



## PART THREE

# CHIEF JUSTICE'S OVERVIEW



*By s 71 of the Constitution, the High Court of Australia is invested with the judicial power of the Commonwealth. It exercises that power in its original and appellate jurisdictions which are conferred upon it by the Constitution and by laws made under the Constitution.*



There are seven Justices, at present four men and three women, each appointed until the age of 70. While each Justice enjoys full decisional independence, all act collegially and cooperatively in carrying out the judicial business of the Court.

The Justices administer the affairs of the Court pursuant to s 17 of the *High Court of Australia Act 1979* (Cth). They are assisted in that task by the Chief Executive and Principal Registrar, Mr Andrew Phelan and the senior staff of the Court. There are several committees of the Court consisting of two or more Justices assisted by the relevant Court staff. Those committees are concerned with: Finance,

Information Technology, Rules, Public Information, Library Services and the Production of the Annual Report.

In 2010–2011, the Court decided 49 appeals and 475 applications for special leave. It also decided six cases which had been filed in its original jurisdiction. Ninety per cent of the appeals and 94% of the applications for special leave were decided within nine months of filing. In 16 of its judgments, the Court delivered a single set of reasons in which all Justices joined. In another 12 of its decisions there was a single joint majority judgment. Single unanimous or majority judgments have the advantage that the Court states

the law with a single voice. On the other hand, dissenting and separate concurring judgments manifest the decisional independence of each of the members of the Court and the difficulty of the legal issues with which the Court has to deal.

As in previous years, the Court heard and determined a variety of matters reflecting its function as the final appellate and constitutional court for Australia. Topics dealt with in the judgments delivered in 2010–2011 included criminal law, sentencing, workers compensation, negligence, misleading or deceptive conduct, taxation, bankruptcy, corporations law, insurance law, voting rights and the processing of asylum seekers in detention. The Court was also required to decide cases about the limits of the functions that can validly be conferred upon State courts.

In the Annual Report for 2009–2010 I referred to the ongoing issue of the funding of the Court and of the maintenance and upkeep of its building. The Court is grateful for the announcement by the Government in the 2011–2012 Budget that it will receive an additional \$1.5m in base funding beginning in 2011–2012 to enable it to meet its operational costs and to maintain services. As to maintenance and upkeep, the body of this Report sets out restoration and repair projects undertaken by the Court, including the building forecourt, the Cascade waterfall and the Court precinct. As foreshadowed in the last Report, the Court has developed a Conservation Management Plan.

The Court acknowledges the importance of public education and visitor programs as a way of enhancing awareness of its

constitutional role and awareness of the rule of law. As indicated in the body of the Report, staff of the Court have been involved in ensuring that the Court's educational resources and activities are relevant to school curriculum requirements. By way of example, an activity book for primary school students is now able to be accessed on the Court website. The Court has also initiated an on-site public lecture series. The first of the lectures, delivered by Professor John Williams on 8 June 2011 covered the early history of the Court. A large and appreciative audience filled the Courtroom 1 for the occasion. A second lecture is to be delivered in November by Professor Fiona Wheeler.

During the reporting period more than 61 000 people including about 28 000 school students and teachers visited the High Court building. The number of non-school visitors was less than last year but this appears to have corresponded with the reduction in visitors to the Australian Capital Territory. The Court is committed to the continuing development and improvement of its educational and visitor resources. It is to be hoped that the restoration of the functioning of the cascade waterfall which is imminent at the time of this Report, coupled with repairs to the forecourt and associated pathways, will enhance the attractiveness of the building as a visitor destination.

Once again I would like to take the opportunity of thanking the Chief Executive and Principal Registrar, the senior officers of the Court and the members of the staff of the Court for the assistance which they have provided to the Justices during the financial year ended 30 June 2011.