH&S Policy, and distributed copies of the new policy to all staff.

There were no accidents or dangerous occurrences requiring notice under Section 68, and no investigations into OH&S accidents were required during the year. No directions or notices were given to the Court under Sections 30, 36, 45 and 47 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* during the year.

Audit of Accounts and Procedures

The Court maintains procedures for both the internal and external scrutiny of accounts and administrative procedures. An Internal Auditor, reporting directly to the Chief Executive and Principal Registrar, systematically reviews compliance with the Court's approved operating procedures, the efficiency of administrative systems and the adequacy of accounting controls throughout the year in accordance with an agreed program. In addition, the Internal Auditor provides specialist advice on financial management matters, as required, to the Chief Executive and Principal Registrar.

In accordance with subsection 47(2) of the *High Court of Australia Act 1979* the Auditor-General annually conducts an independent audit of the Court's financial statements in order to express an opinion on them to the Attorney-General. The Auditor-General's report on the Court's 1998-99 financial statements can be found at Part VI of this report.

Consultants

During the year a total of \$20,026 was paid in relation to four consultancy contracts. Of this amount, \$10,000 was paid to Aspect Computing Pty Ltd for investigations into alternative payroll systems, triggered by the Department of Finance and Administration's announcement that it was selling off its payroll system during 1998-99. A further \$6,426 was paid in respect of consultancies related to Year 2000 system compliancy - \$4,000 to Unisys Australia Ltd and \$2,426 to Total Systems for Management Pty Ltd.

Advertising and Market Research

During the year a total of \$20,347 was paid to Adcorp Australia for the placement of job- and tender-related advertisements. A further \$380 was paid to the National Capital Attractions Association for tourism-related advertising.

No other funds were paid to market research organizations, polling organizations, media advertising organizations or direct mail organizations during the period.

Court Reporting Service

Operation

The goal of the Court Reporting Service (CRS) is to provide, in a timely and efficient manner, an accurate transcript of the proceedings of the High Court to the Justices. Copies are available for

sale to legal practitioners, litigants and other interested parties. The transcript is usually available for distribution in paper form within two hours of the Court rising each sitting day, and within 48 hours from the Court's Internet home page.

The High Court's transcript is a verbatim record of its proceedings and includes the full text of citations referred to by counsel during the hearings.

Staffing

The CRS comprises two full-time reporters (for staff supervision, training and transcription verification), up to nine sessional court reporting officers (for word processing and transcription monitoring duties) and the part-time services of a technical officer (for equipment maintenance duties).

During 1998-99 the Court engaged a trainee technical officer under the Federal Government's Youth Traineeship Program. During his 12-month term, the trainee is obtaining on-the-job experience to complement his tertiary electronics education, whilst providing valuable assistance to the Court's Technical Officer.

Initiatives

During the year, the CRS commenced work on re-formatting older transcripts of High Court proceedings for the purposes of making them available on the Court's Internet site. As at 30 June 1999, transcripts of proceedings back to January 1997 were available, and work had started on 1996 proceedings.

Building Operations

Replacement of High Court Building Roof

As stated previously, the Federal Government provided funds in 1997-98 for repairs to the roof of the High Court building. The final stages of the project were completed in August 1998 and to date it has been totally successful; no leaks have occurred since then. The total cost of the project, spread over the two financial years, was \$865,526.

Public Information Services

The number of visitors to the building during the year totalled 103,119, a fall of 5% over the previous year. However, the building's popularity as a venue for cultural exhibitions and displays remained high throughout the year, with 8 such events being held. In addition, 18 other functions were held in the building in accordance with the Court's guidelines on use of the building. The cultural exhibitions included displays sponsored by the High Commission for Canada and the Embassies of Croatia, Israel, Mexico, the Philippines, Spain and Switzerland.

PART VI - FINANCIAL STATEMENTS 1998-99

INDEPENDENT AUDIT REPORT

To the Attorney-General

Scope

I have audited the financial statements of the High Court of Australia for the year ended 30 June 1999. The financial statements comprise:

- Report by the Chief Executive and Principal Registrar of the High Court and the Court's Finance Officer;
- Operating Statement;
- Statement of Assets and Liabilities;
- Statement of Cash Flows;
- Schedule of Commitments;
- Schedule of Contingencies; and
- Notes to and forming part of the Financial Statements.

The Chief Executive and Principal Registrar of the High Court and the Court's Finance Officer are responsible for the preparation and presentation of the financial statements and the information they contain. I have conducted an independent audit of the financial statements in order to express an opinion on them to you.

The audit has been conducted in accordance with Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards, to provide reasonable assurance as to whether the financial statements are free of material misstatement. Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards, other mandatory professional reporting requirements and statutory requirements so as to present a view of the entity which is consistent with my understanding of its financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In accordance with subsection 47(2) of the *High Court of Australia Act 1979*, I now report that the financial statements are in agreement with the accounts and records of the High Court of Australia, and in my opinion:

- (i) the statements are based on proper accounts and records;
- (ii) the statements present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements, the financial position of the Court as at 30 June 1999, and the results of its operations and its cash flows for the year then ended;
- (iii) the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Court during the year have been in accordance with the *High Court of Australia Act 1979*; and
- (iv) the statements are in accordance with the Finance Minister's Orders for Commonwealth Authorities.

Australian National Audit Office



Puspa Dash
Senior Director

Delegate of the Auditor-General

Canberra
6 October, 1999

HIGH COURT OF AUSTRALIA

Report by the Chief Executive & Principal Registrar of the High Court and the Court's Finance Officer on Financial Statements for the year ended 30 June 1999.

The accompanying financial statements of the High Court of Australia for the year ended 30 June 1999 have been prepared as required by Section 47 (1) of the *High Court of Australia Act 1979* and include:

- Operating Statement;
- Statement of Assets and Liabilities;
- Statement of Cash Flows;
- Schedule of Commitments;
- Schedule of Contingencies; and
- Notes to and forming part of the Financial Statements.

In our opinion, the attached financial statements give a true and fair view of the matters required by Schedule 2 of the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*.



C.M. Doogan
Chief Executive and
Principal Registrar

Date: 5 October 1999



A. Kafrawi
Accountant

Date: 5 October 1999

HIGH COURT OF AUSTRALIA
OPERATING STATEMENT FOR THE YEAR ENDED 30 JUNE 1999

| | Note | 1999 | 1998 |
|--|------|------------------|---------------------|
| | | \$ | \$ |
| NET COST OF SERVICES | | | |
| Operating Expenses | | | |
| Employees | 2 | 3,840,511 | 3,854,853 |
| Suppliers | | 3,121,306 | 3,638,367 |
| Depreciation and amortisation | 3 | 1,846,198 | 1,761,706 |
| Loss on sale of assets | 4 | 44,209 | 32,841 |
| Total operating expenses | | 8,852,224 | 9,287,767 |
| Operating revenues from independent sources | | | |
| Sales of goods and services | 5 | 90,598 | 72,791 |
| Interest on deposits | | 40,050 | 54,816 |
| Other | 5 | 65,045 | 9 |
| Total operating revenue from independent sources | | 195,693 | 127,616 |
| Abnormal Item | | - | (9,651,271) |
| Net cost of services | | 8,656,531 | 18,811,422 |
| REVENUE FROM GOVERNMENT | | | |
| Parliamentary appropriations received | 6 | 7,667,000 | 8,289,000 |
| Total revenue from government | | 7,667,000 | 8,289,000 |
| Surplus/(deficit) | | (989,531) | (10,522,422) |
| Accumulated surpluses/(deficits) at beginning of reporting period | | 411,329 | 10,933,751 |
| Accumulated surpluses/(deficits) at end of reporting period | | (578,202) | 411,329 |

Note numbers refer to the attached Notes which form part of the Financial Statements.

HIGH COURT OF AUSTRALIA
STATEMENT OF ASSETS AND LIABILITIES AS AT 30 JUNE 1999

| | Note | 1999 | 1998 |
|--------------------------------------|------|--------------------|-------------|
| | | \$ | \$ |
| <i>Provisions and Payables</i> | | | |
| Employees | 8 | 870,758 | 878,709 |
| Suppliers | | 192,358 | 203,205 |
| Total provisions and payables | | 1,063,116 | 1,081,914 |
| <i>Equity</i> | | | |
| Capital | 9 | 52,836,540 | 52,836,540 |
| Asset revaluation reserve | 9 | 79,202,329 | 79,202,329 |
| Accumulated surpluses or deficits | 9 | (578,202) | 411,329 |
| Total equity | | 131,460,667 | 132,450,198 |
| Total liabilities and equity | | 132,523,783 | 133,532,112 |
| <i>Financial Assets</i> | | | |
| Cash | 10 | 33,955 | 15,966 |
| Receivables | 11 | 11,184 | 15,456 |
| Other | 12 | 50,020 | 97,652 |
| Total financial assets | | 95,159 | 129,074 |
| <i>Non-financial Assets</i> | | | |
| Land and buildings | 13 | 123,000,000 | 124,500,000 |
| Infrastructure, plant and equipment | 13 | 2,590,359 | 2,860,065 |
| Inventories | | 630 | 234 |
| Intangibles | 13 | 173,982 | 197,093 |
| Other | 13 | 6,663,653 | 5,845,646 |
| Total non-financial assets | | 132,428,624 | 133,403,038 |
| Total assets | | 132,523,783 | 133,532,112 |
| Current liabilities | | 562,805 | 607,403 |
| Non-current liabilities | | 500,311 | 474,511 |
| Current assets | | 95,789 | 129,307 |
| Non-current assets | | 132,427,994 | 133,402,803 |

Note numbers refer to the attached Notes which form part of the Financial Statements.

HIGH COURT OF AUSTRALIA
STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 1999

| | Note | 1999 | 1998 |
|--|------|--------------------|-------------|
| | | \$ | \$ |
| OPERATING ACTIVITIES | | | |
| <i>Cash received</i> | | | |
| Receipts from appropriation | | 7,667,000 | 8,289,000 |
| Sales of goods and services | | 91,351 | 66,781 |
| Interest | | 39,953 | 53,863 |
| Other | | 65,045 | 9 |
| Total cash received | | 7,863,349 | 8,409,653 |
| <i>Cash used</i> | | | |
| Employees | | (3,854,767) | (3,836,929) |
| Suppliers | | (3,074,996) | (3,642,874) |
| Total cash used | | (6,929,763) | (7,479,803) |
| Net cash from operating activities | 14 | 933,586 | 929,850 |
| INVESTING ACTIVITIES | | | |
| <i>Cash received</i> | | | |
| Proceeds from sales of plant and equipment | | 12,134 | 25,915 |
| <i>Cash used</i> | | | |
| Purchase of plant and equipment | | (927,731) | (975,607) |
| Net cash used by investing activities | | (915,597) | (949,692) |
| Net increase/(decrease) in cash held | | 17,989 | (19,842) |
| Cash at beginning of reporting period | | 15,966 | 35,808 |
| Cash at end of reporting period | | 33,955 | 15,966 |

Note numbers refer to the attached Notes which form part of the Financial Statements.

**HIGH COURT OF AUSTRALIA
SCHEDULE OF COMMITMENTS AS AT 30 JUNE 1999**

| | Note | 1999 | 1998 |
|----------------------------------|------|------------|------------|
| | | \$ | \$ |
| BY TYPE | | | |
| CAPITAL COMMITMENTS | | | |
| Other capital commitments | | Nil | Nil |
| Total capital commitments | | Nil | Nil |
| BY MATURITY | | | |
| One year or less | | Nil | Nil |
| Net commitments | | Nil | Nil |

**HIGH COURT OF AUSTRALIA
SCHEDULE OF CONTINGENCIES AS AT 30 JUNE 1999**

As at 30 June 1999 there are no contingencies which create uncertainty as to possible gain or loss for the High Court of Australia.

HIGH COURT OF AUSTRALIA

Notes To And Forming Part Of The Financial Statements For The Year Ended 30 June 1999

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

1.1 Basis of accounting

The financial statements are a general purpose financial report. They have been prepared in accordance with Schedule 2 to Orders issued by the Finance Minister under the *Commonwealth Authorities and Companies Act 1997*.

The Court's financial statements have been prepared:

- in accordance with Australian Accounting Standards, other authoritative pronouncements of the Accounting Standards Boards (Accounting Guidance Releases) and the consensus views of the Urgent Issues Group; and
- having regard to Statements of Accounting Concepts.

The financial statements have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted at Note 1.5 below, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or on the financial position.

1.2 Public Moneys

Moneys received for Court fees and charges are paid into the Consolidated Revenue Fund and are not recorded in the financial statements of the Court. The level of these fees and charges is set by Executive Government, pursuant to the *High Court of Australia (Fees) Regulations 1991*.

1.3 Taxation

The High Court is exempt from all forms of taxation except fringe benefits tax.

1.4 Employees Entitlements

The liability for employee entitlements encompasses provisions for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and average sick leave taken by employees is less than the annual entitlement for sick leave.

The provision for annual leave reflects the value of total annual leave entitlements of all employees at 30 June 1999 and is recognised at its nominal value.

The liability for long service leave is recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 1999. In determining the present value of the liability, attrition rates and pay increases through promotion and inflation have been taken into account.

1.5 Non-Current Assets

The Court's policy is to capitalise all building improvements whose purchase price exceeds \$5,000 and all other non-current assets whose purchase price exceeds \$1,000.

The Court's non-current assets are subject to independent valuation every three years. Schedule 2 requires that property, plant and equipment be progressively revalued in accordance with the

“deprival” method of valuation. The table below shows the date of last valuation for each class of asset. The application of the deprival method values land at its current market buying price and other assets at their depreciated replacement cost. The 1998 revaluation of the building was previously reported at net value. A change in accounting policies has brought about the recognition of the valuation at gross value.

| <u>Asset Class</u> | <u>Date of last Valuation</u> |
|--------------------|-------------------------------|
| Land | June 1998 |
| Buildings | June 1998 |
| Library holdings | June 1998 |
| Artworks | June 1997 |

Depreciation/amortisation rates (useful lives) and methods are reviewed at each balance date and necessary adjustments are recognised in the current and future reporting periods, as appropriate. Residual values are re-estimated for a change in prices only when assets are revalued.

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 3.

Depreciation of non-current assets is calculated on the straight-line method according to the estimated life of the assets. Depreciation/amortisation rates applying to each class of depreciable assets are as follows:

| | |
|---|------|
| Land | Nil |
| Art, prints and artefacts | Nil |
| Library Collection – heritage items | Nil |
| Library Collection – non-heritage items | 0.5% |
| Building | 1% |
| Furniture and fittings | 10% |
| Building improvements | 10% |
| Office equipment | 10% |
| General and technical equipment | 10% |
| ADP equipment and software | 20% |

1.6 Foreign currency transactions

Transactions denominated in a foreign currency are converted at the rate of exchange prevailing at the date of the transaction.

1.7 Cash

For the purpose of the Statement of Cash Flows, cash includes deposits held at call with a bank and cash on hand.

1.8 Revenue

Appropriation revenue is recognised at the time the Court becomes entitled to receive the revenue. Revenue from the sale of goods is recognised upon the delivery of goods to customers. Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

1.9 Financial Instruments

Accounting policies in relation to financial instruments are disclosed in Note 21.

1.10 Comparative figures

Where necessary, comparative figures have been adjusted to conform with changes in presentation in the financial statements.

1.11 Changes in accounting policies

Changes in accounting policy have been identified in this Note under their appropriate headings.

2. EMPLOYEES EXPENSES

This item in the Operating Statement consists of:

| | 1999 | 1998 |
|--|------------------|-----------|
| | \$ | \$ |
| Salaries, wages & allowances | 3,422,448 | 3,406,349 |
| Employer's superannuation contribution | 439,503 | 441,854 |
| Provision for Long Service Leave | (25,986) | 37,988 |
| Provision for Recreation Leave | 4,546 | (31,338) |
| TOTAL | 3,840,511 | 3,854,853 |

The salaries and allowances paid to the Chief Justice and other Justices of the Court are provided from special appropriations under the control of the Attorney-General's Department. These payments are not included in the financial statements of the Court.

The Court is an approved authority for the purposes of the *Superannuation Act 1976* of the Commonwealth, which requires permanent officers and, on election, eligible employees, to contribute to either the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme. Benefits payable on retirement, disability, or death under these schemes consist of either a pension or a lump sum or a combination of both. The Court is required to make an employer contribution to the Commonwealth on a regular basis for each contributor. The employer contribution is calculated as a percentage of contributors' salaries, estimated by the Commonwealth to be sufficient to meet the Court's share of benefits liability under the schemes. Throughout the 1998-99 financial year, contributions were fixed at a rate of 23.4% for the Commonwealth Superannuation Scheme and 9.0% for the Public Sector Superannuation Scheme. An additional 3% is contributed for employer productivity benefits.

3. DEPRECIATION AND AMORTISATION

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

| | 1999 | 1998 |
|------------------------------------|------------------|-----------|
| | \$ | \$ |
| Building and building improvements | 1,566,351 | 1,466,918 |
| Plant and equipment | 192,404 | 210,610 |
| Library holdings | 30,826 | 56,478 |
| Amortisation of intangibles | 56,617 | 27,700 |

| | | |
|-------|-------------------------|------------------|
| TOTAL | <u>1,846,198</u> | <u>1,761,706</u> |
|-------|-------------------------|------------------|

4. ASSET DISPOSALS

Asset disposals were as follows:

| | <u>1999</u> | | <u>1998</u> | |
|----------------------------------|----------------------|------------------------|-------------------|--------------------|
| | <u>Sale Price</u> | <u>Gain/(Loss)</u> | <u>Sale Price</u> | <u>Gain/(Loss)</u> |
| | \$ | \$ | \$ | \$ |
| ADP Equipment | 7,950 | (46,094) | 22,444 | (32,079) |
| Furniture & Fittings | - | - | - | - |
| Office Equipment | 670 | (1,485) | 781 | (4,183) |
| General & Technical Equipment | 500 | 357 | 1,615 | 1,371 |
| ADP Software | - | - | 3 | 3 |
| Other Equipment | 3,013 | 3,013 | 2,047 | 2,047 |
| TOTAL | <u>12,133</u> | <u>(44,209)</u> | <u>26,890</u> | <u>(32,841)</u> |

5. OPERATING REVENUES FROM INDEPENDENT SOURCES

The item "Sales of goods and services" in the Operating Statement consists of the following:

| | <u>1999</u> | <u>1998</u> |
|--|----------------------|---------------|
| | \$ | \$ |
| Food service operator's licence fee | 40,280 | 30,000 |
| Subscriptions to Court transcripts and judgments | 9,700 | 9,700 |
| Room hire | 39,300 | 28,700 |
| Other revenue from Court facilities | 1,318 | 4,391 |
| TOTAL | <u>90,598</u> | <u>72,791</u> |

The item "Other" in the Operating Statement consists of the following:

| | <u>1999</u> | <u>1998</u> |
|--|----------------------|-------------|
| | \$ | \$ |
| Miscellaneous revenue | 45 | 9 |
| Govt. grant for year 2000 compliance rectification | 65,000 | - |
| TOTAL | <u>65,045</u> | <u>9</u> |

6. PARLIAMENTARY APPROPRIATIONS

The Court's revenue from Government was appropriated as follows:

| | <u>1999</u> | <u>1998</u> |
|--------------------------|-------------------------|------------------|
| | \$ | \$ |
| Appropriation Act (No.1) | 7,667,000 | 7,386,000 |
| Appropriation Act (No.3) | - | 903,000 |
| TOTAL | <u>7,667,000</u> | <u>8,289,000</u> |

7. RESOURCES PROVIDED FREE OF CHARGE

The High Court building in Canberra, completed in 1980 at a cost of \$46.5 million, was transferred free of charge to the control of the Court. The current value of the building, the land on which it is situated, and building improvements made since April 1980 are shown in the Statement of Assets and Liabilities.

The Federal Court of Australia and State Supreme Courts provide the High Court with hearing rooms and chambers in various States as required, primarily while the Court is on circuit. In addition, the National Capital Authority provides ground maintenance services to the High Court in Canberra. The value of this assistance is not shown in the accounts.

8. LIABILITIES TO EMPLOYEES

The item "Employees" shown in the Statement of Assets and Liabilities is comprised of:

| | 1999 | 1998 |
|--------------------|----------------|---------|
| | \$ | \$ |
| Salaries and wages | 64,729 | 52,398 |
| Superannuation | 6,477 | 5,319 |
| Annual leave | 287,123 | 282,577 |
| Long service leave | 512,429 | 538,415 |
| TOTAL | 870,758 | 878,709 |

9. EQUITY

| | Capital | Accumulated Results | Asset Revaluation Reserve | Total Equity |
|---|-------------------|----------------------------|----------------------------------|---------------------|
| | \$ | \$ | \$ | \$ |
| Balance 1 July 1998 | 52,836,540 | 411,329 | 79,202,329 | 132,450,198 |
| Surplus/(Deficit) | - | (989,531) | - | (989,531) |
| Net revaluation increase/ (decrease) | - | - | - | - |
| Transfers to/(from) reserve | - | - | - | - |
| Changes in accounting Policies | - | - | - | - |
| BALANCE 30 JUNE 1999 | 52,836,540 | (578,202) | 79,202,329 | 131,460,667 |

10. CASH

The amount is represented by:

| | 1999 | 1998 |
|--|---------------|--------|
| | \$ | \$ |
| Funds on deposit in the General Account held with the Reserve Bank of Australia | 24,505 | 516 |
| Cash on hand in the form of permanent advances | 9,450 | 15,450 |
| TOTAL | 33,955 | 15,966 |

11. RECEIVABLES

The item "Receivables" in the Statement of Assets and Liabilities represents:

| | 1999 | 1998 |
|--|---------------|---------------|
| | \$ | \$ |
| Interest receivable on the General Account | 2,837 | 2,740 |
| Sundry debtors | 8,347 | 12,716 |
| TOTAL | 11,184 | 15,456 |

There are no overdue receivables.

12. OTHER FINANCIAL ASSETS

The amounts shown in the item "Other" in the Statement of Assets and Liabilities represent the following:

| | 1999 | 1998 |
|------------------|---------------|---------------|
| | \$ | \$ |
| Prepaid expenses | 49,138 | 96,771 |
| Library vouchers | 882 | 881 |
| TOTAL | 50,020 | 97,652 |

13. NON-FINANCIAL ASSETS

The figures shown in the Statement of Assets and Liabilities represent the written-down value of property, plant, and equipment as at 30 June 1999 as follows:

| | 1999 | 1998 |
|--|--------------------|--------------------|
| | \$ | \$ |
| Land | | |
| Land at June 1998 valuation | 4,500,000 | 4,500,000 |
| Total Land | 4,500,000 | 4,500,000 |
| Buildings | | |
| Buildings at June 1998 valuation | 150,000,000 | 120,000,000 |
| Accumulated depreciation | (31,500,000) | - |
| Total buildings | 118,500,000 | 120,000,000 |
| Total Land and Buildings | 123,000,000 | 124,500,000 |
| Infrastructure, plant and equipment | | |
| Plant and equipment at cost | 4,555,289 | 4,701,792 |
| Accumulated depreciation | (1,964,930) | (1,841,727) |
| Total Infrastructure, plant and equipment | 2,590,359 | 2,860,065 |
| Intangibles | | |
| At cost | 422,483 | 388,976 |
| Accumulated depreciation | (248,501) | (191,884) |
| Total Intangibles | 173,982 | 197,092 |
| Other (library holdings) | | |
| Library at June 1998 valuation | 5,845,646 | 5,845,646 |

| | | |
|-------------------------------|------------------|-----------|
| Accumulated depreciation | (28,705) | - |
| Sub-total (a) | 5,816,941 | 5,845,646 |
| Acquisitions at cost | 848,833 | - |
| Depreciation on acquisitions | (2,121) | - |
| Sub-total (b) | 846,712 | - |
| Total Library holdings | 6,663,653 | 5,845,646 |

13 (cont.)

Summary of balances of assets at valuation as at 30 June 1999

| | Land | Buildings | Total Land & Buildings | Total Plant & Equipment | Library | Total Plant & Equipment and Library Holdings | Intangibles | Total |
|--|------------------|--------------------|------------------------|-------------------------|------------------|--|-------------|--------------------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| As at 30 June 1999 | | | | | | | | |
| Gross value | 4,500,000 | 150,000,000 | 154,500,000 | - | 5,845,646 | 5,845,646 | - | 160,345,646 |
| Accumulated depreciation/ amortisation | n/a | (31,500,000) | (31,500,000) | - | (28,705) | (28,705) | - | (31,528,705) |
| Other movements | - | - | - | - | - | - | - | - |
| Net book value | 4,500,000 | 118,500,000 | 123,000,000 | - | 5,816,941 | 5,816,941 | - | 128,816,941 |
| As at 30 June 1998 | | | | | | | | |
| Gross value | 4,500,000 | 120,000,000 | 124,500,000 | - | 5,845,646 | 5,845,646 | - | 130,345,646 |
| Accumulated depreciation/ amortisation | n/a | - | - | - | - | - | - | - |
| Other movements | - | - | - | - | - | - | - | - |
| Net book value | 4,500,000 | 120,000,000 | 124,500,000 | - | 5,845,646 | 5,845,646 | - | 130,345,646 |

13 (cont.)

1998-99 Movements summary for all assets irrespective of valuation basis

| | Land | Buildings | Total Land & Buildings | Infrastructure, Plant & Equipment | Library Holdings | Total Plant & Equipment | Intangibles | Total |
|--|------------------|---------------------|---------------------------|---|---------------------|-------------------------------|------------------|---------------------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Gross value as at 1 July 1998 | 4,500,000 | 120,000,000 | 124,500,000 | 4,701,792 | 5,845,646 | 10,547,438 | 388,976 | 135,436,414 |
| Additions | - | - | - | 45,391 | 848,833 | 894,224 | 33,507 | 927,731 |
| Revaluation | - | - | - | - | - | - | - | - |
| Disposals | - | - | - | (191,894) | - | (191,894) | - | (191,894) |
| Other movements | - | 30,000,000 | 30,000,000 | - | - | - | - | 30,000,000 |
| Gross value as at 30 June 1999 | 4,500,000 | 150,000,000 | 154,500,000 | 4,555,289 | 6,694,479 | 11,249,768 | 422,483 | 166,172,251 |
| Accumulated Depreciation/ Amortisation as at 1 July 1998 | - | - | - | (1,841,727) | - | (1,841,727) | (191,884) | (2,033,611) |
| Depreciation/amortisation | - | - | - | - | - | - | - | - |
| Charge for assets held 1 July 1998 | - | (1,500,000) | (1,500,000) | (256,177) | (28,705) | (284,882) | (53,136) | (1,838,018) |
| Depreciation/amortisation | - | - | - | - | - | - | - | - |
| Charge for additions | - | - | - | (2,578) | (2,121) | (4,699) | (3,481) | (8,180) |
| Adjustment for revaluations | - | - | - | - | - | - | - | - |
| Adjustment for Disposals | - | - | - | 135,552 | - | 135,552 | - | 135,552 |
| Adjustment for Other | - | (30,000,000) | (30,000,000) | - | - | - | - | (30,000,000) |
| Accumulated Depreciation/ Amortisation as at 30 June 1999 | - | (31,500,000) | (31,500,000) | (1,964,930) | (30,826) | (1,995,756) | (248,501) | (33,744,257) |
| Net book value as at 30 June 1999 | 4,500,000 | 118,500,000 | 123,000,000 | 2,590,359 | 6,663,653 | 9,254,012 | 173,982 | 132,427,994 |
| Net book value as at 1 July 1998 | 4,500,000 | 120,000,000 | 124,500,000 | 2,860,065 | 5,845,646 | 8,705,711 | 197,092 | 133,402,803 |

14. CASH FLOW RECONCILIATION

Reconciliation of net cash flows from operating activities to net cost of services:

| | 1999 | 1998 |
|---|--------------------|--------------|
| | \$ | \$ |
| Net cost of services | (8,656,531) | (18,811,422) |
| Revenue from government | 7,667,000 | 8,289,000 |
| Operating surplus/(deficit) | (989,531) | (10,522,422) |
| Abnormal Item-plant & equipment devaluation | - | 9,651,271 |
| Depreciation | 1,789,581 | 1,734,006 |
| Amortisation | 56,617 | 27,700 |
| Loss on sale of assets | 44,209 | 32,841 |
| Changes in assets and liabilities: | | |
| Increase/(decrease) in employees provisions | (7,951) | 19,584 |
| (Increase)/decrease in prepayments | 47,632 | (46,689) |
| Increase/ (decrease) in trade creditors | (10,848) | 43,313 |
| (Increase)/decrease in inventories | (395) | 303 |
| Increase/(decrease) in receivables | 4,272 | (10,057) |
| Net cash provided by operating activities | 933,586 | 929,850 |

15. AUDIT FEES

The Australian National Audit Office provides external auditing services to the High Court. For the audit of the financial statements for the year ended 30 June 1999, the audit fee was \$22,000, (1997-98: \$23,700).

16. PUBLIC MONEY IN THE CUSTODY OF THE COURT

Fees and Charges:

Fees and Charges payable under Schedule 1 of the *High Court of Australia (Fees) Regulations* are collected by staff at High Court Registries Australia-wide and are deposited in the Fees and Charges Account held at the Reserve Bank of Australia. At the end of each month these funds are transferred electronically to the Consolidated Revenue Fund.

| | 1999 | 1998 |
|-----------------------------|----------------|---------|
| | \$ | \$ |
| Balance as at 1 July | - | - |
| Received during the year | 669,351 | 527,150 |
| Transferred during the year | 669,351 | 527,150 |
| Balance as at 30 June | Nil | Nil |

Suitors' Funds:

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

| | 1999 | 1998 |
|-----------------------|--------------|-------|
| | \$ | \$ |
| Balance as at 1 July | 2,000 | 2,000 |
| Amount received | 5,000 | - |
| Balance as at 30 June | 7,000 | 2,000 |

Interest Bearing Deposits:

This account represents a payment which was made by an appellant as security for costs.

| | 1999 | 1998 |
|-----------------------------------|---------------|--------|
| | \$ | \$ |
| Balance as at 1 July | 22,628 | 21,791 |
| Interest received during the year | 797 | 837 |
| Balance as at 30 June | 23,425 | 22,628 |

17. REMUNERATION OF EXECUTIVES

| | 1999 | 1998 |
|---|----------------|------|
| | \$ | \$ |
| Income received or due and receivable by officers: | 560,114 | N/A |

The number of officers included in these figures are shown below in the relevant income band.

| | 1999 | 1998 |
|-----------------------|---------------|--------|
| Income Band | Number | Number |
| \$110,001 - \$120,000 | 3 | |
| \$190,001 - \$200,000 | | 1 |
| \$200,001 - \$210,000 | 1 | |

Additional disclosure has been brought to account this financial year for the first time.

18. ADMINISTRATION OF THE COURT

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

Chief Justice

The Honourable Murray Gleeson, AC

Justices

The Honourable Mary Gaudron

The Honourable Michael McHugh, AC

The Honourable William Gummow, AC

The Honourable Michael Kirby, AC, CMG

The Honourable Kenneth Hayne

The Honourable Ian Callinan

Chief Executive and Principal Registrar

C.M. Doogan

Under Section 10 of the *High Court of Australia Act 1979* a Justice is not capable of accepting or holding any other office of profit within Australia. No related party transactions have occurred during the 1998-99 financial year.

19. ECONOMIC DEPENDENCY

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

The overall operating result for the year ended 30 June 1999 was a deficit of \$578,202. Whilst it is understood that the current assets are low when compared to current liabilities (of which a significant proportion relates to unfunded employee entitlements), the Court has plans and processes in place in order to meet its liabilities as they fall due.

20. AFTER BALANCE DATE EVENTS

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

21. FINANCIAL INSTRUMENTS

Terms, conditions and accounting policies

| Financial Assets | Accounting Policies and Methods | Nature of underlying instrument |
|--------------------------|--|--|
| Cash at Bank and on hand | Cash is recognised at the nominal amount and interest is credited to revenue as it accrues | Interest is calculated on a daily balance and credited monthly |
| Receivables-Interest | Interest on cash at bank is credited to revenue as it accrues | Interest is calculated on daily balances and credited monthly |
| Library Vouchers | Can be converted to cash if required | Unlimited time for it to be cashed. |
| Other Debtors | Cost recovery for use of the Court's facilities | Debtors are invoiced for the services provided. Term of payment is 30 days |

Credit Risk Exposures

The economic entity's maximum exposure to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Statements of Assets and Liabilities.

The economic entity has no significant exposures to any concentrations of credit risk.

| Financial Liabilities | Accounting Policies and Methods | Nature of underlying instrument |
|-----------------------|---|---|
| Trade Creditors | Suppliers of services. Creditors and accruals are recognised at the nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that goods or services have been received | Payment of accounts is between 7 days and 30 days |

Interest Rate Risk

Not Applicable

Net fair values of Financial Assets and Liabilities

(See also notes 11,12 &13)

| Financial Assets | 1998-99 | | 1997-98 | |
|-------------------------------|----------------|------------------|----------------|------------------|
| | Total | Aggregate | Total | Aggregate |
| | \$ | \$ | \$ | \$ |
| Cash at bank | 24,505 | 24,505 | 516 | 516 |
| Cash on hand | 9,450 | 9,450 | 15,450 | 15,450 |
| Receivables | 2,837 | 2,837 | 2,740 | 2,740 |
| Other debtors | 8,347 | 8,347 | 12,716 | 12,716 |
| Prepaid expenses | 49,138 | 49,138 | 96,771 | 96,771 |
| Library vouchers | 882 | 882 | 881 | 881 |
| Total Financial Assets | 95,159 | 95,159 | 129,074 | 129,074 |
| Financial Liabilities | | | | |
| Suppliers | 192,357 | 192,357 | 203,205 | 203,205 |

22. SEGMENT REPORTING

The High Court operates solely in Australia to interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court in Australia.

PART VII - ANNEXURE A

FREEDOM OF INFORMATION ACT 1982 - SUPPLEMENTARY MATERIAL

Parts IV and V of this Report provide information about the establishment, functions, objectives and organization of the High Court and its administration. Other information required by Section 8 of the *Freedom of Information Act 1982* follows.

Categories of Documents

The High Court Registry maintains the following categories of documents:

- documents relating to appeals and applications lodged or matters heard by the Court, including application and appeal books, some exhibits, transcripts and copies of judgments;
- registers and indexes in bound volumes and card systems;
- the Register of Practitioners;
- statistical information;
- internal working documents and correspondence.

The following categories of documents are open to public access in accordance with an enactment other than the *Freedom of Information Act* where that access is subject to a fee or other charge: documents filed or lodged at the High Court Registry (Order 58, rules 8(2) and 9(1) of the High Court Rules).

The following categories of documents are available for purchase by the public in accordance with arrangements referred to below:

- transcripts of proceedings before the Court;
- reasons for judgment;
- photocopies of Court documents which are available for search (Order 58, rule 8(2)).

Apart from library materials, the Library maintains administrative records concerning the availability, acquisition, maintenance and disposal of library materials.

The Marshal's Branch maintains the following categories of documents:

- accounts, records, contracts and other documents arising from the Court's exercise of its power under Section 17 of the Act;
- personnel records and associated correspondence;
- internal working documents and correspondence.

FOI Procedures and Initial Contact Points

FOI contact officers will assist applicants to identify the particular documents they seek. The availability of some Court documents will be affected by Section 5 of the *Freedom of Information Act* which states that the Act does not apply to any request for access to a document of the Court unless the document relates to matters of an administrative nature. However, Order 58, rules 8(2) and 9(1) of the High Court Rules allow access to documents filed or lodged in the High Court Registry, Canberra, or offices of the Registry in State capitals upon payment of a prescribed fee.

If a request is to be refused on grounds appearing in Sections 15(2) or 24(1) of the *Freedom of Information Act* (insufficient information or unreasonable diversion of resources), applicants will be notified and given an opportunity for consultation. The only officers authorized to deny access

to documents are the Chief Executive and Principal Registrar and the Marshal of the High Court of Australia. If an applicant resides some distance from any point at which access is normally provided, consideration will be given to alternative arrangements with a view to reducing inconvenience to the applicant.

Enquiries concerning access to documents or other matters relating to freedom of information should be directed to the following officer:

Senior Deputy Marshal (Administration)
High Court of Australia
Parkes Place
Parkes ACT 2600

OR:

PO Box E435
Kingston ACT 2604

Telephone (02) 6270 6851 or facsimile (02) 6270 6825

Business hours are from 8:30am to 5:00pm.

Facilities for Access

Facilities for examining documents and obtaining copies are available at the addresses shown below. Information about the facilities available to assist people with disabilities to obtain access to documents can be obtained from the following officers:

Registry matters - Senior Registrar:
telephone (02) 6270 6862 or facsimile (02) 6273 3025

Marshal's Branch matters - Senior Deputy Marshal (Administration):
telephone (02) 6270 6851 or facsimile (02) 6270 6825

If necessary, special arrangements can be made with the above officers to overcome any difficulties in physical access.

Publications produced for the High Court are usually available through Australian Government Bookshops. They may be inspected at the High Court building. A brochure on the High Court is available free of charge from Attendants at the High Court building. Documents open to public inspection subject to a fee or other charge are available at the following offices:

- Registry of the High Court, Parkes Place, Parkes, ACT 2600.
- Office of the High Court Registry, 19th Floor, Law Courts Building, Queens Square, Sydney NSW 2000.
- Office of the Registry, Level 17, Commonwealth Law Courts Building, 305 William Street, Melbourne Vic 3000.
- Office of the Registry, Level 6, Commonwealth Law Courts Building, 119 North Quay, Brisbane Qld 4000.
- Office of the Registry, Supreme Court, 301 King William Street, Adelaide SA 5000.

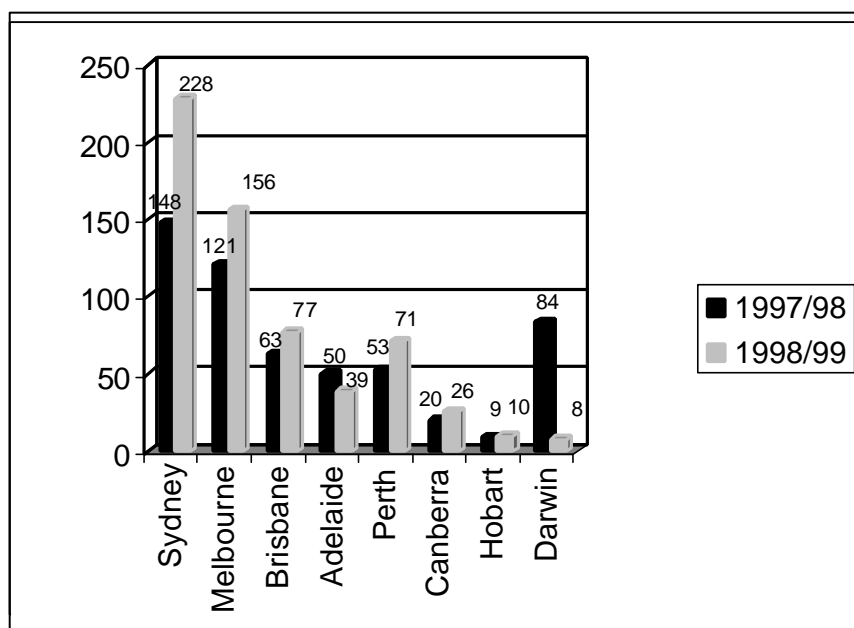
- Office of the Registry, Level 6, Commonwealth Law Courts Building, Victoria Avenue, Perth WA 6000.
- Office of the Registry, Supreme Court, Salamanca Place, Hobart Tas 7000.
- Office of the Registry, Supreme Court, Mitchell Street, Darwin NT 0800.

PART VII - ANNEXURE B

TABLES OF JUDICIAL WORKLOAD

1. Total matters filed in all jurisdictions
2. Categories of matters filed in all jurisdictions
3. Civil special leave applications filed
4. Criminal special leave applications filed
5. Civil appeals filed
6. Criminal appeals filed
7. Total matters heard in all jurisdictions
8. Categories of matters heard in all jurisdictions
9. Civil special leave applications heard
10. Criminal special leave applications heard
11. Civil appeals heard
12. Criminal appeals heard
13. Total decisions related to matters filed in all jurisdictions
14. Categories of decisions related to matters filed in all jurisdictions
15. Civil special leave applications decided
16. Results of civil special leave applications decided
17. Criminal special leave applications decided
18. Results of criminal special leave applications decided
19. Civil appeals decided
20. Results of civil appeals decided
21. Criminal appeals decided
22. Results of criminal appeals decided
23. Elapsed time for civil special leave applications finalised
24. Elapsed time for civil appeals finalised
25. Elapsed time for criminal special leave applications finalised
26. Elapsed time for criminal appeals finalised
27. Elapsed time for constitutional matters and electoral petitions finalised
28. Elapsed time for orders nisi and applications referred to Full Court finalised
29. Matters heard before a single Justice
30. Categories of matters heard before a single Justice

1. TOTAL MATTERS FILED IN ALL JURISDICTIONS



2. CATEGORIES OF MATTERS FILED IN ALL JURISDICTIONS

| Category | 1997-98 | 1998-99 |
|--|------------|------------|
| Special Leave Applications (Civil) | 245 | 302 |
| Special Leave Applications (Criminal) | 113 | 105 |
| Appeals (Civil) | 35 | 44 |
| Appeals (Criminal) | 16 | 20 |
| Writ of Summons ^[1] | 81 | 20 |
| Applications for Removal of Cause ^[2] | 14 | 25 |
| Orders Nisi and Applications Referred to Full Court ^[3] | 39 | 82 |
| Electoral Act ^[4] | 0 | 10 |
| Other ^[5] | 5 | 7 |
| TOTAL | 548 | 615 |

[1] Of the 81 writs of summons issued in 1997-98, 1 was discontinued and 4 were remitted to another Court during the same year. Of the 20 writs of summons issued in 1998-99, 1 was discontinued and 6 were remitted to another Court during the same year. Matters are remitted pursuant to Section 44 of the *Judiciary Act 1903* (Cth).

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

[3] Applications for prerogative relief made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution. Applications are governed by Order 55 of the

High Court Rules and include applications directed to be made by Notice of Motion to a Justice in Court or to a Full Court in accordance with Order 55 Rule 2.

- [4] Election Petitions filed pursuant to Section 353(1) of the *Commonwealth Electoral Act 1918* with the Court sitting as the Court of Disputed Returns.
- [5] Including causes removed pursuant to Section 40 of the *Judiciary Act 1903* (Cth) and ex parte applications for leave to issue proceedings where a Justice has directed, pursuant to Order 58 rule 4 of the High Court Rules, that the Registrar refuse to issue the proceedings without the leave of a Justice first had and obtained by the party seeking to issue it.

3. CIVIL SPECIAL LEAVE APPLICATIONS FILED

| Registry | Court Appealed From | | | | | | | | | | | |
|--------------|---------------------|------------|--------------|-----------|---------------|------------|------------|----------|------------------|----------|------------|------------|
| | Federal Court | | Family Court | | Supreme Court | | High Court | | Ind.Rel. Court | | TOTAL | |
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | 23 | 55 | 3 | 6 | 55 | 75 | 0 | 1 | 1 ^[1] | - | 82 | 137 |
| Melbourne | 23 | 27 | 4 | 8 | 31 | 23 | 2 | 2 | 0 | - | 60 | 60 |
| Brisbane | 3 | 8 | 4 | 4 | 23 | 21 | 0 | 0 | 0 | - | 30 | 33 |
| Adelaide | 2 | 4 | 0 | 1 | 19 | 11 | 1 | 1 | 0 | - | 22 | 17 |
| Perth | 8 | 5 | 0 | 1 | 25 | 23 | 0 | 0 | 0 | - | 33 | 29 |
| Canberra | 9 | 14 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | - | 10 | 16 |
| Hobart | 0 | 3 | 2 | 0 | 2 | 5 | 0 | 0 | 0 | - | 4 | 8 |
| Darwin | 0 | 0 | 0 | 0 | 4 | 2 | 0 | 0 | 0 | - | 4 | 2 |
| TOTAL | 68 | 115 | 13 | 21 | 159 | 160 | 4 | 5 | 1 | - | 245 | 302 |

[1] Application for special leave to appeal from the Australian Industrial Relations Commission.

4. CRIMINAL SPECIAL LEAVE APPLICATIONS FILED

| Registry | Court Appealed From | | | | | |
|--------------|---------------------|----------|---------------|------------------|------------|------------|
| | Federal Court | | Supreme Court | | TOTAL | |
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | - | - | 23 | 33 | 23 | 33 |
| Melbourne | - | - | 26 | 13 | 26 | 13 |
| Brisbane | - | - | 21 | 22 | 21 | 22 |
| Adelaide | - | - | 19 | 15 | 19 | 15 |
| Perth | - | - | 13 | 16 | 13 | 16 |
| Canberra | 1 | 0 | - | 3 ^[1] | 1 | 3 |
| Hobart | - | - | 2 | 1 | 2 | 1 |
| Darwin | - | - | 8 | 2 | 8 | 2 |
| TOTAL | 1 | 0 | 112 | 105 | 113 | 105 |

[1] Applications for special leave to appeal from the Supreme Court of Nauru.

5. CIVIL APPEALS FILED

Court Appealed From

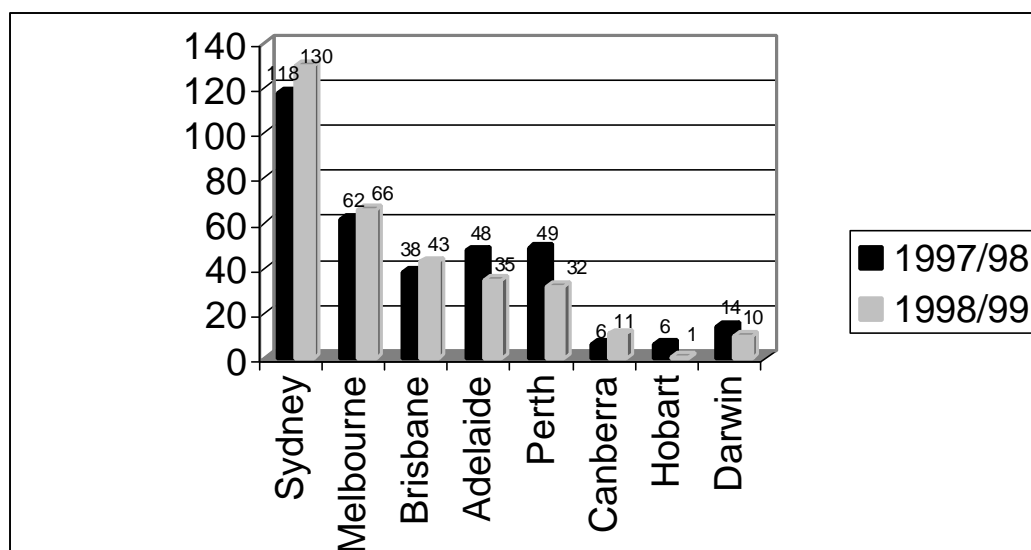
| | Federal Court | | Family Court | | Supreme Court | | High Court | | Ind.Rel. Court | | TOTAL | |
|-----------------|---------------|-----------|--------------|----------|---------------|-----------|------------|----------|----------------|----------|-----------|-----------|
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Registry | | | | | | | | | | | | |
| Sydney | 7 | 9 | 1 | 1 | 8 | 7 | 0 | 0 | 0 | - | 16 | 17 |
| Melbourne | 3 | 7 | 0 | 0 | 3 | 3 | 0 | 0 | 0 | - | 6 | 10 |
| Brisbane | 0 | 2 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | - | 2 | 3 |
| Adelaide | 0 | 1 | 1 | 0 | 3 | 2 | 1 | 0 | 0 | - | 5 | 3 |
| Perth | 1 | 4 | 0 | 0 | 2 | 3 | 0 | 0 | 0 | - | 3 | 7 |
| Canberra | 0 | 4 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | - | 1 | 4 |
| Hobart | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | - | 0 | 0 |
| Darwin | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | - | 2 | 0 |
| TOTAL | 12 | 27 | 3 | 1 | 19 | 16 | 1 | 0 | 0 | - | 35 | 44 |

6. CRIMINAL APPEALS FILED

Court Appealed From

| Registry | Federal Court | | Supreme Court | | TOTAL | |
|--------------|---------------|----------|---------------|-----------|-----------|-----------|
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | - | - | 5 | 6 | 5 | 6 |
| Melbourne | 1 | - | 2 | 1 | 3 | 1 |
| Brisbane | - | - | 1 | 2 | 1 | 2 |
| Adelaide | - | - | 1 | 3 | 1 | 3 |
| Perth | - | - | 2 | 6 | 2 | 6 |
| Canberra | 0 | 0 | - | - | 0 | 0 |
| Hobart | - | - | 2 | 0 | 2 | 0 |
| Darwin | - | - | 2 | 2 | 2 | 2 |
| TOTAL | 1 | 0 | 15 | 20 | 16 | 20 |

7. TOTAL MATTERS HEARD IN ALL JURISDICTIONS



8. CATEGORIES OF MATTERS HEARD IN ALL JURISDICTIONS

| Category | 1997-98 | 1998-99 |
|--|------------|------------|
| Special Leave Applications (Civil) | 182 | 163 |
| Special Leave Applications (Criminal) | 86 | 88 |
| Appeals (Civil) | 41 | 42 |
| Appeals (Criminal) | 16 | 19 |
| Constitutional & Other Full Court Matters ^[1] | 4 | 1 |
| Applications for Removal of Cause ^[2] | 10 | 5 |
| Orders Nisi and Applications Referred to Full Court ^[3] | 2 | 8 |
| Electoral Act ^[4] | 0 | 2 |
| TOTAL | 341 | 328 |

[1] Including matters proceeding to hearing by way of a Case Stated or Questions Reserved for the consideration of the Full Court pursuant to Section 18 of the *Judiciary Act 1903* (Cth), demurrer and causes removed in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

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

[3] Applications for prerogative relief made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution. Applications are governed by Order 55 of the High Court Rules and include applications directed to be made by Notice of Motion to a Justice in Court or to a Full Court in accordance with Order 55 Rule 2.

[4] Election Petitions filed pursuant to Section 353(1) of the *Commonwealth Electoral Act 1918* with the Court sitting as the Court of Disputed Returns.

9. CIVIL SPECIAL LEAVE APPLICATIONS HEARD

| | Court Appealed From | | | | | | | | | | | |
|--------------|---------------------|-----------|--------------|----------|---------------|-----------|------------|----------|----------------|----------|------------|------------|
| | Federal Court | | Family Court | | Supreme Court | | High Court | | Ind.Rel. Court | | TOTAL | |
| Registry | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | 19 | 27 | 1 | 4 | 51 | 38 | 0 | 1 | 0 | - | 71 | 70 |
| Melbourne | 15 | 15 | 6 | 3 | 16 | 25 | 1 | 1 | 0 | - | 38 | 44 |
| Brisbane | 2 | 3 | 2 | 2 | 18 | 13 | 0 | 0 | 1 | - | 23 | 18 |
| Adelaide | 3 | 0 | 4 | 0 | 14 | 8 | 0 | 0 | 0 | - | 21 | 8 |
| Perth | 5 | 4 | 0 | 0 | 19 | 10 | 0 | 0 | 0 | - | 24 | 14 |
| Canberra | 3 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | - | 3 | 7 |
| Hobart | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | - | 1 | 1 |
| Darwin | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | - | 1 | 1 |
| TOTAL | 47 | 56 | 14 | 9 | 119 | 96 | 1 | 2 | 1 | - | 182 | 163 |

10. CRIMINAL SPECIAL LEAVE APPLICATIONS HEARD

| | Court Appealed From | | | | | |
|--------------|---------------------|----------|-------------------|-----------|-----------|-----------|
| | Federal Court | | Supreme Court | | TOTAL | |
| Registry | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | - | - | 24 | 24 | 24 | 24 |
| Melbourne | 1 | - | 8 | 10 | 9 | 10 |
| Brisbane | - | - | 10 | 19 | 10 | 19 |
| Adelaide | - | - | 17 | 23 | 17 | 23 |
| Perth | - | - | 17 ^[1] | 8 | 17 | 8 |
| Canberra | 0 | 1 | - | - | 0 | 1 |
| Hobart | - | - | 3 | 0 | 3 | 0 |
| Darwin | - | - | 6 | 3 | 6 | 3 |
| TOTAL | 1 | 1 | 85 | 87 | 86 | 88 |

[1] Includes 1 application from the District Court of Western Australia.

11. CIVIL APPEALS HEARD

Court Appealed From

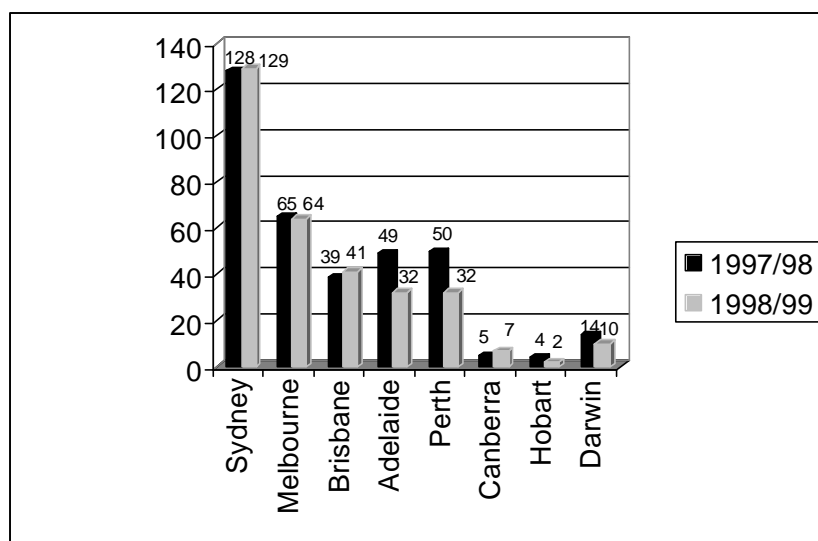
| Registry | Federal Court | | Family Court | | Supreme Court | | High Court | | Ind.Rel. Court | | TOTAL | |
|--------------|---------------|-----------|--------------|----------|---------------|-----------|------------|----------|----------------|----------|-----------|-----------|
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | 10 | 11 | 1 | 0 | 8 | 9 | 0 | 0 | 0 | - | 19 | 20 |
| Melbourne | 5 | 3 | 0 | 0 | 0 | 4 | 0 | 0 | 1 | - | 6 | 7 |
| Brisbane | 1 | 2 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | - | 2 | 3 |
| Adelaide | 0 | 1 | 0 | 0 | 4 | 1 | 0 | 0 | 0 | - | 4 | 2 |
| Perth | 1 | 3 | 0 | 0 | 5 | 3 | 0 | 0 | 0 | - | 6 | 6 |
| Canberra | 0 | 3 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | - | 1 | 3 |
| Hobart | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | - | 0 | 0 |
| Darwin | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | - | 3 | 1 |
| TOTAL | 18 | 23 | 2 | 1 | 20 | 18 | 0 | 0 | 1 | - | 41 | 42 |

12. CRIMINAL APPEALS HEARD

Court Appealed From

| Registry | Federal Court | | Supreme Court | | TOTAL | |
|--------------|---------------|----------|---------------|-----------|-----------|-----------|
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | - | - | 4 | 6 | 4 | 6 |
| Melbourne | 1 | - | 2 | 2 | 3 | 2 |
| Brisbane | - | - | 1 | 2 | 1 | 2 |
| Adelaide | - | - | 1 | 2 | 1 | 2 |
| Perth | - | - | 2 | 3 | 2 | 3 |
| Canberra | 0 | 0 | - | - | 0 | 0 |
| Hobart | - | - | 2 | 0 | 2 | 0 |
| Darwin | - | - | 3 | 4 | 3 | 4 |
| TOTAL | 1 | 0 | 15 | 19 | 16 | 19 |

13. TOTAL DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS



14. CATEGORIES OF DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS

| Category | 1997-98 | 1998-99 |
|--|---------|------------|
| Special Leave Applications (Civil) | 181 | 160 |
| Special Leave Applications (Criminal) | 86 | 83 |
| Appeals (Civil) | 48 | 41 |
| Appeals (Criminal) | 17 | 17 |
| Constitutional & Other Full Court Matters ^[1] | 8 | 3 |
| Applications for Removal of Cause ^[2] | 10 | 5 |
| Orders Nisi and Applications Referred to Full Court ^[3] | 4 | 6 |
| Electoral Act ^[4] | 0 | 2 |
| TOTAL | 354 | 317 |

[1] Including matters proceeding to hearing by way of a Case Stated or Questions Reserved for the consideration of the Full Court pursuant to Section 18 of the *Judiciary Act 1903* (Cth), demurrer and causes removed in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

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

[3] Applications for prerogative relief made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution. Applications are governed by Order 55 of the High Court Rules and include applications directed to be made by Notice of Motion to a Justice in Court or to a Full Court in accordance with Order 55 Rule 2.

[4] Election Petitions filed pursuant to Section 353(1) of the *Commonwealth Electoral Act 1918* with the Court sitting as the Court of Disputed Returns.

15. CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

Court Appealed From

| Registry | Federal Court | | Family Court | | Supreme Court | | High Court | | Ind.Rel. Court | | TOTAL | |
|--------------|---------------|-----------|--------------|----------|---------------|-----------|------------|----------|----------------|----------|------------|------------|
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | 19 | 28 | 1 | 4 | 51 | 37 | 0 | 1 | 0 | - | 71 | 70 |
| Melbourne | 15 | 15 | 6 | 3 | 16 | 24 | 1 | 1 | 0 | - | 38 | 43 |
| Brisbane | 1 | 3 | 2 | 2 | 18 | 13 | 0 | 0 | 1 | - | 22 | 18 |
| Adelaide | 3 | 0 | 4 | 0 | 14 | 7 | 0 | 0 | 0 | - | 21 | 7 |
| Perth | 5 | 4 | 0 | 0 | 19 | 10 | 0 | 0 | 0 | - | 24 | 14 |
| Canberra | 3 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | - | 3 | 6 |
| Hobart | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | - | 1 | 1 |
| Darwin | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | - | 1 | 1 |
| TOTAL | 46 | 56 | 14 | 9 | 119 | 93 | 1 | 2 | 1 | - | 181 | 160 |

16. RESULTS OF CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

| Registry | 1997-98 | | | 1998-99 | | |
|--------------|-----------------------|-----------------------|------------|-----------------------|-----------------------|------------|
| | Special Leave Granted | Special Leave Refused | Total | Special Leave Granted | Special Leave Refused | Total |
| Sydney | 16 | 55 | 71 | 20 | 50 | 70 |
| Melbourne | 7 | 31 | 38 | 10 | 33 | 43 |
| Brisbane | 1 | 21 | 22 | 4 | 14 | 18 |
| Adelaide | 3 | 18 | 21 | 3 | 4 | 7 |
| Perth | 8 | 16 | 24 | 3 | 11 | 14 |
| Canberra | 1 | 2 | 3 | 4 | 2 | 6 |
| Hobart | 0 | 1 | 1 | 0 | 1 | 1 |
| Darwin | 1 | 0 | 1 | 0 | 1 | 1 |
| TOTAL | 37 | 144 | 181 | 44 | 116 | 160 |

17. CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED

| Registry | Court Appealed From | | | | | |
|-----------------|----------------------------|--------------|----------------------|--------------|--------------|--------------|
| | Federal Court | | Supreme Court | | TOTAL | |
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | - | - | 24 | 22 | 24 | 22 |
| Melbourne | 1 | - | 8 | 10 | 9 | 10 |
| Brisbane | - | - | 10 | 19 | 10 | 19 |
| Adelaide | - | - | 17 | 21 | 17 | 21 |
| Perth | - | - | 17 ^[1] | 8 | 17 | 8 |
| Canberra | 0 | 0 | - | - | 0 | 0 |
| Hobart | - | - | 3 | 0 | 3 | 0 |
| Darwin | - | - | 6 | 3 | 6 | 3 |
| TOTAL | 1 | 0 | 85 | 83 | 86 | 83 |

[1] Includes 1 application from the District Court of Western Australia.

18. RESULTS OF CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED

| Registry | 1997-98 | | | 1998-99 | | |
|-----------------|------------------------------|------------------------------|--------------|------------------------------|------------------------------|--------------|
| | Special Leave Granted | Special Leave Refused | Total | Special Leave Granted | Special Leave Refused | Total |
| Sydney | 5 | 19 | 24 | 7 | 15 | 22 |
| Melbourne | 3 | 6 | 9 | 1 | 9 | 10 |
| Brisbane | 1 | 9 | 10 | 3 | 16 | 19 |
| Adelaide | 2 | 15 | 17 | 5 | 16 | 21 |
| Perth | 3 | 14 | 17 | 5 | 3 | 8 |
| Canberra | 0 | 0 | 0 | 0 | 0 | 0 |
| Hobart | 2 | 1 | 3 | 0 | 0 | 0 |
| Darwin | 4 | 2 | 6 | 0 | 3 | 3 |
| TOTAL | 20 | 66 | 86 | 21 | 62 | 83 |

19. CIVIL APPEALS DECIDED

Court Appealed From

| Registry | Federal Court | | Family Court | | Supreme Court | | High Court | | Ind.Rel. Court | | TOTAL | |
|--------------|---------------|-----------|--------------|----------|---------------|-----------|------------|----------|----------------|----------|-----------|-----------|
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | 14 | 10 | 0 | 1 | 10 | 12 | 0 | 0 | 1 | 0 | 25 | 23 |
| Melbourne | 4 | 2 | 0 | 0 | 3 | 3 | 0 | 0 | 0 | 1 | 7 | 6 |
| Brisbane | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 3 | 1 |
| Adelaide | 0 | 0 | 0 | 0 | 4 | 3 | 0 | 0 | 0 | 0 | 4 | 3 |
| Perth | 1 | 3 | 0 | 0 | 6 | 3 | 0 | 0 | 0 | 0 | 7 | 6 |
| Canberra | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hobart | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darwin | 0 | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| TOTAL | 20 | 16 | 0 | 2 | 26 | 22 | 0 | 0 | 2 | 1 | 48 | 41 |

20. RESULTS OF CIVIL APPEALS DECIDED

| Registry | 1997-98 | | | 1998-99 | | |
|--------------|-----------------|-------------------|-----------|-----------------|-------------------|-----------|
| | Appeals Allowed | Appeals Dismissed | Total | Appeals Allowed | Appeals Dismissed | Total |
| Sydney | 18 | 7 | 25 | 14 | 9 | 23 |
| Melbourne | 4 | 3 | 7 | 5 | 1 | 6 |
| Brisbane | 2 | 1 | 3 | 1 | 0 | 1 |
| Adelaide | 2 | 2 | 4 | 2 | 1 | 3 |
| Perth | 3 | 4 | 7 | 6 | 0 | 6 |
| Canberra | 0 | 0 | 0 | 0 | 0 | 0 |
| Hobart | 0 | 0 | 0 | 0 | 0 | 0 |
| Darwin | 0 | 2 | 2 | 1 | 1 | 2 |
| TOTAL | 29 | 19 | 48 | 29 | 12 | 41 |

21. CRIMINAL APPEALS DECIDED

| Registry | Court Appealed From | | | | | |
|-----------------|----------------------------|--------------|----------------------|--------------|--------------|--------------|
| | Federal Court | | Supreme Court | | TOTAL | |
| | 97-98 | 98-99 | 97-98 | 98-99 | 97-98 | 98-99 |
| Sydney | - | - | 4 | 5 | 4 | 5 |
| Melbourne | - | 1 | 5 | 2 | 5 | 3 |
| Brisbane | - | - | 3 | 1 | 3 | 1 |
| Adelaide | - | - | 0 | 1 | 0 | 1 |
| Perth | - | - | 2 | 3 | 2 | 3 |
| Canberra | 0 | 0 | - | - | 0 | 0 |
| Hobart | - | - | 0 | 1 | 0 | 1 |
| Darwin | - | - | 3 | 3 | 3 | 3 |
| TOTAL | 0 | 1 | 17 | 16 | 17 | 17 |

22. RESULTS OF CRIMINAL APPEALS DECIDED

| Registry | 1997-98 | | | 1998-99 | | |
|-----------------|------------------------|--------------------------|--------------|------------------------|--------------------------|--------------|
| | Appeals Allowed | Appeals Dismissed | Total | Appeals Allowed | Appeals Dismissed | Total |
| Sydney | 4 | 0 | 4 | 4 | 1 | 5 |
| Melbourne | 1 | 4 | 5 | 1 | 2 | 3 |
| Brisbane | 2 | 1 | 3 | 1 | 0 | 1 |
| Adelaide | 0 | 0 | 0 | 0 | 1 | 1 |
| Perth | 1 | 1 | 2 | 2 | 1 | 3 |
| Canberra | 0 | 0 | 0 | 0 | 0 | 0 |
| Hobart | 0 | 0 | 0 | 0 | 1 | 1 |
| Darwin | 0 | 3 | 3 | 2 | 1 | 3 |
| TOTAL | 8 | 9 | 17 | 10 | 7 | 17 |

23. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED

| Days | Filing to Ready for Hearing | | | | Ready for Hearing to Hearing | | | | Hearing to Decision | | | | Total Elapsed Time | | | |
|--------------|-----------------------------|------------|------------|------------|------------------------------|------------|------------|------------|---------------------|------------|------------|------------|--------------------|------------|------------|------------|
| | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % |
| 90 or less | 17 | 9 | 27 | 17 | 130 | 72 | 119 | 74 | 181 | 100 | 159 | 99 | 7 | 4 | 16 | 10 |
| 91 to 180 | 95 | 53 | 72 | 45 | 38 | 21 | 33 | 21 | 0 | 0 | 0 | 0 | 47 | 26 | 40 | 25 |
| 181 to 270 | 39 | 22 | 43 | 27 | 8 | 4 | 4 | 2 | 0 | 0 | 1 | 1 | 63 | 35 | 49 | 31 |
| 271 to 365 | 15 | 8 | 8 | 5 | 5 | 3 | 3 | 2 | 0 | 0 | 0 | 0 | 28 | 15 | 34 | 21 |
| over 365 | 15 | 8 | 10 | 6 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 36 | 20 | 21 | 13 |
| TOTAL | 181 | 100 | 160 | 100 | 181 | 100 | 160 | 100 | 181 | 100 | 160 | 100 | 181 | 100 | 160 | 100 |

24. ELAPSED TIME FOR CIVIL APPEALS FINALISED

| Days | Filing to Ready for Hearing | | | | Ready for Hearing to Hearing | | | | Hearing to Decision | | | | Total Elapsed Time | | | |
|--------------|-----------------------------|------------|-----------|------------|------------------------------|------------|-----------|------------|---------------------|------------|-----------|------------|--------------------|------------|-----------|------------|
| | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % |
| 90 or less | 21 | 44 | 15 | 37 | 28 | 58 | 30 | 73 | 4 | 8 | 9 | 22 | 0 | 0 | 0 | 0 |
| 91 to 180 | 19 | 40 | 12 | 29 | 11 | 23 | 5 | 12 | 13 | 27 | 14 | 34 | 2 | 4 | 2 | 5 |
| 181 to 270 | 7 | 14 | 9 | 22 | 8 | 17 | 5 | 12 | 24 | 50 | 16 | 39 | 4 | 8 | 5 | 12 |
| 271 to 365 | 1 | 2 | 1 | 2 | 1 | 2 | 1 | 3 | 7 | 15 | 2 | 5 | 8 | 17 | 15 | 37 |
| over 365 | 0 | - | 4 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 34 | 71 | 19 | 46 |
| TOTAL | 48 | 100 | 41 | 100 | 48 | 100 | 41 | 100 | 48 | 100 | 41 | 100 | 48 | 100 | 41 | 100 |

25. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED

| Days | Filing to Ready for Hearing | | | | Ready for Hearing to Hearing | | | | Hearing to Decision | | | | Total Elapsed Time | | | |
|--------------|-----------------------------|------------|-----------|------------|------------------------------|------------|-----------|------------|---------------------|------------|-----------|------------|--------------------|------------|-----------|------------|
| | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % |
| 90 or less | 4 | 5 | 5 | 6 | 56 | 65 | 54 | 65 | 86 | 100 | 83 | 100 | 1 | 1 | 3 | 4 |
| 91 to 180 | 32 | 37 | 24 | 29 | 20 | 23 | 22 | 27 | 0 | 0 | 0 | 0 | 12 | 14 | 9 | 11 |
| 181 to 270 | 26 | 30 | 32 | 39 | 4 | 5 | 5 | 6 | 0 | 0 | 0 | 0 | 25 | 29 | 22 | 26 |
| 271 to 365 | 18 | 21 | 15 | 18 | 5 | 6 | 2 | 2 | 0 | 0 | 0 | 0 | 26 | 30 | 29 | 35 |
| over 365 | 6 | 7 | 7 | 8 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 26 | 20 | 24 |
| TOTAL | 86 | 100 | 83 | 100 | 86 | 100 | 83 | 100 | 86 | 100 | 83 | 100 | 86 | 100 | 83 | 100 |

26. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED

| Days | Filing to Ready for Hearing | | | | Ready for Hearing to Hearing | | | | Hearing to Decision | | | | Total Elapsed Time | | | |
|--------------|-----------------------------|------------|-----------|------------|------------------------------|------------|-----------|------------|---------------------|------------|-----------|------------|--------------------|------------|-----------|------------|
| | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % |
| 90 or less | 15 | 88 | 10 | 59 | 14 | 82 | 16 | 94 | 4 | 24 | 6 | 35 | 0 | 0 | 1 | 6 |
| 91 to 180 | 2 | 12 | 7 | 41 | 3 | 18 | 1 | 6 | 6 | 35 | 9 | 53 | 3 | 18 | 3 | 18 |
| 181 to 270 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 29 | 2 | 12 | 7 | 41 | 9 | 52 |
| 271 to 365 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 12 | 0 | 0 | 4 | 23 | 3 | 18 |
| over 365 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 18 | 1 | 6 |
| TOTAL | 17 | 100 | 17 | 100 | 17 | 100 | 17 | 100 | 17 | 100 | 17 | 100 | 17 | 100 | 17 | 100 |

27. ELAPSED TIME FOR CONSTITUTIONAL MATTERS AND ELECTORAL PETITIONS FINALISED^[1]

| Days | Filing to Ready for Hearing | | | | Ready for Hearing to Hearing | | | | Hearing to Decision | | | | Total Elapsed Time | | | |
|--------------|-----------------------------|------------|----------|------------|------------------------------|------------|----------|------------|---------------------|------------|----------|------------|--------------------|------------|----------|------------|
| | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % |
| 90 or less | 1 | 12 | 1 | 20 | 7 | 88 | 5 | 100 | 2 | 25 | 3 | 60 | 0 | 0 | 0 | 0 |
| 91 to 180 | 3 | 38 | 3 | 60 | 1 | 12 | 0 | 0 | 3 | 38 | 1 | 20 | 1 | 12 | 0 | 0 |
| 181 to 270 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 20 | 0 | 0 | 3 | 60 |
| 271 to 365 | 2 | 25 | 1 | 20 | 0 | 0 | 0 | 0 | 1 | 12 | 0 | 0 | 2 | 25 | 1 | 20 |
| over 365 | 2 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 25 | 0 | 0 | 5 | 63 | 1 | 20 |
| TOTAL | 8 | 100 | 5 | 100 | 8 | 100 | 5 | 100 | 8 | 100 | 5 | 100 | 8 | 100 | 5 | 100 |

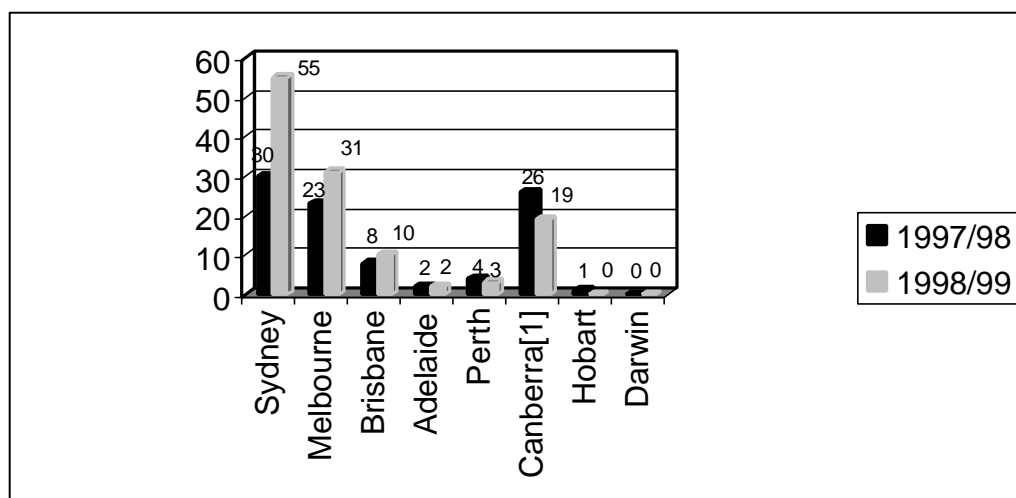
[1] Including matters proceeding to hearing by way of a Case Stated or Questions Reserved for the consideration of the Full Court pursuant to Section 18 of the *Judiciary Act 1903* (Cth), demurrer and causes removed in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

28. ELAPSED TIME FOR ORDER NISI AND APPLICATIONS REFERRED TO FULL COURT FINALISED^[1]

| Days | Filing to Ready for Hearing | | | | Ready for Hearing to Hearing | | | | Hearing to Decision | | | | Total Elapsed Time | | | |
|--------------|-----------------------------|------------|----------|------------|------------------------------|------------|----------|------------|---------------------|------------|----------|------------|--------------------|------------|----------|------------|
| | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % | 97-98 | % | 98-99 | % |
| 90 or less | 2 | 50 | 3 | 50 | 1 | 25 | 4 | 66 | 0 | 0 | 1 | 17 | 0 | 0 | 0 | 0 |
| 91 to 180 | 0 | 0 | 2 | 33 | 3 | 75 | 1 | 17 | 3 | 75 | 1 | 17 | 0 | 0 | 0 | 0 |
| 181 to 270 | 0 | 0 | 1 | 17 | 0 | 0 | 0 | 0 | 1 | 25 | 4 | 66 | 0 | 0 | 0 | 0 |
| 271 to 365 | 2 | 50 | 0 | 0 | 0 | 0 | 1 | 17 | 0 | 0 | 0 | 0 | 1 | 25 | 4 | 67 |
| over 365 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 75 | 2 | 33 |
| TOTAL | 4 | 100 | 6 | 100 | 4 | 100 | 6 | 100 | 4 | 100 | 6 | 100 | 4 | 100 | 6 | 100 |

[1] Applications for prerogative relief made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution. Applications are governed by Order 55 of the High Court Rules and include applications directed to be made by Notice of Motion to a Justice in Court or to a Full Court in accordance with Order 55 Rule 2.

29. MATTERS HEARD BEFORE A SINGLE JUSTICE



[1] Includes matters heard by video-link.

30. CATEGORIES OF MATTERS HEARD BEFORE A SINGLE JUSTICE

| Category | 1997-98 | 1998-99 |
|--|----------------|----------------|
| Directions hearing | 19 | 23 |
| Order nisi application | 24 | 25 |
| Interlocutory injunction/stay/bail application | 16 | 27 |
| Application for leave to issue process | 12 | 8 |
| Application to vacate/expedite hearing date | 8 | 7 |
| Trial of election petition | 0 | 10 |
| Solicitor ceasing to act | 0 | 0 |
| Other | 15 | 20 |
| TOTAL | 94 | 120 |

PART VII - ANNEXURE C

COSTS OF LITIGATION INFORMATION

This Annexure comprises the following information in relation to costs of litigation in the High Court of Australia:

- High Court of Australia (Fees) Regulations - Schedule 1: Fees for filing, issuing or sealing a document or obtaining a service - as at 30 June 1999.
- High Court of Australia (Fees) Regulations - Schedule 2: Scale of Professional Costs.
- High Court of Australia (Fees) Regulations - Record of fees waived.

HIGH COURT OF AUSTRALIA (FEES) REGULATIONS

SCHEDULE 1 - FEES FOR FILING, ISSUING OR SEALING A DOCUMENT OR OBTAINING A SERVICE AS AT 30 JUNE 1999

Regulation 4

| PART 1 | | |
|--|---|-------------------------------|
| Document or service mentioned in subregulation 4(1) | | |
| Column 1 Item No. | Column 2 Document or service | Column 3 Fee |
| | | \$ |
| 1 | Application under rule 1 of Order 55 of the High Court Rules | 1,011.00 |
| 2 | Writ of summons or petition | 1,011.00 |
| 3 | Civil leave or special leave application | 1,011.00 |
| 4 | Criminal special leave application | 63.00 |
| 5 | Application initiating a proceeding (including removals under section 40 of the Act, but not including an application referred to in another item of this Schedule) | 1,011.00 |
| 5A | Application for summons for directions | 253.00 |
| 6 | Civil notice of appeal | 1,011.00 |
| 6A | Criminal notice of appeal | 372.00 |
| 7 | Certificate of the Registrar other than a certificate of taxation | 37.00 |
| 8 | Taxing a bill of costs for every \$100.00, or part of \$100.00 | 8.00 |
| PART 2 | | |
| Document or service mentioned in subregulation 4(2) | | |
| 9 | Searching or inspecting a document mentioned in subrule 8(2) of Order 58 of the High Court Rules: For each hour or part of an hour | 12.00 |
| 10 | Making a photocopy or office copy of any document: For each page | 3.00 |
| 11 | Copy of reasons for judgment: (a) for each copy issued to a person not a party to the proceeding; and (b) for each copy in excess of one copy issued to a party to the proceeding; and (c) in respect of each copy issued: (i) for each page in excess of 10 pages; or (ii) maximum per copy | 3.00 3.00 1.00 25.00 |
| 12 | Annual subscription for copies of reasons for judgments (including the cost of postage) | 435.00 |
| 13 | Copy of transcript of proceedings prepared by the Court Reporting Service: For each page | 7.00 |

[**Note:** Subregulation 4(1A) provides for a fee payable by a corporation in respect of items 1,2,3,5,5A and 6 to be twice the fee specified in column 3 of the item.]

HIGH COURT OF AUSTRALIA (FEES) REGULATIONS

SCHEDULE 2 - SCALE OF PROFESSIONAL COSTS

| Item | 4 May 1998 to 30 Sep 1999 \$ |
|--------------------------------|--|
| INSTRUCTIONS | |
| 1 | To sue or defend, or to make or oppose an application for special leave to appeal, or to appeal, or oppose an appeal or to cross appeal, or for any other originating proceedings 157.20 |
| 2 | To make or oppose any interlocutory application 69.70 |
| 3 | For a special case, case stated or reservation of question of law for the consideration of a Full Court, or for a statement of claim or a petition 157.20 |
| 4 | For any pleading (other than a statement of claim) 122.10 |
| 5 | To amend any pleading 42.10 |
| 6 | For a statement of facts or an agreed statement of facts in a matter 122.10 |
| 7 | For interrogatories, answers to interrogatories, special affidavits or an affidavit (not being a formal affidavit) 94.20 |
| 8 | For Counsel to advise 67.30 |
| 9 | For a document not otherwise provided for 26.60 |
| 10 | For a brief for Counsel on a hearing or application in Court or in Chambers or brief notes for Solicitor..... 87.40 |
| | NOTE: Instructions are not to be allowed where the work intended to be included therein is charged for and allowed in detail. Instead of the above costs for instructions, such larger sum may be claimed as is reasonable in all the circumstances of the case, and is allowed on taxation at the discretion of the Taxing Officer. |
| WRITS | |
| 11 | Writ of Summons for the commencement of an action or other writ not specifically provided for 72.70 |
| 12 | Concurrent Writ of Summons 26.10 |
| 13 | Writ of Subpoena 38.00 |
| 14 | If any of the above writs exceeds 3 folios, for each extra folio 5.30 |
| | NOTE: These costs include all endorsements, and copies (for the officers sealing them) and attendances to issue or seal, but not the Court fees. |
| SUMMONSES AND MOTIONS | |
| 15 | Any Chamber Summons or motion, including preparation, copies and attendance to issue, including attendance to fix return date 44.70 |
| | - if more than 3 folios, for each extra folio 5.30 |
| APPEARANCES AND NOTICES | |
| 16 | Preparing and entering an appearance including duplicate memorandum and Notice of Appearance for service 73.50 |
| 17 | Any necessary or proper notice or memorandum not otherwise provided for, or any demand .. 24.50 |
| | - if more than 3 folios, for each extra folio 5.30 |
| | NOTE: This provision shall not apply to short notices or memoranda endorsed on other documents but the words or folios therein may be allowed as part of the documents so endorsed. |
| DRAWING | |
| 18 | Drawing any pleading or affidavit not exceeding 5 folios 69.70 |
| | - or, per folio 9.80 |
| 19 | Drawing any other document where no other provision is made - per folio 9.60 |

**4 May 1998
to
30 Sep 1999**

| | | |
|----|--|-------|
| | ENGROSSING | \$ |
| 20 | Marking each exhibit to an affidavit..... | 1.70 |
| 21 | Engrossing any document - per folio | 3.60 |
| | COPIES | |
| 22 | Of any document including carbon, photographic or machine made copy - per page | 1.70 |
| | Except that where the allowance for 10 or more pages is claimed, in respect of any document, the sum allowed for such copies shall be at the discretion of the Taxing Officer. | |
| | PERUSAL AND EXAMINATION | |
| 23 | Perusal of any document including special letter, telegram, telex or similar document | 26.00 |
| | - or, per folio | 3.60 |
| | Except that where an allowance for 30 or more folios is claimed, in respect of any document, the sum allowed for perusal shall be at the discretion of the Taxing Officer. | |
| 24 | Where it is not necessary to peruse a document, such as, checking a proof print of, or examining an application or appeal book | |
| | - per quarter hour | |
| | - Solicitor | 26.10 |
| | - Clerk | 8.60 |
| | CORRESPONDENCE | |
| 25 | Short letter including a formal acknowledgment, making appointments, forwarding documents without comment | 12.40 |
| 26 | Ordinary letter (including letters between principal and agent) | 21.10 |
| 27 | Circular letter (after the first) each | 7.00 |
| 28 | Special letter or letter containing opinion and including letters of substance between principal and agent | 34.80 |
| | Or | |
| | Such sum as the Taxing Officer thinks reasonable in the circumstances. | |
| 29 | Telegram, facsimile copy, telex or other document by similar transmitting process including attendance to dispatch (where necessary) | 34.80 |
| | Or | |
| | Such sum as the Taxing Officer thinks reasonable in the circumstances. | |
| 30 | Receiving and filing any incoming special letter, facsimile, telegram or telex | 1.70 |
| | NOTE: Postage and transmission fees may be claimed as a disbursement properly incurred. | |
| | SERVICE | |
| 31 | Personal service of any process or proceeding where necessary | 43.30 |
| | Or | |
| | Such sum may be allowed as is reasonable having regard to time occupied, distance travelled and other relevant circumstances. | |
| 32 | When, in consequence of the distance of the party to be served, it is proper to effect service through an agent, instead of the allowance for service for: | |
| | (a) Correspondence | 38.60 |
| | (b) Agent's charges | 73.60 |
| | and such disbursements as may reasonably be incurred. | |
| 33 | Service of any document at the office of the address for service either by delivery or by post .. | 14.80 |
| | ATTENDANCES | |
| 34 | An attendance which requires the attendance of a Solicitor | |
| | - per quarter hour | 41.70 |
| 35 | An attendance which is capable of being made by a Clerk | 26.00 |
| | - or, per quarter hour | 6.80 |

**4 May 1998
to
30 Sep 1999
\$**

| | | |
|----|--|--------|
| 36 | Making an appointment or similar attendance by telephone | 12.40 |
| 37 | An attendance on Counsel: | |
| | - with brief or other papers | 26.50 |
| | - to appoint a conference or consultation | 11.60 |
| 38 | A conference or consultation with Counsel | 69.70 |
| | - or, per half hour | 52.60 |
| 39 | On a summons or other application in Chambers | 39.30 |
| | - or, per hour | 69.70 |
| 40 | In Court or in Chambers instructing Counsel on any hearing or application: | |
| | - if a Solicitor attends, per hour | 167.70 |
| | or | |
| | - if a Clerk attends, per hour | 69.80 |
| 41 | On an application or appearance before a Registrar or a Taxing Officer | 87.40 |
| | - or, per hour | 104.70 |
| | NOTE: Instead of the above costs for attendances, such larger sum may be claimed as is reasonable in all the circumstances of the case, and is allowed on taxation at the discretion of the Taxing Officer. | |
| 42 | To hear judgment | 45.70 |
| 43 | When in the opinion of the Taxing Officer it is necessary for two Solicitors, or a Solicitor and a Clerk to attend on a hearing, such additional allowance as the Taxing Officer thinks reasonable shall be made not exceeding per day | 350.50 |
| 44 | Where the Taxing Officer is satisfied that a Solicitor has his principal place of practice in a place other than that in which the Court is sitting, and it is necessary for him to leave that place to attend in Court or in Chambers at the hearing of an appeal, application, or cause, an allowance (in addition to reasonable travelling expenses) may be made for each day that he is necessarily absent from his principal place of practice of such amount that the Taxing Officer thinks reasonable having regard to such other charges as the Solicitor may be entitled to make in the matter. | |
| | Not exceeding per day | 783.00 |
| 45 | An attendance for which no other provision is made | 34.80 |
| | PREPARATION OF APPEAL AND APPLICATION BOOKS | |
| 46 | Preparation of appeal and application books including collating all necessary material, all necessary attendances and general oversight of their preparation in cases where the Registrar is satisfied it has been done efficiently. | |
| | Per hour: Solicitor | 113.30 |
| | Clerk | 37.80 |
| 47 | Where appeal or application books are prepared in a Solicitor's office, the Taxing Officer may in his discretion allow such sum as he thinks just and reasonable having regard to work and labour properly performed and charged for material used. In exercising his discretion the Taxing Officer shall have regard to commercial rates for copying and binding and is not obliged to apply the photographic or machine made copy costs otherwise allowable in this scale. | |

4 May 1998
to
30 Sep 1999
\$

GENERAL CARE AND CONDUCT

- 48 The Taxing Officer may, where the case or circumstances warrant it, allow an amount to be claimed under this item, in addition to any item which appears in this scale, for general care and conduct. In the exercise of the discretion the Taxing Officer may have regard to any matters considered relevant including:
- (a) the complexity of the matter and the difficulty and novelty of the questions raised or any of them;
 - (b) the importance of the matter to the party and the amount involved;
 - (c) the skill, labour, specialised knowledge and responsibility involved therein on the part of the Solicitor;
 - (d) the number and importance of the documents prepared or perused without regard to length;
 - (e) the time expended by the Solicitor;
 - (f) research and consideration of questions of law and fact.

WITNESSES EXPENSES

- 49 Witnesses called because of their professional, scientific or other special skill or knowledge - per day 637.70
- 50 Witnesses called, other than covered in item 49 - per day 67.30
- 51 Witnesses remunerated in their occupation by wages, salary or fees, the amount lost by attendance at Court.
- 52 Where the witness resides more than 50 kilometres from the Court, such sum as the Taxing Officer thinks reasonable for the actual cost of conveyance, together with a reasonable amount for sustenance or maintenance.
- 53 The Taxing Officer may also allow such amount as is considered reasonable and properly incurred and paid to witnesses for qualifying to give skilled evidence.
- 54 Notwithstanding anything in the scale, the Taxing Officer may allow to an expert witness a special fee for attendance at Court not covered by the foregoing paragraphs of this item when the witness is acting as an expert in assisting Counsel or a Solicitor for a period during the trial or hearing. The scale in this item does not affect the existing practice of allowing qualifying fees to witnesses.

DISBURSEMENTS

- 55 All Court fees, Counsel's fees and other fees and payments, to the extent to which they have been properly and reasonably incurred and paid, shall be allowed.
- 56 The remuneration allowed to a Solicitor shall be governed by the foregoing scale but in special cases the Taxing Officer may in his discretion allow such additional charges or disbursements as he considers reasonable.

HIGH COURT OF AUSTRALIA (FEES) REGULATIONS

WAIVER OF FEES DURING 1998-99

| Exemption Category | Source of Exemption | No. | Amount |
|---|---|------------|------------------|
| Legal Aid | Reg.4(4)(a)/4A(2)(b)/5(2)(b) | 27 | \$19,569 |
| Department of Social Security Cardholder | Reg.4(4)(b)(i)&(ii)/ 4A(2)(c)(i)&(ii)/5(2)(c)(i)&(ii)) | 105 | \$105,138 |
| Prison inmate/person in lawful detention | Reg.4(4)(b)(iii)/4A(2)(c)(iii)/ 5(2)(c)(iii) | 83 | \$41,698 |
| Child under the age of 18 years | Reg.4(4)(b)(iv)/4A(2)(c)(iv)/ 5(2)(c)(iv) | 0 | Nil |
| AUSTUDY recipient | Reg.4(4)(b)(v)/4A(2)(c)(v)/ 5(2)(c)(v) | 1 | \$1,011 |
| ABSTUDY recipient | Reg.4(4)(b)(vi)/4A(2)(c)(vi)/ 5(2)(c)(vi) | 0 | Nil |
| Financial hardship | Reg.4(4)(c)/4A(2)(d)/5(2)(d) | 73 | \$95,799 |
| TOTAL | | 269 | \$263,215 |

PART VII - ANNEXURE D

STAFFING OVERVIEW

This Annexure comprises two tables which provide a profile of the Court administration's staffing as at 30 June 1999. The first table shows the number of men and women in full-time and part-time employment with the Court, and the second table shows the composition of staff by salary classification. Both tables exclude staff employed on a casual or sessional basis.

1. Staff Profile by Employment Category and Sex

| Employment Category and Sex | Office of the Chief Executive, & Marshal's Branch | Registry Branch | Library Branch | Chambers | Total |
|-------------------------------|---|-----------------|----------------|----------|-------|
| <u>Full-time Staff</u> | | | | | |
| <u>Permanent</u> | | | | | |
| Men | 12 | 1 | 1 | 1 | 15 |
| Women | 5 | 9 | 10 | 8 | 32 |
| Total | 17 | 10 | 11 | 9 | 47 |
| <u>Temporary</u> | | | | | |
| Men | 0 | 0 | 1 | 9 | 10 |
| Women | 0 | 0 | 0 | 4 | 4 |
| Total | 0 | 0 | 1 | 13 | 14 |
| <u>All Full-time Staff</u> | | | | | |
| Men | 12 | 1 | 2 | 10 | 25 |
| Women | 5 | 9 | 10 | 12 | 36 |
| Total | 17 | 10 | 12 | 22 | 61 |
| <u>Part-time Staff</u> | | | | | |
| <u>Permanent</u> | | | | | |
| Men | 3 | 0 | 0 | 0 | 3 |
| Women | 6 | 1 | 3 | 0 | 10 |
| Total | 9 | 1 | 3 | 0 | 13 |
| <u>Temporary</u> | | | | | |
| Men | 0 | 0 | 0 | 0 | 0 |
| Women | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 |
| <u>All Part-time Staff</u> | | | | | |
| Men | 3 | 0 | 0 | 0 | 3 |
| Women | 6 | 1 | 3 | 0 | 10 |
| Total | 9 | 1 | 3 | 0 | 13 |
| <u>All Staff</u> | | | | | |
| Men | 15 | 1 | 2 | 10 | 28 |
| Women | 11 | 10 | 13 | 12 | 46 |
| Total | 26 | 11 | 15 | 22 | 74 |

2. Composition of Staff by Salary Classification

| Classification and Salary | Office of the Chief Executive, and Marshal's Branch | | Registry Branch | | Library Branch | | Chambers | | Total | |
|---|---|-----------|-----------------|-----------|----------------|-----------|-----------|-----------|-----------|-----------|
| | M | F | M | F | M | F | M | F | M | F |
| Holder of Public Office | 1 | | | | | | | | 1 | |
| Senior Executive above \$75,000 | 1 | | | 1 | | 1 | | | 1 | 2 |
| High Court Executive Levels 1 – 2 \$54,696-\$76,480 | | | | 3 | | 1 | | | | 4 |
| High Court Officer Levels 5 – 6 \$38,935-\$48,306 | 3 | 2 | | | 1 | 2 | 9 | 12 | 13 | 16 |
| High Court Officer Levels 1 – 4 \$24,298-\$37,901 | 10 | 9 | 1 | 6 | 1 | 9 | 1 | | 13 | 24 |
| Total | 15 | 11 | 1 | 10 | 2 | 13 | 10 | 12 | 28 | 46 |

PART VII - ANNEXURE E

COMPLIANCE INDEX

In preparing this annual report, the High Court has complied, where applicable, with the Finance Minister's Orders for Commonwealth Authorities and the Requirements for Departmental Annual Reports approved by the Parliamentary Joint Committee of Public Accounts. The index below gives the location in the report of the Court's compliance with the major aspects of the Requirements.

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