



# **HIGH COURT OF AUSTRALIA**



**ANNUAL REPORT  
2001-02**

High Court of Australia  
Canberra ACT

24 October 2002

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 2002, 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 large, stylized flourish at the end.

(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

# CONTENTS

	<b>Page</b>
<b>PART I - PREAMBLE</b>	
Aids to Access	1
<b>PART II - INTRODUCTION</b>	
Chief Justice Gleeson	3
Justice Gaudron	3
Justice McHugh	4
Justice Gummow	4
Justice Kirby	4
Justice Hayne	5
Justice Callinan	5
<b>PART III - THE YEAR IN REVIEW</b>	
Retirement of Justice Gaudron	7
Workload Changes	7
Self-Represented Litigants	7
Unveiling of Plaque Honouring Sir Garfield Barwick	8
Launch of Oxford Companion to the High Court	8
The Court and the Public	9
Links and Visits	9
Centenary of the Court	9
<b>PART IV - BACKGROUND INFORMATION</b>	
Establishment	11
Functions and Powers	11
Sittings of the Court	11
Seat of the Court	14
Appointment of Justices of the High Court	14
Composition of the Court	14
Former Chief Justices and Justices of the Court	15
<b>PART V - ADMINISTRATION</b>	
General	17
External Scrutiny	17
Ecologically Sustainable Development	17
Organizational Chart	18
<b>Registry:</b>	
Functions	19
Registry Goals	19
Registry Workload	19
Registry Services	20
Rules of Court	20
Caseflow Management	21
Judicial Workload of the Court	22
Cost of Litigation	22

	<b>Page</b>
<b>Library and Research Branch:</b>	
Functions	24
Corporate Goals	24
Reference and Research	24
Moys Classification Seminars	25
ALLG Pacific Libraries Scholarship	25
<b>Marshal's Branch:</b>	
Functions	26
Marshal's Branch Goals	26
Financial Management	26
Human Resource Management	28
Information Technology	29
Court Reporting Service	29
Building Operations	30
<b>PART VI - FINANCIAL STATEMENTS 2001-02</b>	
Independent Audit Report	31
Financial Statements of the High Court	33
<b>PART VII - ANNEXURES</b>	
Annexure A: <i>Freedom of Information Act 1982 -</i> Supplementary Material	61
Annexure B: Tables of Judicial Workload	63
Annexure C: Costs of Litigation Information	85
Annexure D: Staffing Overview	93

## **PART I – PREAMBLE**

This is the twenty-third 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 2001-02.

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 2002, 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  
Facsimile: (02) 6270 6868  
E-mail: lhoward@hcourt.gov.au

#### 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.

#### Electronic Publication

This report will be published, in Portable Document Format, on the High Court's Internet site at <http://www.hcourt.gov.au>. The report may be down-loaded from this site free of charge.

## 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 are heard usually 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 2002, 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. He was appointed a Companion in the General Division of the Order of Australia in 2002.



#### 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**

### **Retirement of Justice Gaudron**

On 21 June 2002, the Commonwealth Attorney-General announced the forthcoming retirement from the High Court of Justice Gaudron. Justice Gaudron's retirement takes effect from 10 February 2003, after 16 years on the bench.

### **Workload Changes**

The tables of judicial workload annexed to this report disclose a 34% increase in the number of matters filed in comparison to the previous year. The increase is reflected most dramatically in the Court's original jurisdiction, where the number of Constitutional Writs filed increased from 81 in the previous year to 300 in 2001-02. Of the 300 applications, 287 (96%) involved immigration matters. At the same time, there has been no respite in the appellate work of the Court. Accordingly, if this trend continues into the current year there is potential for a large backlog of immigration work to develop.

In s 476(4) of the *Migration Act 1958* (Cth), the Parliament has enacted that "despite section 44 of the *Judiciary Act 1903*, the High Court must not remit a matter to the Federal Court or the Federal Magistrate's Court if it relates to a decision or matter in respect of which the Federal Court or the Federal Magistrate's Court would not have jurisdiction...". Section 476 also curtails the jurisdiction of the Federal Court and the Federal Magistrate's Court. The result is to restrict the capacity of the High Court to remit immigration proceedings brought in the original jurisdiction of the High Court.

The number of applications for special leave to appeal continues to rise. In the year under review, the Court heard and dealt with 370 applications; in the previous year, the figure was 329 applications.

The Justices are giving consideration to the introduction of revised procedures for the disposition of special leave applications.

### **Self-Represented Litigants**

Self-represented litigants present special difficulties for the High Court. The number of self-represented litigants filing applications for special leave to appeal increased from 162 (33% of the total applications filed) in 2000-01 to 197 (40%) in the reporting year. Similarly, the percentage of single justice hearings involving self-represented litigants increased from 19% in 2000-01 to 31% during the reporting year. It is estimated that more than 50% of the time of the Registry staff is taken up with self-represented litigants.

Despite the often sincere belief of self-represented litigants in the justice of their cases, the overwhelming majority of their applications for special leave have no demonstrated factual or legal merit and do not qualify for a grant of special leave by the High Court. In most instances, the disputes already have been examined by two tiers of the judiciary. No other comparable final court of appeal is obliged to devote so much time of its members to so many proceedings with such small prospects of success.

This point is brought into sharp relief when one considers that over a ten-year period from 1992-93 to 2001-02 there were decisions made in 2855 applications for special leave to appeal. Of this

number, 19 (0.7%) were successful applications by self-represented litigants. Of these 19, nine were ultimately successful in that the appeals were allowed – on average, less than one per year.

By comparison, in the same ten-year period 607 (21%) applications for special leave to appeal by represented litigants were successful. This translated into 318 (52%) successful appeals.

To demonstrate the trend which we are seeing, of the special leave applications decided in 1992-93 only 5% were by self-represented litigants. This percentage had almost trebled to 14% by 1996-97 and has doubled again in 2001-02 to 28%. Combining this trend with the increase to 40% in new filings by self-represented litigants, the growing trend is towards most of the time of the Court being taken up with hopeless cases by self-represented litigants.

In this regard, there is very little disincentive for self-represented litigants to bring hopeless cases to the Court. By way of illustration, in 2001-02 the majority (85%) did not pay any fees in relation to their applications for special leave to appeal. Typically, they had very few assets (as judged by applications for exemption from fees on the grounds of financial hardship) or were in possession of a pensioner concession card or a health benefit card or they were an inmate of a prison or otherwise lawfully detained in a public institution. In such circumstances, the risk of a costs order following an unsuccessful application for special leave to appeal seems to be more theoretical than real (and therefore does not act as a deterrent to bringing a hopeless case) with the result that the respondent usually incurs additional costs which are not recovered. In addition to these additional costs, there is also usually the issue of delay in the respondent gaining the benefit of the judgment in the court below.

As indicated earlier it is estimated that around 50% of the time of Registry staff throughout Australia is taken up with dealing with self-represented litigants. Very often this is a stressful experience for the staff as there is a growing trend for self-represented litigants to be very abusive and intimidating and sometimes intoxicated. Another new trend in recent years has been for self-represented litigants who are dissatisfied with either the processes of the Court or the decisions of the Court to commence criminal or civil legal proceedings in other courts against registry staff and/or Justices of the Court. These cases bring with them associated legal costs to the Court with no realistic prospect of recovery from the unsuccessful self-represented litigants (notwithstanding costs orders against them).

This growing problem cannot be left unchecked. The challenge for the future will be to contain or solve the problem without adverse implications for access to justice.

### **Unveiling of Plaque Honouring Sir Garfield Barwick**

On 9 August 2001 the Prime Minister unveiled a plaque commemorating the contribution of former Chief Justice The Right Honourable Sir Garfield Barwick, AK GCMG to the establishment of the High Court building as the seat of the Court. The plaque hangs in the Public Hall of the building. The unveiling ceremony was witnessed by a gathering of Sir Garfield's family, friends and former colleagues, and many representatives from the legal, political and diplomatic community.

### **Launch of Oxford Companion to the High Court**

On 13 February 2002 the Oxford Companion to the High Court of Australia was launched in the Public Hall. This publication, which is the result of several years' work by editors Professors Tony Blackshield, Michael Coper and George Williams, contains contributions by 225 people on

various aspects of the Court's history, decisions and operation. The launch was followed by a dinner for contributors at University House, in the grounds of the Australian National University.

### **The Court and the Public**

In June 2002 the Court advertised for a Public Information Officer. This position, which is expected to be filled by October 2002, will have the task of promoting understanding in the Australian community of the Court's role, and respond appropriately from time to time to comment and criticism of the Court.

### **Links and Visits**

During the year under review, the Court maintained its many links with courts, judges and legal organizations in the region and around the world. The Court welcomed a number of international visitors, including delegations of judges, senior lawyers and court administrators from China, Indonesia, Thailand and Vietnam.

### **Centenary of the Court**

The first members of the High Court, Griffith CJ, Barton J and O'Connor J took up their offices as Justices on 6 October 1903. On that occasion the Court sat in Melbourne. On Monday, 6 October 2003, there will be a ceremonial sitting of the Court in Melbourne to mark the centenary of the Court. Arrangements are in hand for other observances in the course of 2003 to mark the centenary.

## **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 2001 and 2002 sittings are shown below:

#### **2001**

CANBERRA	..	5 February – 15 February
CANBERRA	..	6 March – 16 March
CANBERRA	..	27 March – 30 March
HOBART	..	2 April – 5 April
CANBERRA	..	1 May – 3 May
CANBERRA	..	22 May – 31 May
CANBERRA	..	19 June – 21 June
BRISBANE	..	25 June – 26 June
SYDNEY	..	25 July
SYDNEY	..	31 July
CANBERRA	..	7 August – 9 August

ADELAIDE .. 13 August – 16 August  
 CANBERRA .. 4 September – 13 September  
 CANBERRA .. 2 October – 11 October  
 PERTH .. 22 October – 23 October  
 CANBERRA .. 13 November – 16 November  
 CANBERRA .. 21 November – 22 November  
 SYDNEY .. 29 November  
 CANBERRA .. 4 December – 13 December

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

SYDNEY .. 16 February  
 MELBOURNE .. 16 February  
 SYDNEY .. 20 February  
 HOBART .. 5 April  
 SYDNEY .. 6 April (with a video-link from Perth and Adelaide)  
 SYDNEY .. 10 April  
 SYDNEY .. 4 May  
 CANBERRA .. 4 May (by video-link from Brisbane)  
 CANBERRA .. 1 June (by video-link from Adelaide)  
 SYDNEY .. 1 June  
 SYDNEY .. 5 June  
 SYDNEY .. 22 June  
 MELBOURNE .. 22 June  
 BRISBANE .. 27 June  
 SYDNEY .. 10 August  
 MELBOURNE .. 10 August  
 ADELAIDE .. 16 August  
 ADELAIDE .. 17 August  
 SYDNEY .. 21 August  
 SYDNEY .. 14 September  
 CANBERRA .. 14 September (by video-link from Darwin and Perth)  
 SYDNEY .. 18 September  
 SYDNEY .. 12 October  
 CANBERRA .. 12 October (by video-link from Brisbane)  
 SYDNEY .. 16 October  
 PERTH .. 24 October  
 PERTH .. 25 October  
 SYDNEY .. 20 November  
 SYDNEY .. 23 November  
 SYDNEY .. 27 November  
 SYDNEY .. 14 December  
 MELBOURNE .. 14 December

2002

CANBERRA .. 4 February – 14 February  
CANBERRA .. 6 March – 14 March  
CANBERRA .. 9 April – 18 April  
CANBERRA .. 30 April – 1 May  
CANBERRA .. 21 May – 30 May  
CANBERRA .. 18 June – 20 June  
BRISBANE .. 24 June – 26 June  
CANBERRA .. 6 August – 8 August  
ADELAIDE .. 12 August – 14 August  
CANBERRA .. 2 September – 12 September  
CANBERRA .. 1 October – 10 October  
PERTH .. 21 October – 23 October  
CANBERRA .. 6 November – 14 November  
CANBERRA .. 3 December – 12 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 .. 15 February  
MELBOURNE .. 15 February  
SYDNEY .. 19 February  
SYDNEY .. 5 March  
SYDNEY .. 15 March  
BRISBANE .. 19 March  
SYDNEY .. 19 April  
CANBERRA .. 19 April (by video-link from Adelaide)  
SYDNEY .. 23 April  
MELBOURNE .. 3 May  
CANBERRA .. 3 May (by video-link from Adelaide, Darwin and Hobart)  
SYDNEY .. 31 May  
CANBERRA .. 31 May (by video-link from Perth)  
SYDNEY .. 21 June  
BRISBANE .. 26 June  
BRISBANE .. 28 June  
SYDNEY .. 9 August  
ADELAIDE .. 14 August  
ADELAIDE .. 15 August  
SYDNEY .. 20 August  
SYDNEY .. 13 September  
MELBOURNE .. 13 September  
SYDNEY .. 17 September  
SYDNEY .. 11 October  
PERTH .. 24 October  
SYDNEY .. 5 November  
SYDNEY .. 15 November  
CANBERRA .. 15 November (by video link from Brisbane)  
SYDNEY .. 13 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 3.4 hectares of land fronting the shores of Lake Burley Griffin, within the Parliamentary Triangle. It is one of Australia's National Buildings and a major tourist attraction. It was designed by the architectural firm of Edwards Madigan Torzillo and Briggs Pty Ltd, the winners of a national architectural competition held in 1972 and 1973. The builder was PDC Constructions (ACT) Pty Ltd. Total construction cost was \$46.5 million. The building was opened on 26 May 1980 by Her Majesty Queen Elizabeth II.

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. The total floor area is approximately 18,500 square metres.

## **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 as follows:

	<u>Date of Swearing In</u>
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. The name, and years of service, of each former Chief Justice and Justice are listed below.

#### 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**

#### 2000-01 Annual Report

As a result of the issuing of writs for a General Election on 8 October 2001, submission of the Court's 2000-01 annual report to the Attorney-General was delayed until December 2001. The report was tabled in Parliament on 12 February 2002. The Court's report was again among the number of annual reports of government departments and statutory authorities referred to the Senate Legal and Constitutional Legislation Committee for examination. The Committee, in its report tabled in March 2002:

- again noted the increase in the number of unrepresented litigants appearing before Commonwealth courts; and
- encouraged the courts and tribunals to establish an ongoing dialogue amongst themselves and with outside agencies such as the Family Law Council, the Australian Law Reform Commission and the Australian Institute of Judicial Administration, in order to share information in dealing with the issue of unrepresented litigants.

#### Auditor-General's Report

Results of the Auditor-General's audit of the Court's 2000-01 financial statements were reported in Auditor-General's Audit Report No. 29 of 2001-02, which was tabled in Parliament on 21 December 2001. The results of the audit of the High Court's financial statements were satisfactory and an unqualified audit report was issued.

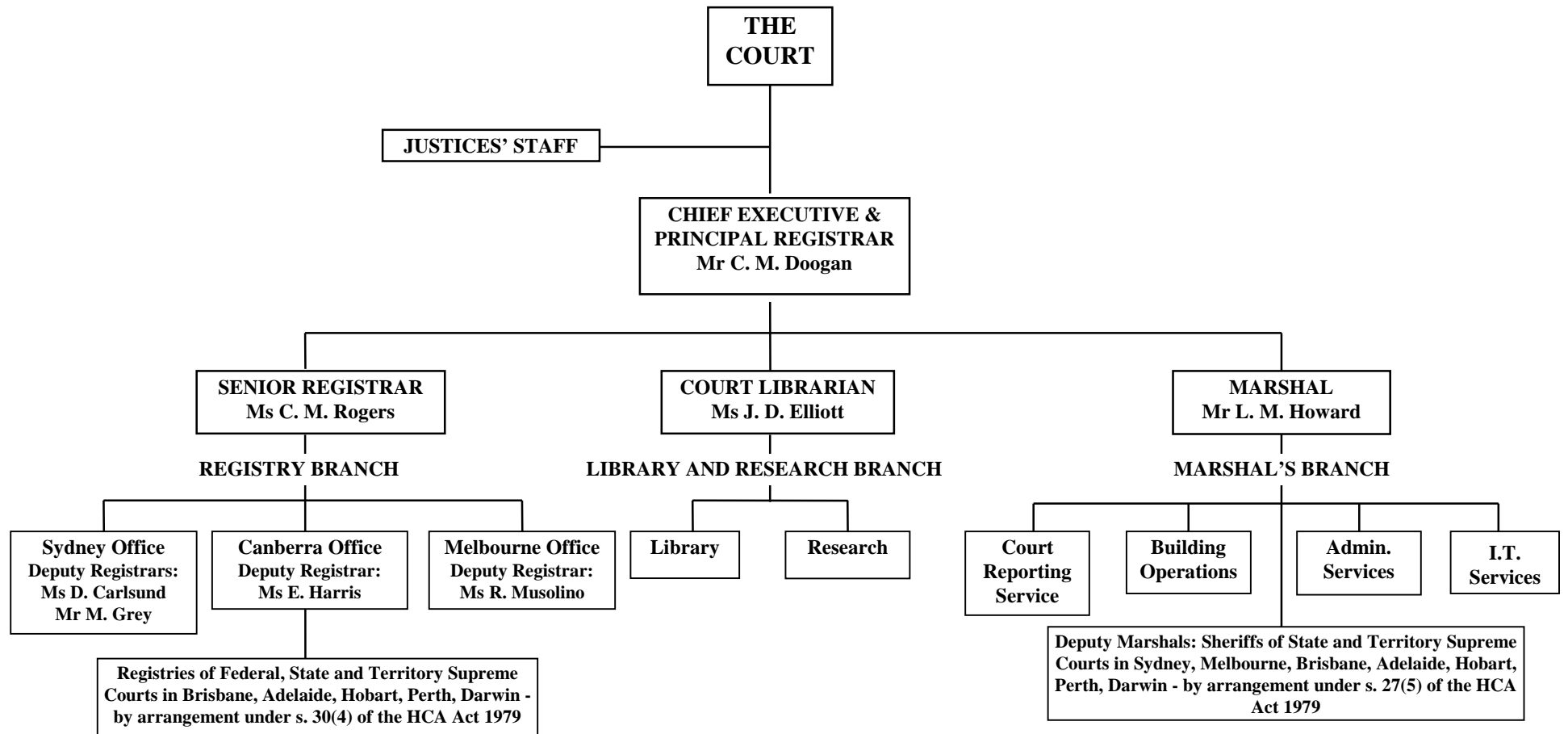
### **Ecologically Sustainable Development**

The decision-making processes of the High Court Administration take account of both short- and long-term economic, environmental, social and equitable considerations, and accord with the principles of ecologically sustainable development as defined by section 3A of the *Environment Protection and Biodiversity Conservation Act 1999*.

To the best of the Court's knowledge, no action or decision during the year by the Administration adversely impacted on the environment in any measurable way.

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 self represented 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 Constitutional Writs in the original jurisdiction and the filing of applications for leave or special leave to appeal and notices of appeal in the appellate jurisdiction of the Court.

The Registry of the Court is situated in Canberra. Offices of the Registry are also located in Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and Darwin. The 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 2000-01 and 2001-02 is provided in Table 1. (Reference is made throughout this section to numbered tables located in Annexure B to Part VII of this report.)

Forty three percent of the matters filed during the year were filed in the Sydney office of the Registry. Eighteen special leave hearing days were held in Sydney during 2001-02 and 50% 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 32% of total filings in 2001-02. Four special leave hearing days were held in Melbourne and the Melbourne Registry supervised 24% of the single Justice hearings.

The Registry in Canberra processed matters filed in Canberra, Brisbane, Darwin and Perth (accounting for 25% of all filings). The Canberra Registry supervised twelve sittings of the Full

Court in Canberra, circuit sittings in Adelaide, Perth and Brisbane and video-link hearings from Adelaide, Brisbane, Darwin, Hobart and Perth. The Registry in Canberra supervised 26% of the single Justice hearings.

### **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 Registry Service Charter describes the function of the Registry and the standards of service that can be expected from the Registry staff. The Service Charter also provides a system for the resolution of complaints regarding the provision of Registry services. In accordance with the Service Charter the Chief Executive and Principal Registrar dealt, when necessary, with complaints received during the reporting year. The Service Charter is available at the Registry in each capital city and on the Court's site on the Internet.

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 having their name entered on the register and, if required, providing them with certificates of good standing to enable them to seek admission in other jurisdictions. The names of 1737 new practitioners were added to the register in 2001-02, an increase of 5% over the previous year.

The demand for registry services, such as the purchase of judgments and transcripts, remained at a high level during 2001-02, 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, and on the Internet, for the information of the profession and the public.

The Court made the following Rules of Court in 2001-02:

- Statutory Rule No S369 of 2001 - Annual Sittings of the High Court; and
- Statutory Rule No 243 of 2001 - Order 58 rule 4 and Amendment to Second Schedule (Costs).

The Court issued the following Practice Directions during 2001-02:

- Practice Direction No. 1 of 2001 - Applications for Removal pursuant to Section 40 of the *Judiciary Act 1903* (Cth); and
- Practice Direction No. 2 of 2001 - Form of written submissions required by Practice Direction 1 of 2000.

### **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 under s 75(v) of the Constitution against officers of the Commonwealth, removals under s 40 of the *Judiciary Act 1903*, cases stated, references under s 18 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 2000-01 and 2001-02.

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 28B provide a comparison, for each category of matter during the 2000-01 and 2001-02 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. These tables also show a breakdown of cases between those where the applicant/appellant was legally represented and those where the applicant/appellant was self represented. 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 Full Court during 2000-01 and 2001-02, together with a breakdown of the categories of those matters. Tables 13 and 14 provide details of the total number of decisions of the Full Court delivered during 2000-01 and 2001-02 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 2000-01 and 2001-02. Tables 9 to 12 provide a breakdown by Registry and court appealed from of all appellate matters heard during 2000-01 and the reporting period. The results of appellate matters decided during 2000-01 and 2001-02 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. These matters are usually determined by a single Justice. Four election petitions were filed during the reporting year. Of these, two petitions were dismissed and two were referred for trial to the Federal Court of Australia.

A comparison of the number of matters heard by a single Justice during 2000-01 and the reporting year is recorded in Table 29. A breakdown of the categories of matters heard by a single Justice during 2001-02 is provided in Table 30. Thirty one percent of applications heard by a single Justice during the reporting period involved self represented 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 2002 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. The grounds include financial hardship, grant of legal aid and entitlements as a social security law concession cardholder or Veterans' Affairs

cardholder. A refusal by a Registrar to waive a fee may be reviewed by the Administrative Appeals Tribunal. There were two refusals to waive a fee in the reporting period.

Between 1 July 2001 and 30 June 2002 a total of 911 matters attracting a filing fee and/or hearing fees were filed in the Court. Of these, 536 matters, or approximately 60%, were exempt from payment of fees, resulting in a total of \$600,319 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 Schedules in operation during 2001-02 are 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 \$119,429.49. Of this amount, \$86,181.96 was allowed on taxation. In an unsuccessful application for special leave to appeal filed in Perth the respondent claimed an amount of \$13,882.00, of which \$9,546.23 was allowed 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.

## Corporate Goals

The corporate goals of the Library and Research Branch are to:

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

## Reference and Research

### New Library System

In September 2001 the Library prepared a "Request for Proposal for a New Integrated Library Management System". After several demonstrations and evaluations the Millennium Library System from Innovative Interfaces was selected. This product, developed in the USA, operates on its own proprietary database and features both a Web-based and a text-based interface. A contract for the Millennium software was signed in February 2002 and installation and training for the new system has begun.

### Early Newspaper Clippings on the High Court

As a Court Centenary Project the Library has begun to copy from newspapers at the National Library of Australia clippings on the High Court from 1903 to 1943. Current holdings start from 1944. In June the Library copied clippings from *The Argus*, Melbourne, on the opening of the High Court and the appointment of the first three Justices.

### Retrospective Copying of High Court Unreported Judgments

Copying of unreported judgments in the Registry files for Victoria from 1931 to 1945 has almost been completed.

## Water Leak

A faulty cistern valve caused water to flood over half the Library work area in mid-February 2002. Ten bookstacks and their contents had to be removed to another floor until remedial work was completed, but fortunately there was minimal damage to the collection. Restoration of the affected area, including thorough drying and cleaning of all surfaces, checking the safety of fittings and equipment, and re-carpeting the entire floor area, began immediately and was scheduled to be completed by the end of July 2002.



**Moys Classification Seminars**

In August, November, and June the Court Librarian and Cataloguing Librarian presented three seminars on the Moys Classification for law librarians in Canberra, Sydney and Wollongong.

**ALLG Pacific Libraries Scholarship**

The Court Librarian assisted in the selection of a Pacific library applicant and the sponsorship of three other applicants for the Inaugural Australian Law Librarians' Group (ALLG) Pacific Library Scholarship to attend the Special, Health and Law Libraries' Conference in Melbourne in September 2001. The four visitors from Fiji, Papua New Guinea, and Vanuatu participated in a week's work practice in different law libraries as well as attending the conference.

# 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.

## Financial Management

### Financial Services

After a number of high activity years, including the implementation of new financial management software, and systems to comply with the requirements of "A New Tax System", the 2001-02 financial year has been one of consolidation in the Court's finance area. As part of the government's e-commerce initiative, a specific project to implement electronic remittances was completed during the year. This has resulted in a significant increase in electronic transactions and a corresponding decrease in cheque payments.

### Resources

The table below details the 2001-02 financial and staffing resources applied to the Court's "outputs" and "outcomes", together with the budgeted resources for 2002-03. The Court has a single output, "High Court Business", contributing toward the overall outcome which is "interpreting and upholding the Australian Constitution and performing the functions of the ultimate appellate Court in Australia". The bulk of financial resources are applied towards a capital use charge paid annually to the Department of Finance and Administration.

	<b>2001-02 Budget \$'000</b>	<b>2001-02 Actual \$'000</b>	<b>2002-03 Budget \$'000</b>
<b>Administered Items</b>			
Court fees and charges collected	865	779	865
LESS: fees and charges remitted to Official Public Account	865	779	865
<b>Net contribution or cost to outcome</b>	-	-	-
<b>High Court Output</b>			
Output 1.1 – High Court Business:			
- Justices' remuneration and allowances*	1 887	1 973	1 887
- High Court administration	25 177	25 177	25 817
Revenue from Government appropriations	27 064	27 150	27 704
Revenue from other sources:			
- High Court administration	235	323	270
<b>Total price of output</b>	<b>27 299</b>	<b>27 473</b>	<b>27 974</b>
<b>TOTAL PRICE OF OUTCOME</b> (output and administered items)	<b>27 299</b>	<b>27 473</b>	<b>27 974</b>
Staff years (in full-time equivalent positions)	84.0	83.6	85.0

\* Justices' remuneration and allowances are paid out of Special Appropriations. These appropriations are administered by the Attorney-General's Department and thus do not form part of the Court's financial statements in Part VI of this report.

#### 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 2001-02 financial statements can be found at Part VI of this report.

#### Consultants

During the year, expenditure totalling \$6,919 was incurred in relation to consultancy contracts. Of this amount, \$3,560 was paid to SafeWork Solutions Pty Ltd for risk management services, and \$1,080 to Expixtech Pty Ltd for conversion of library catalogue data into a new format suitable to the new library computer system.

### Advertising and Market Research

During the year, \$4,050 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.

## **Human Resource Management**

### Terms and Conditions of Employment

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

The Court's sixth Certified Agreement with staff nominally expired on 30 June 2002. A seventh Agreement, settled under s170LK of the *Workplace Relations Act 1996*, was listed for a certification hearing before the Australian Industrial Relations Commission on 25 July 2002. This Agreement contains pay increases averaging 10.5% over two years. Senior executive staff of the Court continue to be covered by Australian Workplace Agreements. No High Court staff member received performance pay during the year under review.

### Workplace Diversity

The Court recognises and encourages the contribution that people with diverse backgrounds, experiences and skills can make to the workplace. The Court's aim is to ensure that this diversity is used in appropriate staff contribution to effective decision making and delivery of services. The percentage of women in the Court's administration increased slightly to 69%, and the proportion of women at the senior management levels decreased slightly and is now at 66%. The percentage of staff from a non-English speaking background fell slightly to 15% while those with disabilities decreased to 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 Certified 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 with an emphasis on OH&S issue resolution procedures. 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.

## **Information Technology**

A number of developments in the Court's information technology systems occurred during the year, as follows:

- broadband frame relay data links were established between the Court's Canberra, Sydney and Melbourne offices. These links have greatly increased the speed of data transmissions between offices;
- major refurbishment of the Court's main computer room in Canberra was carried out. This involved extensive re-cabling of the room, as well as the installation of improved flooring and enhanced security measures, and re-design of equipment racks;
- a digital audio recording system was installed in the court reporting area of the High Court building. This system, which records proceedings from each of the building's courtrooms directly onto computer disk for transcription, replaced the previous audio cassette-based system which had been used since 1980. The enhanced audio services will help to provide a more efficient reporting service to the Court;
- in preparation for the installation of the new Millennium Library System, work on converting existing library data to the required MARC format was begun. In addition, training of library staff in the new system was undertaken during June 2002, with full installation scheduled to be completed by the end of August 2002; and
- the operating platform for the Court's registry case management system was upgraded during the year to Version R5 of Lotus Notes. This has provided both additional data capacity and increased functionality.

## **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 site. Transcripts dating back to July 1994 are available on that site.

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).

Court reporting staff have had another very busy year. A total of 558 individual transcripts, containing 10,891 pages, were produced – an increase of 10% over the number of transcripts produced in 2000-01.

### Developments

As reported last year, in June 2001 a committee was established with the aim of developing and implementing a project to upgrade the Court's audio/video systems, whose infrastructure is

essentially 25 years old. During the year, the committee has engaged consultants in relevant fields to advise on best practice in delivering the required court reporting, videoconferencing, and other courtroom technology services. As at 30 June 2002:

- the court reporting audio chain has been completely overhauled, moving from a tape-based system to a computer-based system. The first trials of the new system are scheduled for July 2002;
- various modern videoconferencing systems had been assessed, with a view to increasing the quality and flexibility of this important resource;
- courtroom sound systems had been analysed and tested in order to check on sound level, quality and consistency; and
- a consultants' report was being compiled on the integration of all courtroom media into a modern system capable of ensuring high-quality services to the Court into the foreseeable future.

## **Building Operations**

### Facilities Management

Following technical investigations, specification have been written for replacement air-conditioning chillers in the High Court building. Tenders will be called in August 2002 and a contract is expected to be let in November 2002. Installation of the new chillers is scheduled for the winter of 2003.

A program of carpet replacement was continued during the year, with new carpet laid in all three of the building's courtrooms. The program will continue in 2002-03 with new carpet for several staff work areas.

A comprehensive review of the building's physical security was undertaken in October and November 2001. As a result, a number of new measures, designed to improve the safety of the building's occupants, have been implemented.

### Public Information Services

The number of visitors to the building during the year totalled 100,178, an increase of 4.7% over the previous year. In addition, 4 cultural exhibitions and 21 other functions were held in the building in accordance with the Court's guidelines on public use of the building. The cultural exhibitions comprised displays sponsored by the Embassy of the People's Republic of China, the Embassy of the Czech Republic, and the Canberra Institute of Technology.

# **PART VI - FINANCIAL STATEMENTS 2001-02**

## **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 2002. The financial statements comprise:

- Report by the Chief Executive and Principal Registrar, and the Finance Manager;
- Statements of Financial Performance, Financial Position and Cash Flows;
- Schedules of Commitments and Contingencies; and
- Notes to and forming part of the Financial Statements.

The Chief Executive and Principal Registrar of the High Court of Australia is 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 the 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 Accounting Standards and other mandatory professional reporting requirements in Australia and statutory requirements so as to present a view which is consistent with my understanding of the entity's financial position, its financial performance and its cash flows.

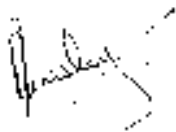
The audit opinion expressed in this report has been formed on the above basis.

## **Audit Opinion**

In my opinion the financial statements:

- (i) have been prepared in accordance with Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*; and
- (ii) give a true and fair view, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Finance Minister's Orders, of the financial position of the High Court of Australia as at 30 June 2002, and its financial performance and cash flows for the year then ended.

Australian National Audit Office

A handwritten signature in black ink, appearing to read 'David Crossley', with a long horizontal stroke extending to the right.

David Crossley  
Executive Director

Delegate of the Auditor - General

Canberra  
21 August 2002



## HIGH COURT OF AUSTRALIA

### **Report by the Chief Executive & Principal Registrar of the High Court of Australia and the Finance Manager of the High Court on the Financial Statements for the year ended 30 June 2002.**

The accompanying financial statements of the High Court of Australia for the year ended 30 June 2002 have been prepared as required by Section 47 (1) of the *High Court of Australia Act 1979* and include:

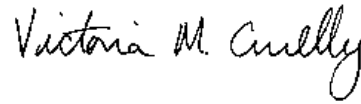
- Statement of Financial Performance;
- Statement of Financial Position;
- Statement of Cash Flows;
- Schedule of Commitments;
- Schedule of Contingencies; and
- Notes to and forming part of the Financial Statements.

In our opinion, the attached financial statements for the year ended 30 June 2002 give a true and fair view of the matters required by Finance Minister's orders made under the *Commonwealth Authorities and Companies Act 1997*.



C. Doogan  
Chief Executive and Principal Registrar

21 August 2002



V.M.Cuskelly  
Finance Manager

21 August 2002

**HIGH COURT OF AUSTRALIA**  
**STATEMENT OF FINANCIAL PERFORMANCE**  
**for the year ended 30 June 2002**

	Notes	2002	2001
		\$	\$
<b>Revenues from ordinary activities</b>			
Revenues from Government	4A	25,177,000	24,962,000
Sales of goods and services	4B	78,943	122,960
Interest		145,348	603,554
Other	4C	98,403	9,656
<i>Total revenues from ordinary activities</i>		<b>25,499,694</b>	25,698,170
<b>Expenses from ordinary activities (excluding borrowing costs expenses)</b>			
Employees	5A	4,463,437	4,329,300
Suppliers	5B	3,812,604	3,678,682
Depreciation and amortisation	5C	1,725,695	1,800,245
Net loss on sale of assets	5D	8,625	9,903
Write-down of assets	5E	-	5,264
<i>Total expenses from ordinary activities (excluding borrowing cost expense)</i>		<b>10,010,361</b>	9,823,394
<b>Borrowing costs expense</b>	6	<b>26,735</b>	18,168
<b>Net Operating Surplus from ordinary activities</b>		<b>15,462,598</b>	15,856,608
<b>Net Surplus</b>		<b>15,462,598</b>	15,856,608
<b>Net surplus attributable to the Commonwealth</b>		<b>15,462,598</b>	15,856,608
<b>Net credit to asset revaluation reserve</b>		-	22,913,089
<b>Total revenues, expenses and valuation adjustments attributable to the Commonwealth and recognised directly in equity</b>		-	-
<b>Total changes in equity other than those resulting from transactions with owners as owners</b>		<b>15,462,598</b>	38,769,697

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

**HIGH COURT OF AUSTRALIA**  
**STATEMENT OF FINANCIAL POSITION**  
as at 30 June 2002

	Notes	2002	2001
		\$	\$
<b>ASSETS</b>			
<b>Financial Assets</b>			
Cash	8	3,498,766	1,841,621
Receivables	9	162,489	135,476
Other	10	-	792
<i>Total financial assets</i>		<b>3,661,255</b>	1,977,889
<b>Non-financial Assets</b>			
Land and buildings	11A	144,100,000	145,587,586
Infrastructure, plant and equipment	11B	2,350,201	2,298,821
Inventories		890	2,581
Intangibles	11C	149,940	106,848
Library Holdings	11D	7,491,649	6,562,519
Other	10	494,331	382,806
<i>Total non-financial assets</i>		<b>154,587,011</b>	154,941,161
<b>Total assets</b>		<b>158,248,266</b>	156,919,050
<b>LIABILITIES</b>			
<b>Interest Bearing Liabilities</b>			
Leases	12	177,334	231,212
<i>Total interest bearing liabilities</i>		<b>177,334</b>	231,212
<b>Provisions</b>			
Employees	13	1,150,691	1,060,411
<i>Total provisions</i>		<b>1,150,691</b>	1,060,411
<b>Payables</b>			
Suppliers	14	731,551	349,415
Unearned Revenue		16,100	14,250
<i>Total payables</i>		<b>747,651</b>	363,665
<b>Total liabilities</b>		<b>2,075,676</b>	1,655,288
<b>NET ASSETS</b>		<b>156,172,590</b>	155,263,762
<b>EQUITY</b>			
<b>Parent Entity Interest</b>			
Capital	15	53,426,540	53,426,540
Reserves	15	102,115,418	102,115,418
Accumulated surplus (deficits)	15	630,632	(278,196)
<i>Total parent entity interest</i>		<b>156,172,590</b>	155,263,762
<b>Total equity</b>		<b>156,172,590</b>	155,263,762
<b>Current assets</b>		<b>4,156,476</b>	2,363,276
<b>Non-current assets</b>		<b>154,091,790</b>	154,555,774
<b>Current liabilities</b>		<b>1,339,982</b>	947,619
<b>Non-current liabilities</b>		<b>735,694</b>	707,669
		<b>156,172,590</b>	155,263,762

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

**HIGH COURT OF AUSTRALIA**  
**STATEMENT OF CASH FLOWS**  
for the year ended 30 June 2002

	Notes	2002	2001
		\$	\$
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Sales of goods and services			
Non-government		20,620	118,711
Appropriations		25,177,000	24,962,000
Interest		181,759	610,508
Other		98,403	9,656
<b>Total cash received</b>		<b>25,477,782</b>	<b>25,700,875</b>
<b>Cash used</b>			
Employees		(4,373,157)	(4,275,515)
Suppliers		(3,566,878)	(4,097,775)
GST payments		(2,620)	(39,532)
<b>Total cash used</b>		<b>(7,942,655)</b>	<b>(8,412,822)</b>
<b>Net cash from operating activities</b>	16	<b>17,535,127</b>	<b>17,288,053</b>
<b>INVESTING ACTIVITIES</b>			
<b>Cash received</b>			
Proceeds from sales of property, plant and equipment		62	170
<b>Total cash received</b>		<b>62</b>	<b>170</b>
<b>Cash used</b>			
Purchase of property, plant and equipment		(1,270,399)	(1,652,724)
<b>Total cash used</b>		<b>(1,270,399)</b>	<b>(1,652,724)</b>
<b>Net cash used in investing activities</b>		<b>(1,270,337)</b>	<b>(1,652,554)</b>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Appropriation – contributed equity		-	590,000
<b>Total cash received</b>		<b>-</b>	<b>590,000</b>
<b>Cash used</b>			
Finance leases (repaid) raised		(53,875)	231,212
Capital use paid		(14,553,770)	(15,793,000)
<b>Total cash used</b>		<b>(14,607,645)</b>	<b>(15,561,788)</b>
<b>Net cash used by financing activities</b>		<b>(14,607,645)</b>	<b>(14,971,788)</b>
Net increase in cash held		1,657,145	663,711
Cash at the beginning of the reporting period		1,841,621	1,177,910
<b>Cash at the end of the reporting period</b>	8	<b>3,498,766</b>	<b>1,841,621</b>

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

**HIGH COURT OF AUSTRALIA**  
**SCHEDULE OF COMMITMENTS**  
as at 30 June 2002

	Notes	2002	2001
		\$	\$
<b>BY TYPE</b>			
<b>CAPITAL COMMITMENTS</b>			
ADP software		133,130	2,970
ADP equipment		38,431	23,152
Infrastructure, plant and equipment		7,189	113,475
<i>Total capital commitments</i>		<u>178,750</u>	<u>139,597</u>
<b>OTHER COMMITMENTS</b>			
Operating leases		613,324	556,800
Finance leases	12	204,276	283,146
Other commitments		143,088	14,403
<i>Total other commitments</i>		<u>960,688</u>	<u>854,349</u>
<b>Commitments Receivable</b>		<u>(103,585)</u>	<u>(90,359)</u>
<b>Net commitments</b>		<u><u>1,035,853</u></u>	<u><u>903,587</u></u>
<b>BY MATURITY</b>			
<b>All net commitments</b>			
One year or less		664,397	508,283
From one to five years		371,456	395,304
Over five years		-	-
<i>Net commitments</i>		<u>1,035,853</u>	<u>903,587</u>
<b>Operating lease commitments</b>			
One year or less		295,116	293,046
From one to five years		262,451	213,136
Over five years		-	-
<i>Net operating lease commitments</i>		<u>557,567</u>	<u>506,182</u>

Operating leases included are effectively non-cancellable and comprise:

- agreements for the provision of motor vehicles to officers;
- lease of computer equipment; and lease of office equipment.

In the prior year operating lease commitments were disclosed gross of GST. They have been adjusted in the current year.

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

**HIGH COURT OF AUSTRALIA**  
**SCHEDULE OF CONTINGENCIES**  
**as at 30 June 2002**

---

As at 30 June 2002 there are no contingencies which create uncertainty as to possible gain or loss for the High Court of Australia.

---

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

# HIGH COURT OF AUSTRALIA

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS for the year ended 30 June 2002

### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### 1.1 Basis of Accounting

The financial statements are required by Section 47(1) of the *High Court of Australia Act 1979* and are a general purpose financial report.

The financial statements of the High Court of Australia (the Court) have been prepared in accordance with:

- Australian Accounting Standards and Accounting Interpretations issued by the Accounting Standards Boards;
- other authoritative pronouncements of the Boards; and
- Consensus Views of the Urgent Issues Group.

The statements have been prepared having regard to:

- Statements of Accounting Concepts;
- the Explanatory Notes to Schedule 1 issued by the Department of Finance and Administration; and
- Guidance Notes issued by that Department.

The Court's Statements of Financial Performance and Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or on the financial position.

Assets and liabilities are recognised in the Court's Statement of Financial Position when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionally unperformed are however, not recognised unless required by an Accounting Standard. Liabilities and assets that are recognised are reported in the Schedule of Commitments.

Revenues and expenses are recognised in the Court's Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

#### 1.2 Administered Items

The Court administers the collection of Court fees and charges on behalf of the Commonwealth. The level of these fees and charges is set by the Executive Government, pursuant to the *High Court of Australia (Fees) Regulations 1991*. The revenues from these fees and charges are not available to be used by the Court for its own purposes and are remitted to the Commonwealth's Official Public Account. Transactions and balances relating to these fees are reported as Administered Items (refer to Note 24).

### **1.3 Reporting by Outcomes**

A comparison of Budget and Actual figures by outcome specified in the Appropriation Acts is presented in Note 2. Any intra-government costs included in the figure “net cost to Budget outcomes” are eliminated in calculating the actual budget outcome for the Government overall.

### **1.4 Taxation**

The Court is exempt from all forms of taxation except fringe benefits tax and the goods and services tax.

### **1.5 Appropriations**

From 1 July 1999, the Commonwealth Budget has been prepared under an accruals framework. Under this framework, Parliament appropriates moneys to the Court as revenue appropriations.

Revenues from government are revenues of the core operating activities of the Court. Appropriations for outputs are recognised as revenue to the extent that they have been received into the Court’s bank account or are entitled to be received by the Court at year end.

### **1.6 Other 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.

Revenue from the disposal of non-current assets is recognised when control of the asset has passed to the buyer.

### **1.7 Employee Entitlements**

#### *Leave*

The liability for employee entitlements includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and average sick leave taken in future years by employees is estimated to be less than the annual entitlement for sick leave.

The liability for annual leave reflects the value of total annual leave entitlements of all employees at 30 June 2002 and is recognised at its nominal value.

The non-current portion of 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 2002. In determining the present value of the liability, attrition rates and pay increases through promotion and inflation have been taken into account.

#### *Superannuation*

Employees contribute to the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme. Employer contributions amounting \$441,856 (2001: \$345,241) for the Court in relation to these schemes have been expensed in these financial statements. Superannuation on-costs on annual leave (\$16,400) and long service leave (\$27,834) have been brought to account. No other liability for superannuation is recognised as at 30 June as the employer contributions fully extinguish the accruing liability, which is assumed by the Commonwealth.



Employer productivity superannuation contributions totalled \$137,214 (2001: \$137,812) for the Court.

### **1.8 Leases**

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased non-current assets and operating leases under which the lessor effectively retains substantially all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is capitalised at the present value of minimum lease payments at the inception of the lease and a liability recognised for the same amount. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a basis which is representative of the pattern of benefits derived from the leased assets.

### **1.9 Cash**

Cash includes notes and coins held and deposits held at call with a bank.

### **1.10 Financial Instruments**

Accounting policies in relation to financial instruments are disclosed in Note 23.

### **1.11 Non-Current Assets**

#### *Asset recognition threshold*

The Court's policy is to capitalise all building improvements whose purchase price exceeds \$10,000 and all other non-current assets whose purchase price exceeds \$2,000.

#### *Intangibles*

Internally developed and externally acquired computer software for internal use are initially recognised and capitalised at the cost of development or acquisition. These costs of development or acquisition are amortised over the useful life of the asset.

#### *Revaluations*

Land, buildings, infrastructure, plant and equipment are revalued progressively in accordance with the deprival method of valuation in successive 3-year cycles, so that no asset has a value greater than three years old.

In accordance with the deprival methodology, land is measured at its current market buying price. Property other than land, plant and equipment are measured at their depreciated replacement cost. Where assets are held which would not be replaced or are surplus to requirements, measurement is at net realisable value. At 30 June 2002, the High Court and the economic entity had no assets in this situation.

The table below shows the date of last valuation for each class of asset.

<u>Asset Class</u>	<u>Date of last Valuation</u>
Land	June 2001
Buildings	June 2001
Plant and Equipment	June 2001
Library holdings	June 2001
Artworks	June 2001

#### *Recoverable amount test*

The carrying amount of each item of non-current property, plant and equipment assets is reviewed to determine whether it is in excess of the asset's recoverable amount. If an excess exists as at the reporting date, the item is written down to recoverable amount immediately. This financial year there were no assets that failed the recoverable amount test.

#### *Depreciation and amortisation*

Depreciation/amortisation rates (useful lives) and methods are reviewed at each balance date and necessary adjustments are recognised in the current, or 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 5C.

Depreciation/amortisation is calculated on the straight-line method according to the estimated useful lives of depreciable assets.

Depreciation/amortisation rates applying to each class of depreciable assets are as follows:

	<u>2001-02</u>	<u>2000-01</u>
Land	Nil	Nil
Art, prints and artefacts	Nil	Nil
Library Collection – heritage items	Nil	Nil
Library Collection – non-heritage items	0.5%	0.5%
Building	1%	1%
Plant and Equipment	10%	10%
ADP equipment	20%	20%
Intangibles	20%	20%

#### **1.12 Foreign currency transactions**

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

#### **1.13 Comparative figures**

Comparative figures have been adjusted to conform with changes in presentation in the financial statements.

### 1.14 Capital Use Charge

A capital use charge of 11% (2001: 12%) is imposed by the Commonwealth on the net assets of the Court. The charge is adjusted to take account of asset gifts and revaluation increments during the financial year.

## 2. REPORTING BY SEGMENTS AND OUTCOMES

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

*To interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court in Australia.*

### Reporting by Outcomes for 2001-2002

	Outcome 1	
	<u>Budget</u>	<u>Actual</u>
Net cost of entity outputs	9,805,000	9,786,130
Net cost to budget outcome	9,805,000	9,786,130
Outcome specific assets	157,784,000	158,248,266

## 3. ECONOMIC DEPENDENCY

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

## 4. OPERATING REVENUES

### 4A - Revenues from Government

The Court received the following appropriation during the year out of the Consolidated Revenue Fund.

	2002	2001
	\$	\$
Annual Appropriation Act No.1	24,277,000	24,962,000
Annual Appropriation Act No.3	900,000	-
TOTAL	<u>25,177,000</u>	<u>24,962,000</u>

### 4B - Sales of Goods and Services

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

	2002	2001
	\$	\$
Food service operator's license fee	-	20,906
Subscriptions to Court transcripts and judgments	29,100	29,700
Room hire	45,424	64,170
Other revenue	4,419	8,184
TOTAL	<u>78,943</u>	<u>122,960</u>

Goods and services were sold to:

Non-government	78,943	122,960
TOTAL	<u>78,943</u>	<u>122,960</u>

#### 4C - Other

The item "Other" in the Statement of Financial Performance consists of the following:

	2002	2001
	\$	\$
Federal Court contribution – Brisbane chambers	95,855	-
Sale of minor items at tender	2,548	9,656
<b>TOTAL</b>	<b>98,403</b>	<b>9,656</b>

#### 5A. EMPLOYEES EXPENSES

This item in the Statement of Financial Performance consists of:

	2002	2001
	\$	\$
Remuneration (for services provided)	3,798,926	3,799,042
Employer's superannuation contribution	579,069	483,053
Provision for long service leave	72,403	19,173
Provision for recreation leave	13,039	28,032
<b>TOTAL</b>	<b>4,463,437</b>	<b>4,329,300</b>

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 2001-02 financial year, contributions were fixed at a rate of 18.2% for the Commonwealth Superannuation Scheme and 11.4% for the Public Sector Superannuation Scheme. An additional 3% is contributed for employer productivity benefits.

#### 5B. SUPPLIERS EXPENSES

Included in Expenses from ordinary activities are the following Suppliers Expenses:

	2002	2001
	\$	\$
Supply of goods and services	3,472,026	3,322,700
Operating lease rentals	340,578	355,982
<b>TOTAL</b>	<b>3,812,604</b>	<b>3,678,682</b>

### 5C. 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:

	2002	2001
	\$	\$
Building and building improvements	1,455,348	1,599,202
Plant and equipment	187,190	103,903
Library holdings	36,000	36,000
Intangibles	47,157	61,140
TOTAL	<u>1,725,695</u>	<u>1,800,245</u>

### 5D. NET LOSS FROM SALE OF ASSETS

*Plant and equipment*

	2002	2001
	\$	\$
Proceeds from sale	62	170
Net book value at sale	<u>(8,687)</u>	<u>(10,073)</u>
Net loss on disposal of property, plant and equipment	<u>(8,625)</u>	<u>(9,903)</u>

### 5E. WRITE-DOWN OF ASSETS

	2001	2000
	\$	\$
Non-financial assets		
Building improvements - revaluation decrement	-	397,325
Plant & Equipment – revaluation decrement	-	18,945
Plant & Equipment – write-off	-	5,264
TOTAL	<u>-</u>	<u>421,534</u>

### 6. BORROWING COST EXPENSES

	2002	2001
	\$	\$
Leases	26,735	18,168
TOTAL	<u>26,735</u>	<u>18,168</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 Financial Position.

The Federal Court of Australia and State Supreme Courts provide the 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 Court in Canberra. The value of this assistance is not shown in the accounts.

## 8. CASH

The amount in the Statement of Financial Position is represented by:

	2002	2001
	\$	\$
Funds on deposit in the General Account held with the Reserve Bank of Australia	<b>3,481,216</b>	1,829,071
Cash on hand in the form of permanent advances	<b>17,550</b>	12,550
<b>TOTAL</b>	<b><u>3,498,766</u></b>	<u>1,841,621</u>

## 9. RECEIVABLES

The item "Receivables" in the Statement of Financial Position represents:

	2002	2001
	\$	\$
Interest receivable on the General Account	<b>24,634</b>	61,045
Trade debtors	<b>88,034</b>	27,229
GST receivable	<b>49,821</b>	47,202
<b>TOTAL</b>	<b><u>162,489</u></b>	<u>135,476</u>

No provision is required for doubtful debts.

Trade Debtors which are overdue are aged as follows:

	2002	2001
	\$	\$
Not Overdue	<b>61,958</b>	5,167
Overdue by:		
- less than 30 days	<b>6,691</b>	736
- 30 to 60 days	<b>897</b>	-
- 60 to 90 days	<b>450</b>	2,856
- more than 90 days	<b>18,038</b>	18,470
<b>TOTAL</b>	<b><u>88,034</u></b>	<u>27,229</u>

## 10. OTHER ASSETS

The amounts shown as "Other" in the Statement of Financial Position represent the following:

	2002	2001
	\$	\$
Financial assets – library vouchers	-	792
Non-financial assets - prepaid expenses	<b>494,331</b>	382,806
<b>TOTAL</b>	<b><u>494,331</u></b>	<u>383,598</u>

## 11. PROPERTY, PLANT AND EQUIPMENT

The figures shown in the Statement of Financial Position represent the written-down value of property, plant, and equipment as at 30 June 2002 as follows:

	2002	2001
	\$	\$
<b>11A: Land and Buildings</b>		
Land at June 2001 valuation	5,500,000	5,500,000
Total Land	<u>5,500,000</u>	<u>5,500,000</u>
Buildings at June 2001 valuation	180,000,000	180,000,000
Accumulated depreciation	(41,400,000)	(40,000,000)
Work in progress	-	87,586
Total Buildings	<u>138,600,000</u>	<u>140,087,586</u>
<b>Total Land and Buildings</b>	<u>144,100,000</u>	<u>145,587,586</u>
<b>11B: Infrastructure, Plant and Equipment</b>		
Plant and equipment at 2001 valuation	2,873,443	2,873,443
Accumulated depreciation	(1,289,570)	(1,076,749)
Plant and equipment at cost	797,308	524,953
Accumulated depreciation	(30,980)	(22,826)
<b>Total Infrastructure, Plant and Equipment</b>	<u>2,350,201</u>	<u>2,298,821</u>
<b>11C: Intangibles</b>		
Intangibles at cost	509,709	452,742
Accumulated depreciation	(393,051)	(345,894)
Library database – in progress	33,282	-
<b>Total Intangibles</b>	<u>149,940</u>	<u>106,848</u>
<b>11D: Library Holdings</b>		
Library at June 2001 valuation	7,896,145	7,896,145
Accumulated depreciation	(1,469,507)	(1,438,333)
Library at cost	1,070,363	105,233
Accumulated depreciation	(5,352)	(526)
<b>Total Library Holdings</b>	<u>7,491,649</u>	<u>6,562,519</u>





**11E. Summary of balances of assets at valuation as at 30 June 2002**

	<b>Land</b>	<b>Buildings</b>	<b>Total Land &amp; Buildings</b>	<b>Plant &amp; Equipment</b>	<b>Library</b>	<b>Total Plant &amp; Equipment and Library</b>	<b>Intangibles</b>	<b>Total</b>
	\$	\$	\$	\$	\$	\$	\$	\$
<b>As at 30 June 2002</b>								
Gross value	5,500,000	180,000,000	185,500,000	2,873,443	7,896,145	10,769,588	-	196,269,588
Accumulated depreciation/ amortisation	-	(41,400,000)	(41,400,000)	(1,289,570)	(1,469,507)	(2,759,077)	-	(44,159,077)
<b>Net book value</b>	<b>5,500,000</b>	<b>138,600,000</b>	<b>144,100,000</b>	<b>1,583,873</b>	<b>6,426,638</b>	<b>8,010,511</b>	<b>-</b>	<b>152,110,511</b>
<b>As at 30 June 2001</b>								
Gross value	5,500,000	180,000,000	185,500,000	2,873,443	7,896,145	10,769,588	-	196,269,588
Accumulated depreciation/ amortisation	-	(40,00,000)	(40,000,000)	(1,076,749)	(1,438,333)	(2,515,082)	-	(42,515,082)
<b>Net book value</b>	<b>5,500,000</b>	<b>140,000,000</b>	<b>145,500,000</b>	<b>1,796,694</b>	<b>6,457,812</b>	<b>8,254,506</b>	<b>-</b>	<b>153,754,506</b>

**11F. Reconciliation of the opening and closing balances of property, plant and equipment and intangibles**

	<b>Land</b>	<b>Buildings</b>	<b>Total Land &amp; Buildings</b>	<b>Plant &amp; Equipment</b>	<b>Library</b>	<b>Total Plant &amp; Equipment &amp; Library</b>	<b>Intangibles</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Gross value as at 1 July 2001</b>	<b>5,500,000</b>	<b>180,000,000</b>	<b>185,500,000</b>	<b>3,398,396</b>	<b>8,001,378</b>	<b>11,399,774</b>	<b>452,742</b>	<b>197,352,516</b>
Additions	-	-	-	302,605	965,130	1,267,735	56,967	1,324,702
Disposals	-	-	-	(30,250)	-	(30,250)	-	(30,250)
<b>Gross value as at 30 June 2002</b>	<b>5,500,000</b>	<b>180,000,000</b>	<b>185,500,000</b>	<b>3,670,751</b>	<b>8,966,508</b>	<b>12,637,259</b>	<b>509,709</b>	<b>198,646,968</b>
<b>Accumulated depreciation/ Amortisation</b>	<b>-</b>	<b>40,000,000</b>	<b>40,000,000</b>	<b>1,099,575</b>	<b>1,438,859</b>	<b>2,538,434</b>	<b>345,894</b>	<b>42,884,328</b>
Depreciation/amortisation Charge for the year	-	1,400,000	1,400,000	242,538	36,000	278,538	47,157	1,725,695
Disposals	-	-	-	(21,563)	-	(21,563)	-	(21,563)
<b>Accumulated depreciation/ Amortisation as at 30 June 2002</b>	<b>-</b>	<b>41,400,000</b>	<b>41,400,000</b>	<b>1,320,550</b>	<b>1,474,859</b>	<b>2,795,409</b>	<b>393,051</b>	<b>44,588,460</b>
<b>Net book value as at 30 June 2002</b>	<b>5,500,000</b>	<b>138,600,000</b>	<b>144,100,000</b>	<b>2,350,201</b>	<b>7,491,649</b>	<b>9,841,850</b>	<b>116,658</b>	<b>154,058,508</b>
<b>Net book value as at 1 July 2001</b>	<b>5,500,000</b>	<b>140,000,000</b>	<b>145,500,000</b>	<b>2,298,821</b>	<b>6,562,519</b>	<b>8,861,340</b>	<b>106,848</b>	<b>154,468,188</b>

**11G. Summary of balances of assets held under finance leases as at 30 June 2002**

	<b>Land</b>	<b>Buildings</b>	<b>Total Land &amp; Buildings</b>	<b>Plant &amp; Equipment</b>	<b>Library</b>	<b>Total Plant &amp; Equipment and Library</b>	<b>Intangibles</b>	<b>Total</b>
	\$	\$	\$	\$	\$	\$	\$	\$
<b>As at 30 June 2002</b>								
Gross value	-	-	-	275,372	-	275,372	-	275,372
Accumulated depreciation/ amortisation	-	-	-	(41,219)	-	(41,219)	-	(41,219)
<b>Net book value</b>	-	-	-	<b>234,153</b>	-	<b>234,153</b>	-	<b>234,153</b>
<b>As at 30 June 2001</b>								
Gross value	-	-	-	269,489	-	269,489	-	269,489
Accumulated depreciation/ amortisation	-	-	-	(14,733)	-	(14,733)	-	(14,733)
<b>Net book value</b>	-	-	-	<b>254,756</b>	-	<b>254,756</b>	-	<b>254,756</b>



## 12. LEASES

	2002	2001
Finance Lease Commitments:	\$	\$
Within one year	84,372	82,760
In one to five years	119,904	200,386
In more than five years	-	-
Minimum lease payments	204,276	283,146
Deduct: future finance charges	26,942	51,934
Lease Liability	177,334	231,212

Lease Liability is represented by:

Current	66,728	67,580
Non-current	110,606	163,632
	177,334	231,212

Finance leases exist in relation to certain office equipment assets. The leases are non-cancellable and for fixed terms averaging four years with 5% residual. The High Court guarantees the residual of all assets leased. There are no contingent rentals.

## 13. LIABILITIES TO EMPLOYEES

The item "Employees" shown in the Statement of Financial Position is comprised of:

	2002	2001
	\$	\$
Salaries and wages	104,128	100,143
Superannuation	9,866	9,013
Annual leave	386,861	373,821
Long service leave	649,836	577,434
Aggregate employee entitlement liability	1,150,691	1,060,411

Employee provisions are categorised as follows:

Current	525,603	516,374
Non-current	625,088	544,037
Aggregate employee entitlement liability	1,150,691	1,060,411

## 14. SUPPLIERS PAYABLES

The item "Suppliers" shown in the Statement of Financial Position is comprised of:

	2002	2001
	\$	\$
Trade creditors and accruals	731,551	347,949
Operating lease rentals	-	890
Finance lease interest	-	576
TOTAL	731,551	349,415

All supplier payables are current.

## 15. EQUITY

Item	Accumulated results		Asset revaluation reserve		Contributed Equity		TOTAL EQUITY	
	2002	2001	2002	2001	2002	2001	2002	2001
	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Balance 1 July 2001	(278)	(342)	102,115	102,115	53,427	52,837	155,264	154,610
Operating result	15,463	15,857					15,463	15,857
Equity Appropriation : Capital					-	590	-	590
Capital Use Charge	(14,554)	(15,793)					(14,554)	(15,793)
<b>Balance 30 June 2002</b>	<b>631</b>	<b>(278)</b>	<b>102,115</b>	<b>102,115</b>	<b>53,427</b>	<b>53,427</b>	<b>156,173</b>	<b>155,264</b>

## 16. CASH FLOW RECONCILIATION

Reconciliation of operating surplus to net cash provided by operating activities:

	2002	2001
	\$	\$
<b>Operating surplus before extraordinary items</b>	<b>15,462,598</b>	15,856,608
Depreciation of property, plant and equipment	<b>1,678,538</b>	1,739,105
Amortisation of intangible assets	<b>47,157</b>	61,140
Loss on sale of property, plant and equipment	<b>8,625</b>	9,903
Write-down of property, plant and equipment	-	5,264
Changes in assets and liabilities:		
Increase in employees provisions	<b>90,280</b>	53,786
Increase/(decrease) in suppliers payables	<b>383,985</b>	(151,122)
Decrease in prepayments	<b>(111,525)</b>	(249,804)
Increase/(decrease) in inventories	<b>2,483</b>	(1,350)
Increase in receivables	<b>(27,014)</b>	(35,477)
<b>Net cash provided by operating activities</b>	<b>17,535,127</b>	17,288,053

In the prior year, finance lease obligations were included in suppliers payables. They have now been classified to Financing Activities in the Statement of Cash Flows and the prior year adjusted accordingly.

## 17. REMUNERATION OF AUDITORS

The Australian National Audit Office provides external auditing services to the Court. For the audit of the financial statements for the year ended 30 June 2002, the audit fee was \$24,000 (2000-01: \$22,000).

No other services were provided by the Australian National Audit Office during the reporting period.

## 18. AVERAGE STAFFING LEVELS

	2002	2001
Court average staffing levels during the year were:	<b>84</b>	78

## 19. PUBLIC MONEY IN THE CUSTODY OF THE COURT

### Suitors' Funds:

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

	2002	2001
	\$	\$
Balance as at 1 July 2001	<b>4,425</b>	29,455
Amount received	<b>22,180</b>	-
Amount deducted/paid out	<b>(21,710)</b>	(25,030)
Balance as at 30 June 2002	<b>4,895</b>	4,425

## 20. REMUNERATION OF OFFICERS

	<b>2002</b>	2001
	<b>\$</b>	<b>\$</b>
Income received or due and receivable by officers:	<b>795,999</b>	792,661

Number of officers who received or were due to receive total remuneration of \$100,000 or more:

Income Band	<b>2002</b> <b>Number</b>	2001 Number
\$100,001 - \$110,000	<b>1</b>	-
\$120,001 - \$130,000	<b>1</b>	2
\$130,001 - \$140,000	-	1
\$150,001 - \$160,000	<b>1</b>	1
\$160,001 - \$170,000	<b>1</b>	-
\$250,001 - \$260,000	<b>1</b>	1
	<hr/> <b>5</b>	<hr/> 5

## 21. 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, AC

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 2001-02 financial year.

## 22. AFTER BALANCE DATE EVENTS

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



## 23. FINANCIAL INSTRUMENTS

### a) Terms, conditions and accounting policies

<b>Financial Instruments</b>	<b>Notes</b>	<b>Accounting Policies and Methods</b>	<b>Nature of Underlying Instrument</b>
<b>(i) Financial Assets</b>		Financial assets are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Cash at bank	8	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.
Trade debtors	9	Receivables are recognised at the nominal amounts due less any provision for bad or doubtful debts. Provisions are made when collection of the debt is judged to be less rather than more likely.	Credit terms are net 30 days (2001: 30days).
GST receivable	9	Receivables are recognised at the nominal amounts due.	Credit terms are 14 days following the lodgement of the Business Activity Statement.
<b>(ii) Financial Liabilities</b>		Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.	
Finance lease liabilities	12	Liabilities are recognised at the present value of the minimum lease payments at the beginning of the lease. The discount rates used are estimates of the interest rates implicit in the leases.	At reporting date, the High Court had finance leases with terms of 4 years. The interest rate implicit in the leases averaged 11%. The lease assets secure the lease liabilities.
Trade creditors and accruals	14	Creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received.	Settlement is usually made net 30 days.

**(b) Interest Rate Risk**

Financial Instrument	Notes	Floating Interest Rate		Fixed Interest Rates						Non Interest Bearing		Total		Weighted Average Effective Interest Rate	
				1 year or less		1 to 5 years		> 5 years							
		01-02 \$000	00-01 \$000	01-02 \$000	00-01 \$000	01-02 \$000	00-01 \$000	01-02 \$000	00-01 \$000	01-02 \$000	00-01 \$000	01-02 \$000	00-01 \$000	01-02 %	00-01 %
<b>Financial Assets</b>															
Cash at bank	8	<b>3,481</b>	1,829	-	-	-	-	-	-	-	-	<b>3,481</b>	1,829	<b>4.15</b>	4.40
Cash on hand	8	-	-	-	-	-	-	-	-	<b>18</b>	13	<b>18</b>	13	<b>n/a</b>	n/a
Trade debtors	9	-	-	-	-	-	-	-	-	<b>88</b>	27	<b>88</b>	27	<b>n/a</b>	n/a
Interest Receivable	9	<b>25</b>	61	-	-	-	-	-	-	-	-	<b>25</b>	61	<b>4.15</b>	4.40
GST receivable	9	-	-	-	-	-	-	-	-	<b>50</b>	48	<b>50</b>	48	<b>n/a</b>	n/a
Library vouchers	10	-	-	-	-	-	-	-	-	-	1	-	1	<b>n/a</b>	n/a
<b>Total Financial Assets</b>		<b>3,506</b>	1,890	-	-	-	-	-	-	<b>156</b>	89	<b>3,662</b>	1,979		
<b>Financial Liabilities</b>															
Finance leases	12	-	-	<b>67</b>	67	<b>110</b>	164	-	-	-	-	<b>177</b>	231	<b>11.00</b>	11.00
Trade Creditors and Accruals	14	-	-	-	-	-	-	-	-	<b>732</b>	349	<b>732</b>	349	<b>n/a</b>	n/a
<b>Total Financial Liabilities</b>		-	-	<b>67</b>	67	<b>110</b>	164	-	-	<b>732</b>	349	<b>909</b>	580		

(c) Net fair values of Financial Assets and Liabilities

	Notes	Total carrying amount		Aggregate net fair value	
		2001-02	2000-01	2001-02	2000-01
<b>Financial Assets</b>		\$	\$	\$	\$
Cash at bank	8	3,481,216	1,829,071	3,481,216	1,829,071
Cash on hand	8	17,550	12,550	17,550	12,550
Trade debtors	9	88,034	27,229	88,034	27,229
Interest receivable	9	24,634	61,045	24,634	61,045
GST receivable	9	49,821	47,202	49,821	47,202
Library vouchers	10	-	792	-	792
<b>Total Financial Assets</b>		<b>3,661,255</b>	<b>1,977,889</b>	<b>3,661,255</b>	<b>1,977,889</b>
<b>Financial Liabilities</b>					
Finance leases	12	177,334	231,212	177,334	231,212
Trade creditors & accruals	14	731,551	349,415	731,551	349,415
<b>Total Financial Liabilities</b>		<b>908,885</b>	<b>580,627</b>	<b>908,885</b>	<b>580,627</b>

(d) Credit Risk Exposures

The Court's maximum exposure to credit risk at reporting date in relation to each class of recognised financial asset is the carrying amount of those assets as indicated in the Statement of Financial Position.

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

**24. ADMINISTERED ITEMS**

**24A. Revenues administered on behalf of Government**  
for the year ended 30 June 2002

	2002	2001
<u>Revenues</u>	\$	\$
Filing and hearing fees	669,223	589,524
Sales of judgements and transcripts	24,285	24,690
Practitioners certificates	36,368	38,847
Taxing of costs	38,448	40,055
Other	11,117	23,125
<b>TOTAL</b>	<b>779,441</b>	<b>716,241</b>

**24B. Expenses administered on behalf of Government**  
for the year ended 30 June 2002

	2002	2001
<u>Expenses</u>	\$	\$
<b>TOTAL</b>	<b>-</b>	<b>-</b>

**24C. Assets administered on behalf of Government**

for the year ended 30 June 2002

	2002	2001
<u>Assets</u>	\$	\$
<b>TOTAL</b>	<u>-</u>	<u>-</u>

**24D. Liabilities administered on behalf of Government**

for the year ended 30 June 2002

	2002	2001
<u>Liabilities</u>	\$	\$
<b>TOTAL</b>	<u>-</u>	<u>-</u>

**24E. Administered cash flows**

for the year ended 30 June 2002

	2002	2001
<b>OPERATING ACTIVITIES</b>		
<u>Cash received</u>	\$	\$
Other taxes, fines and fees	<b>779,441</b>	716,241
<b>Total cash received</b>	<u><b>779,441</b></u>	<u>716,241</u>
<u>Cash used</u>		
Cash to Official Public Account	<b>779,441</b>	716,241
<b>Total cash used</b>	<u><b>779,441</b></u>	<u>716,241</u>
<b>Net cash used in operating activities</b>	<u><b>779,441</b></u>	<u>716,241</u>
<b>INVESTING ACTIVITIES</b>	<u>-</u>	<u>-</u>
<b>Net increase (decrease) in cash held</b>	-	-
Cash at the beginning of the reporting period	-	-
<b>Cash at the end of the reporting period</b>	<u>-</u>	<u>-</u>

## **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.

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

Marshal  
High Court of Australia  
Parkes Place                      OR:    PO Box E435  
Parkes ACT 2600                      Kingston ACT 2604

Telephone (02) 6270 6983 or facsimile (02) 6270 6868.  
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 -    Marshal:  
   telephone (02) 6270 6983 or facsimile (02) 6270 6868

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. Brochures on the High Court are 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:

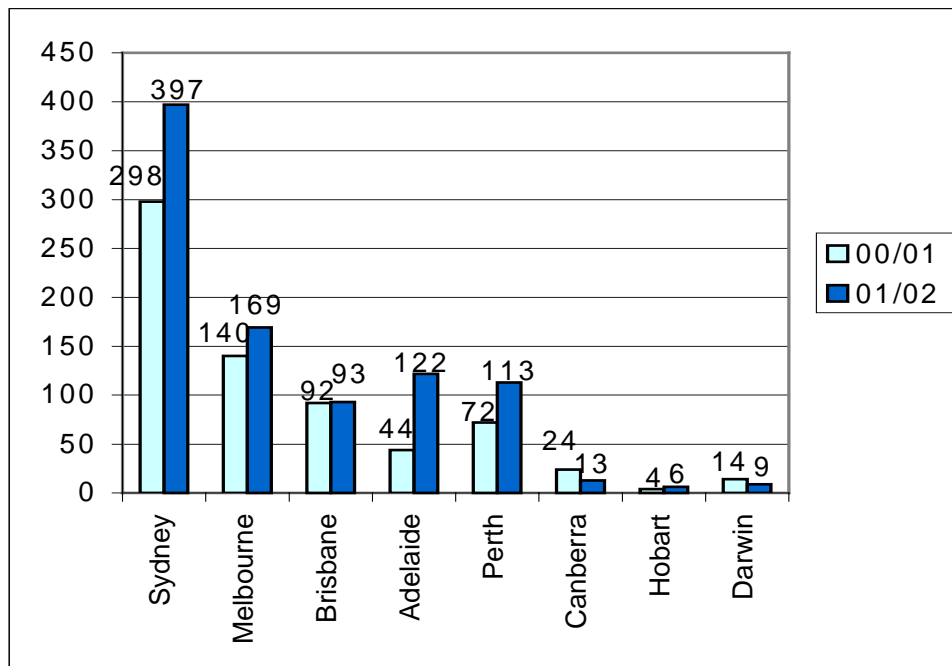
- Registry of the High Court, Parkes Place, Parkes, ACT 2600.
- Office of the High Court Registry, 19th Floor, Law Courts Building, Queens Square, Sydney NSW 2000.
- Office of the Registry, Level 17, Commonwealth Law Courts Building, 305 William Street, Melbourne Vic 3000.
- Office of the Registry, Level 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 Full Court matters heard in all jurisdictions
8. Categories of Full Court 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 Full Court decisions related to matters filed in all jurisdictions
14. Categories of Full Court decisions related to matters filed in all jurisdictions
15. Civil special leave applications decided
16. Results of civil special leave applications decided
- 16A. Results of civil special leave applications decided showing lower courts
17. Criminal special leave applications decided
18. Results of criminal special leave applications decided
- 18A. Results of criminal special leave applications decided showing lower courts
19. Civil appeals decided
20. Results of civil appeals decided
- 20A. Results of civil appeals decided showing lower courts
21. Criminal appeals decided
22. Results of criminal appeals decided
- 22A. Results of criminal appeals decided showing lower courts
23. Elapsed time for civil special leave applications finalised – All matters
- 23A. Elapsed time for civil special leave applications finalised – Legally Represented
- 23B. Elapsed time for civil special leave applications finalised – Self Represented Litigants
24. Elapsed time for civil appeals finalised – All matters
- 24A. Elapsed time for civil appeals finalised – Legally Represented
- 24B. Elapsed time for civil appeals finalised – Self Represented Litigants
25. Elapsed time for criminal special leave applications finalised – All matters
- 25A. Elapsed time for criminal special leave applications finalised – Legally Represented
- 25B. Elapsed time for criminal special leave applications finalised – Self Represented Litigants
26. Elapsed time for criminal appeals finalised – All matters
- 26A. Elapsed time for criminal appeals finalised – Legally Represented
- 26B. Elapsed time for criminal appeals finalised – Self Represented Litigants
27. Elapsed time for constitutional matters and electoral petitions finalised – All matters
- 27A. Elapsed time for constitutional matters and electoral petitions finalised – Legally Represented
- 27B. Elapsed time for constitutional matters and electoral petitions finalised – Self Represented Litigants
28. Elapsed time for Constitutional Writs finalised – All matters
- 28A. Elapsed time for Constitutional Writs finalised – Legally Represented
- 28B. Elapsed time for Constitutional Writs finalised – Self Represented Litigants
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

<b>Category:</b>	<b>2000-01</b>	<b>2001-02</b>
Special Leave Applications (Civil)	370	<b>393</b>
Special Leave Applications (Criminal)	125	<b>104</b>
Appeals (Civil)	56	<b>63</b>
Appeals (Criminal)	11	<b>15</b>
Writ of Summons <sup>[1]</sup>	14	<b>13</b>
Applications for Removal of Cause <sup>[2]</sup>	18	<b>19</b>
Constitutional Writs <sup>[3]</sup>	81	<b>300</b>
Electoral Act <sup>[4]</sup>	0	<b>4</b>
Other <sup>[5]</sup>	13	<b>11</b>
<b>TOTAL</b>	<b>688</b>	<b>922</b>

[1] None of the 14 writs of summons issued in 2000-01 was discontinued or remitted during the reporting period. Of the 13 writs of summons issued in 2001-02 three were remitted to another Court during the reporting period. 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 Constitutional Writs made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution.
- [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**

	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
<b>Registry:</b>	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02
Sydney	73	58	8	2	105 <sup>[1]</sup>	121	5	6	191	187
Melbourne	35	23	5	2	24	15	1	3	65	43
Brisbane	16	8 <sup>[2]</sup>	3	3	25	34	1	3	45	48
Adelaide	4	9	0	0	15	18	0	0	19	27
Perth	6	45	1	2	21	27	0	1	28	75
Canberra	10	1	0	1	0	0	3	1	13	3
Hobart	1	2	0	0	2	2	0	0	3	4
Darwin	1	3	0	1	5	2	0	0	6	6
<b>TOTAL</b>	146	149	17	11	197	219	10	14	370	393

[1] Includes 1 application filed from the Industrial Relations Commission of New South Wales

[2] Includes 1 application filed from the Industrial Relations Court of Australia

### **4. CRIMINAL SPECIAL LEAVE APPLICATIONS FILED**

	Court Appealed From							
	Federal Court		Supreme Court		High Court		TOTAL	
<b>Registry:</b>	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02
Sydney	-	1	50	27	-	-	50	28
Melbourne	-	-	18	16	-	-	18	16
Brisbane	-	-	20	21	1 <sup>[1]</sup>	-	21	21
Adelaide	-	-	13	13	-	-	13	13
Perth	-	-	21	22	-	-	21	22
Canberra	0	0	-	0	-	-	0	0
Hobart	-	-	-	2	-	-	0	2
Darwin	-	-	2	2	-	-	2	2
<b>TOTAL</b>	0	1	124	103	1	0	125	104

[1] Application for leave to appeal from interlocutory decision in Criminal Application for Special Leave.

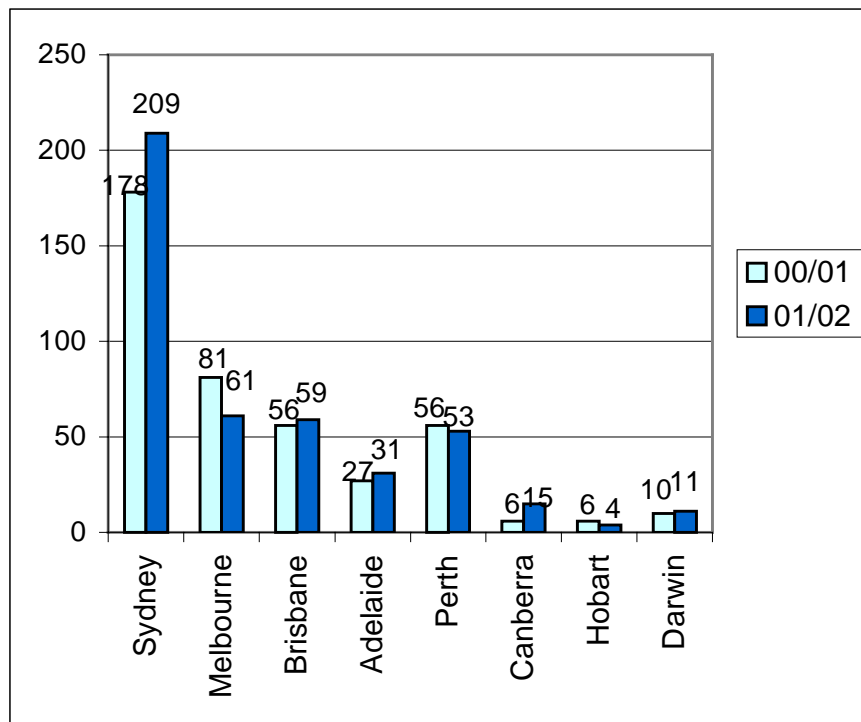
## 5. CIVIL APPEALS FILED

	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
<b>Registry:</b>	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02
Sydney	6	10	1	2	11	16	0	1	18	29
Melbourne	3	5	0	0	6	3	2	0	11	8
Brisbane	0	8	0	0	5	5	0	0	5	13
Adelaide	2	0	0	0	3	3	0	0	5	3
Perth	7	3	0	0	6	6	0	0	13	9
Canberra	0	0	0	0	0	0	1	0	1	0
Hobart	0	0	0	0	0	0	0	0	0	0
Darwin	2	1	1	0	0	0	0	0	3	1
<b>TOTAL</b>	20	27	2	2	31	33	3	1	56	63

## 6. CRIMINAL APPEALS FILED

	Court Appealed From					
	Federal Court		Supreme Court		TOTAL	
<b>Registry:</b>	00-01	01-02	00-01	01-02	00-01	01-02
Sydney	-	-	7	9	7	9
Melbourne	-	-	0	0	0	0
Brisbane	-	-	2	3	2	3
Adelaide	-	-	0	1	0	1
Perth	-	-	1	2	1	2
Canberra	1	0	-	-	1	0
Hobart	-	-	0	0	0	0
Darwin	-	-	0	0	0	0
<b>TOTAL</b>	1	0	10	15	11	15

## 7. TOTAL FULL COURT MATTERS HEARD IN ALL JURISDICTIONS



## 8. CATEGORIES OF FULL COURT MATTERS HEARD IN ALL JURISDICTIONS

<b>Category:</b>	<b>2000-01</b>	<b>2001-02</b>
Special Leave Applications (Civil)	242	<b>281</b>
Special Leave Applications (Criminal)	87	<b>89</b>
Appeals (Civil)	56	<b>45</b>
Appeals (Criminal)	15	<b>11</b>
Constitutional & Other Full Court Matters <sup>[1]</sup>	0	<b>8</b>
Applications for Removal of Cause <sup>[2]</sup>	5	<b>0</b>
Constitutional Writs <sup>[3]</sup>	15	<b>9</b>
Electoral Act <sup>[4]</sup>	0	<b>0</b>
<b>TOTAL</b>	420	<b>443</b>

[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) 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 Constitutional Writs made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution.

[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		TOTAL	
<b>Registry:</b>	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02
Sydney	35	51	9	6	60 <sup>[1]</sup>	82	0	0	104	139
Melbourne	22	20 <sup>[2]</sup>	6	3	11	17	1	3	40	43
Brisbane	11	9	2	2	19	21	1	1	33	33
Adelaide	1	3	1	0	14	13	1	0	17	16
Perth	14	4	1	0	17	23	0	0	32	27
Canberra	5	10	0	0	0	0	0	1	5	11
Hobart	2	0	0	0	3	4	0	0	5	4
Darwin	3	3	1	1	2	4	0	0	6	8
<b>TOTAL</b>	93	100	20	12	126	164	3	5	242	281

[1] Includes 1 application filed from the Industrial Relations Commission of New South Wales.

[2] Includes 1 application filed from the Industrial Relations Court of Australia.

## 10. CRIMINAL SPECIAL LEAVE APPLICATIONS HEARD

	Court Appealed From							
	Federal Court		Supreme Court		High Court		TOTAL	
<b>Registry:</b>	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02
Sydney	-	-	39	38	-	-	39	38
Melbourne	-	-	18	10	-	-	18	10
Brisbane	-	-	14	14	1 <sup>[1]</sup>	-	15	14
Adelaide	-	-	5	8	-	-	5	8
Perth	-	-	9	17	-	-	9	17
Canberra	1	0	0	0	-	-	1	0
Hobart	-	-	0	0	-	-	0	0
Darwin	-	-	0	2	-	-	0	2
<b>TOTAL</b>	1	0	85	89	1	0	87	89

[1] Application for leave to appeal from interlocutory decision in Criminal Application for Special Leave.

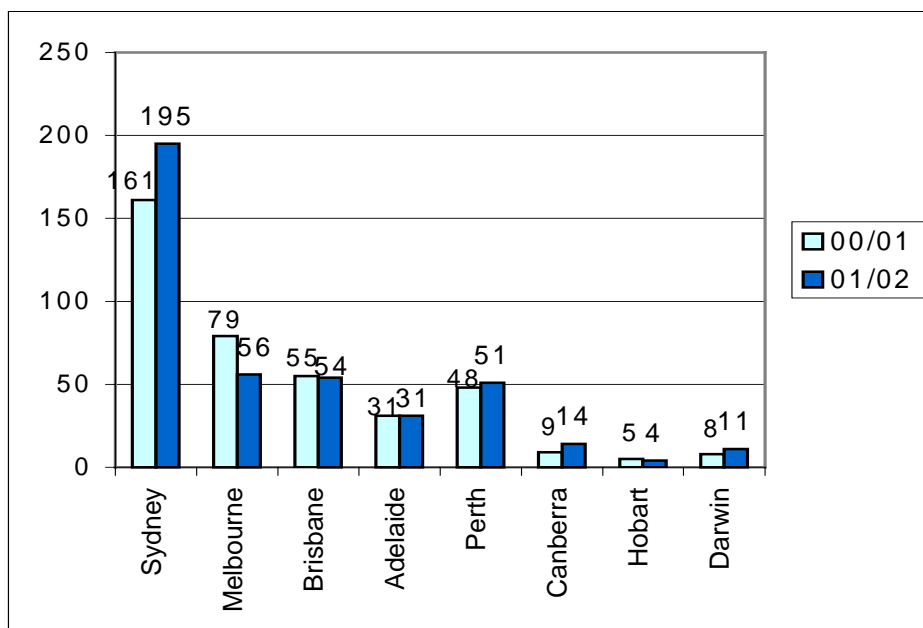
## **11. CIVIL APPEALS HEARD**

	<b>Court Appealed From</b>									
	<b>Federal Court</b>		<b>Family Court</b>		<b>Supreme Court</b>		<b>High Court</b>		<b>TOTAL</b>	
<b>Registry:</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>
Sydney	8	9	1	2	10	9	0	0	19	20
Melbourne	5	3	0	0	7	1	1	1	13	5
Brisbane	0	6	0	0	4	1	0	0	4	7
Adelaide	0	2	0	0	3	4	1	0	4	6
Perth	8	0	0	0	4	6	0	0	12	6
Canberra	0	0	0	0	0	0	0	0	0	0
Hobart	0	0	0	0	1	0	0	0	1	0
Darwin	2	1	1	0	0	0	0	0	3	1
<b>TOTAL</b>	<b>23</b>	<b>21</b>	<b>2</b>	<b>2</b>	<b>29</b>	<b>21</b>	<b>2</b>	<b>1</b>	<b>56</b>	<b>45</b>

## **12. CRIMINAL APPEALS HEARD**

	<b>Court Appealed From</b>					
	<b>Federal Court</b>		<b>Supreme Court</b>		<b>TOTAL</b>	
<b>Registry:</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>
Sydney	-	-	11	5	11	5
Melbourne	-	-	1	0	1	0
Brisbane	-	-	2	2	2	2
Adelaide	-	-	0	0	0	0
Perth	-	-	1	3	1	3
Canberra	0	0	-	-	0	1
Hobart	-	-	0	0	0	0
Darwin	-	-	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>10</b>	<b>15</b>	<b>11</b>

### **13. TOTAL FULL COURT DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS**



### **14. CATEGORIES OF FULL COURT DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS**

<b>Category:</b>	<b>2000-01</b>	<b>2001-02</b>
Special Leave Applications (Civil)	230	<b>267</b>
Special Leave Applications (Criminal)	83	<b>86</b>
Appeals (Civil)	52	<b>41</b>
Appeals (Criminal)	10	<b>15</b>
Constitutional & Other Full Court Matters <sup>[1]</sup>	0	<b>3</b>
Applications for Removal of Cause <sup>[2]</sup>	5	<b>0</b>
Constitutional Writs <sup>[3]</sup>	16	<b>4</b>
Electoral Act <sup>[4]</sup>	0	<b>0</b>
<b>TOTAL</b>	<b>396</b>	<b>416</b>

[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) 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 Constitutional Writs made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution.

[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									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
<b>Registry:</b>	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02
Sydney	31	47	8	6	57 <sup>[1]</sup>	79	0	0	96	132
Melbourne	20	19	8	3	11	14	1	3	40	39
Brisbane	11	8	2	2	19	22	1	1	33	33
Adelaide	2	3	1	0	13	14	1	0	17	17
Perth	14	4	1	0	13	22	0	0	28	26
Canberra	5	9	0	0	0	0	0	1	5	10
Hobart	2	0	0	0	3	3	0	0	5	3
Darwin	3	3	1	1	2	3	0	0	6	7
<b>TOTAL</b>	<b>88</b>	<b>93</b>	<b>21</b>	<b>12</b>	<b>118</b>	<b>157</b>	<b>3</b>	<b>5</b>	<b>230</b>	<b>267</b>

[1] Includes 1 application filed from the Industrial Relations Commission of New South Wales

## **16. RESULTS OF CIVIL SPECIAL LEAVE APPLICATIONS DECIDED**

	2000-01			2001-02		
	Special Leave Granted	Special Leave Refused	Total	Special Leave Granted	Special Leave Refused	Total
<b>Registry:</b>						
Sydney	18	78 <sup>[1]</sup>	96	30 <sup>[2]</sup>	102	132
Melbourne	9	31	40	8 <sup>[3]</sup>	31	39
Brisbane	10	23	33	11	22	33
Adelaide	5	12	17	3	14	17
Perth	15	13	28	8	18	26
Canberra	0	5	5	0	10	10
Hobart	0	5	5	0	3	3
Darwin	3	3	6	1	6	7
<b>TOTAL</b>	<b>60</b>	<b>170</b>	<b>230</b>	<b>61</b>	<b>206</b>	<b>267</b>

[1] Includes 1 application filed from the Industrial Relations Commission of New South Wales

[2] Includes 1 application where the appeal was allowed instanter.

[3] Includes 2 applications where the appeal was allowed instanter.

**16A. RESULTS OF CIVIL SPECIAL LEAVE APPLICATIONS DECIDED (SHOWING LOWER COURTS)**

	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
<b>Registry:</b>	Special Leave Granted	Special Leave Refused	Special Leave Granted	Special Leave Refused	Special Leave Granted	Special Leave Refused	Leave Granted	Leave Refused	Special Leave Granted	Special Leave Refused
Sydney	10	37	2	4	18 <sup>[1]</sup>	61	0	0	30	102
Melbourne	4	15	0	3	2	12	2 <sup>[2]</sup>	1	8	31
Brisbane	3	5	0	2	8	14	0	1	11	22
Adelaide	0	3	0	0	3	11	0	0	3	14
Perth	2	2	0	0	6	16	0	0	8	18
Canberra	0	9	0	0	0	0	0	1	0	10
Hobart	0	0	0	0	0	3	0	0	0	3
Darwin	1	2	0	1	0	3	0	0	1	6
<b>TOTAL</b>	<b>20</b>	<b>73</b>	<b>2</b>	<b>10</b>	<b>37</b>	<b>120</b>	<b>2</b>	<b>3</b>	<b>61</b>	<b>206</b>

[1] Includes 1 application where the appeal was allowed instanter.

[2] Appeals allowed instanter.



## **17. CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED**

	Federal Court		Supreme Court		High Court		TOTAL	
	00-01	01-02	00-01	01-02	00-01	01-02	00-01	01-02
<b>Registry:</b>								
<b>Sydney</b>	-	-	33	37	-	-	33	37
<b>Melbourne</b>	-	-	18	11	-	-	18	11
<b>Brisbane</b>	-	-	14	11	1 <sup>[1]</sup>	-	15	11
<b>Adelaide</b>	-	-	7	9	-	-	7	9
<b>Perth</b>	-	-	9	17	-	-	9	17
<b>Canberra</b>	1	0	0	0	-	-	1	0
<b>Hobart</b>	-	-	0	0	-	-	0	0
<b>Darwin</b>	-	-	0	1	-	-	0	1
<b>TOTAL</b>	1	0	81	86	1	0	83	86

[1] Application for leave to appeal from interlocutory decision in Criminal Application for Special Leave.

## **18. RESULTS OF CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED**

	2000-01			2001- 02		
	Special Leave Granted	Special Leave Refused	Total	Special Leave Granted	Special Leave Refused	Total
<b>Registry:</b>						
<b>Sydney</b>	6	27	33	12 <sup>[1]</sup>	25	37
<b>Melbourne</b>	0	18	18	0	11	11
<b>Brisbane</b>	2	13	15	2	9	11
<b>Adelaide</b>	0	7	7	2 <sup>[2]</sup>	7	9
<b>Perth</b>	1	8	9	3 <sup>[2]</sup>	14	17
<b>Canberra</b>	1	0	1	0	0	0
<b>Hobart</b>	0	0	0	0	0	0
<b>Darwin</b>	0	0	0	0	1	1
<b>TOTAL</b>	10	73	83	19	67	86

[1] Includes 2 applications where the appeal was allowed instanter.

[2] Includes 1 application where the appeal was allowed instanter.

**18A. RESULTS OF CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED**  
**(SHOWING LOWER COURTS)**

<b><u>Registry:</u></b>	<b>Federal Court</b>		<b>Supreme Court</b>		<b>High Court</b>		<b>TOTAL</b>	
	<b>Special Leave Granted</b>	<b>Special Leave Refused</b>	<b>Special Leave Granted</b>	<b>Special Leave Refused</b>	<b>Leave Granted</b>	<b>Leave Refused</b>	<b>Special Leave Granted</b>	<b>Special Leave Refused</b>
Sydney	-	-	12 <sup>[1]</sup>	25	-	-	12	25
Melbourne	-	-	0	11	-	-	0	11
Brisbane	-	-	2	9	-	-	2	9
Adelaide	-	-	2 <sup>[2]</sup>	7	-	-	2	7
Perth	-	-	3 <sup>[2]</sup>	14	-	-	3	14
Canberra	0	0	-	-	-	-	0	0
Hobart	-	-	0	0	-	-	0	0
Darwin	-	-	0	1	-	-	0	1
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>19</b>	<b>67</b>	<b>-</b>	<b>-</b>	<b>19</b>	<b>67</b>

[1] Includes 2 applications where the appeal was allowed instanter.

[2] Includes 1 application where the appeal was allowed instanter.

**19. CIVIL APPEALS DECIDED**

<b><u>Registry:</u></b>	<b>Federal Court</b>		<b>Family Court</b>		<b>Supreme Court</b>		<b>High Court</b>		<b>TOTAL</b>	
	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>	<b>00-01</b>	<b>01-02</b>
Sydney	10	4	1	1	7	12 <sup>[1]</sup>	0	0	18	17
Melbourne	5	3	0	0	6	2	1	0	12	5
Brisbane	0	2	0	0	5	3	0	0	5	5
Adelaide	0	2	0	0	4	3	1	0	5	5
Perth	3	1	1	0	4	4	0	0	8	5
Canberra	2	0	1	0	0	0	0	0	3	0
Hobart	0	0	0	0	0	1	0	0	0	1
Darwin	0	3	1	0	0	0	0	0	1	3
<b>TOTAL</b>	<b>20</b>	<b>15</b>	<b>4</b>	<b>1</b>	<b>26</b>	<b>25</b>	<b>2</b>	<b>0</b>	<b>52</b>	<b>41</b>

[1] Includes 1 appeal in which special leave was revoked.

## **20. RESULTS OF CIVIL APPEALS DECIDED**

	<b>2000-01</b>			<b>2001-02</b>		
	<b>Appeals Allowed</b>	<b>Appeals Dismissed</b>	<b>Total</b>	<b>Appeals Allowed</b>	<b>Appeals Dismissed</b>	<b>Total</b>
<b>Registry:</b>						
Sydney	10	8	18	<b>9</b>	<b>8<sup>[1]</sup></b>	<b>17</b>
Melbourne	5	7	12	<b>3</b>	<b>2</b>	<b>5</b>
Brisbane	3	2	5	<b>1</b>	<b>4</b>	<b>5</b>
Adelaide	2	3	5	<b>2</b>	<b>3</b>	<b>5</b>
Perth	5	3	8	<b>2</b>	<b>3</b>	<b>5</b>
Canberra	2	1	3	<b>0</b>	<b>0</b>	<b>0</b>
Hobart	0	0	0	<b>1</b>	<b>0</b>	<b>1</b>
Darwin	1	0	1	<b>0</b>	<b>3</b>	<b>3</b>
<b>TOTAL</b>	<b>28</b>	<b>24</b>	<b>52</b>	<b>18</b>	<b>23</b>	<b>41</b>

[1] Includes 1 appeal in which special leave was revoked.

**20A. RESULTS OF CIVIL APPEALS DECIDED (SHOWING LOWER COURTS)**

<b><u>Registry:</u></b>	<b>Federal Court</b>		<b>Family Court</b>		<b>Supreme Court</b>		<b>High Court</b>		<b>TOTAL</b>	
	<b>Appeals Allowed</b>	<b>Appeals Dismissed</b>	<b>Appeals Allowed</b>	<b>Appeals Dismissed</b>	<b>Appeals Allowed</b>	<b>Appeals Dismissed</b>	<b>Appeals Allowed</b>	<b>Appeals Dismissed</b>	<b>Appeals Allowed</b>	<b>Appeals Dismissed</b>
Sydney	2	2	1	0	6	6 <sup>[1]</sup>	0	0	9	17
Melbourne	1	2	0	0	2	0	0	0	3	2
Brisbane	1	1	0	0	0	3	0	0	1	4
Adelaide	1	1	0	0	1	2	0	0	2	3
Perth	0	1	0	0	2	2	0	0	2	3
Canberra	0	0	0	0	0	0	0	0	0	0
Hobart	0	0	0	0	1	0	0	0	1	0
Darwin	0	3	0	0	0	0	0	0	0	3
<b>TOTAL</b>	<b>5</b>	<b>10</b>	<b>1</b>	<b>0</b>	<b>10</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>23</b>

[1] Includes 1 appeal in which special leave was revoked.

**21. CRIMINAL APPEALS DECIDED**

	Federal Court		Supreme Court		TOTAL	
	00-01	01-02	00-01	01-02	00-01	01-02
<b>Registry:</b>						
Sydney	-	-	7	7	7	7
Melbourne	-	-	2	0	2	0
Brisbane	-	-	0	4	0	4
Adelaide	-	-	0	0	0	0
Perth	-	-	1	3	1	3
Canberra	0	1	0	0	0	1
Hobart	-	-	0	0	0	0
Darwin	-	-	0	0	0	0
<b>TOTAL</b>	0	1	10	14	10	15

**22. RESULTS OF CRIMINAL APPEALS DECIDED**

	2000-01			2001-02		
	Appeals Allowed	Appeals Dismissed	Total	Appeals Allowed	Appeals Dismissed	Total
<b>Registry:</b>						
Sydney	7	0	7	4	3	7
Melbourne	0	2	2	0	0	0
Brisbane	0	0	0	2	2	4
Adelaide	0	0	0	0	0	0
Perth	1	0	1	3	0	3
Canberra	0	0	0	0	1	1
Hobart	0	0	0	0	0	0
Darwin	0	0	0	0	0	0
<b>TOTAL</b>	8	2	10	9	6	15

**22A. RESULTS OF CRIMINAL APPEALS DECIDED (SHOWING LOWER COURTS)**

<b>Registry:</b>	<b>Federal Court</b>		<b>Supreme Court</b>		<b>TOTAL</b>	
	<b>Appeal Allowed</b>	<b>Appeal Dismissed</b>	<b>Appeal Allowed</b>	<b>Appeal Dismissed</b>	<b>Appeal Allowed</b>	<b>Appeal Dismissed</b>
Sydney	-	-	4	3	4	3
Melbourne	-	-	0	0	0	0
Brisbane	-	-	2	2	2	2
Adelaide	-	-	0	0	0	0
Perth	-	-	3	0	3	0
Canberra	0	1	0	0	0	1
Hobart	-	-	0	0	0	0
Darwin	-	-	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>5</b>	<b>9</b>	<b>6</b>

**23. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – ALL**

<b>Days</b>	<b>Filing to Ready for Hearing</b>		<b>Ready for Hearing to Hearing</b>		<b>Hearing to Decision</b>		<b>Total Elapsed Time</b>									
	<b>00-01</b>	<b>%</b>	<b>01-02</b>	<b>%</b>	<b>00-01</b>	<b>%</b>	<b>01-02</b>	<b>%</b>								
90 or less	14	6	13	5	149	65	154	58	227	98	266	99	5	2	6	2
91 to 180	117	51	100	37	58	25	60	22	1	1	1	1	27	12	15	6
181 to 270	61	27	90	34	15	7	27	10	0	0	0	0	97	42	75	28
271 to 365	24	10	46	17	4	2	19	7	2	1	0	0	62	27	99	37
over 365	14	6	18	7	4	1	7	3	0	0	0	0	39	17	72	27
<b>TOTAL</b>	<b>230</b>	<b>100</b>	<b>267</b>	<b>100</b>	<b>230</b>	<b>100</b>	<b>267</b>	<b>100</b>	<b>230</b>	<b>100</b>	<b>267</b>	<b>100</b>	<b>230</b>	<b>100</b>	<b>267</b>	<b>100</b>

**23A. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – LEGALLY REPRESENTED**

<b>Days</b>	<b>Filing to Ready for Hearing</b>		<b>Ready for Hearing to Hearing</b>		<b>Hearing to Decision</b>		<b>Total Elapsed Time</b>									
	<b>00-01</b>	<b>%</b>	<b>01-02</b>	<b>%</b>	<b>00-01</b>	<b>%</b>	<b>01-02</b>	<b>%</b>								
90 or less	11	6	10	5	115	67	112	60	169	98	188	99	5	3	5	3
91 to 180	93	54	84	44	43	25	42	22	1	1	1	1	24	14	13	7
181 to 270	46	27	68	36	11	6	19	10	0	0	0	0	76	44	64	34
271 to 365	19	11	20	11	2	1	12	6	2	1	0	0	47	27	65	34
over 365	3	2	7	4	1	1	4	2	0	0	0	0	20	12	42	22
<b>TOTAL</b>	<b>172</b>	<b>100</b>	<b>189</b>	<b>100</b>	<b>172</b>	<b>100</b>	<b>189</b>	<b>100</b>	<b>172</b>	<b>100</b>	<b>189</b>	<b>100</b>	<b>172</b>	<b>100</b>	<b>189</b>	<b>100</b>

**23B. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED - SELF REPRESENTED**

Days	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time									
	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%				
90 or less	3	5	3	4	34	59	42	54	58	100	78	100	0	0	1	1
91 to 180	24	41	16	21	15	26	18	23	0	0	0	0	3	5	2	3
181 to 270	15	26	22	28	4	7	8	10	0	0	0	0	21	36	11	14
271 to 365	5	9	26	33	2	3	7	9	0	0	0	0	15	26	34	44
over 365	11	19	11	14	3	5	3	4	0	0	0	0	19	33	30	38
<b>TOTAL</b>	58	100	78	100	58	100	78	100	58	100	78	100	58	100	78	100

**24. ELAPSED TIME FOR CIVIL APPEALS FINALISED - ALL**

Days	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time									
	99-00	%	00-01	%	99-00	%	00-01	%	99-00	%	00-01	%				
90 or less	5	12	9	22	39	96	34	83	12	29	9	22	0	0	1	2
91 to 180	24	59	21	51	1	2	7	17	21	51	15	37	2	5	6	15
181 to 270	9	22	8	20	1	2	0	0	8	20	16	39	9	22	6	15
271 to 365	3	7	3	7	0	0	0	0	0	0	0	0	20	49	12	29
Over 365	0	0	0	0	0	0	0	0	0	0	1	2	10	24	16	39
<b>TOTAL</b>	41	100	41	100	41	100	41	100	41	100	41	100	41	100	41	100

**24A. ELAPSED TIME FOR CIVIL APPEALS FINALISED – LEGALLY REPRESENTED**

As for Table 24

**24B. ELAPSED TIME FOR CIVIL APPEALS FINALISED - SELF REPRESENTED**

No self represented litigants in this category

**25. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED****- ALL**

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%
90 or less	4	5	4	5	50	60	42	49	78	94	86	100	0	0	2	2
91 to 180	37	45	32	37	24	29	23	27	1	1	0	0	8	10	4	5
181 to 270	30	36	37	43	8	10	12	14	4	5	0	0	30	36	21	24
271 to 365	6	7	10	12	1	1	6	7	0	0	0	0	29	35	34	40
over 365	6	7	3	3	0	0	3	3	0	0	0	0	16	19	25	29
<b>TOTAL</b>	<b>83</b>	<b>100</b>	<b>86</b>	<b>100</b>	<b>83</b>	<b>100</b>	<b>86</b>	<b>100</b>	<b>83</b>	<b>100</b>	<b>86</b>	<b>100</b>	<b>83</b>	<b>100</b>	<b>86</b>	<b>100</b>

**25A. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED - LEGALLY REPRESENTED**

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%
90 or less	3	4	4	6	42	60	31	47	65	93	66	100	0	0	2	3
91 to 180	33	47	27	41	22	31	16	24	1	1	0	0	7	10	4	6
181 to 270	26	37	30	45	6	9	11	17	4	6	0	0	27	38	16	24
271 to 365	5	8	5	8	0	0	6	9	0	0	0	0	25	36	27	41
over 365	3	4	0	0	0	0	2	3	0	0	0	0	11	16	17	26
<b>TOTAL</b>	<b>70</b>	<b>100</b>	<b>66</b>	<b>100</b>	<b>70</b>	<b>100</b>	<b>66</b>	<b>100</b>	<b>70</b>	<b>100</b>	<b>66</b>	<b>100</b>	<b>70</b>	<b>100</b>	<b>66</b>	<b>100</b>

**25B. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED - SELF REPRESENTED**

Days	Filing to Ready for Hearing				Ready for Hearing to Hearing				Hearing to Decision				Total Elapsed Time			
	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%
90 or less	1	8	0	0	8	62	11	55	12	92	20	100	1	8	0	0
91 to 180	4	31	5	25	3	23	7	35	1	8	0	0	3	23	0	0
181 to 270	4	31	7	35	1	8	1	5	0	0	0	0	4	31	5	25
271 to 365	1	7	5	25	1	7	0	0	0	0	0	0	5	38	7	35
over 365	3	23	3	15	0	0	1	5	0	0	0	0	0	0	8	40
<b>TOTAL</b>	<b>13</b>	<b>100</b>	<b>20</b>	<b>100</b>	<b>13</b>	<b>100</b>	<b>20</b>	<b>100</b>	<b>13</b>	<b>100</b>	<b>20</b>	<b>100</b>	<b>13</b>	<b>100</b>	<b>20</b>	<b>100</b>



**26. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED - ALL**

Days	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time									
	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%				
90 or less	1	10	5	33	10	100	12	80	3	30	3	20	0	0	0	0
91 to 180	7	70	5	33	0	0	3	20	5	50	6	40	1	10	2	13
181 to 270	2	20	5	34	0	0	0	0	1	10	6	40	1	10	4	27
271 to 365	0	0	0	0	0	0	0	0	1	10	0	0	5	50	2	13
over 365	0	0	0	0	0	0	0	0	0	0	0	0	3	30	7	47
<b>TOTAL</b>	<b>10</b>	<b>100</b>	<b>15</b>	<b>100</b>	<b>10</b>	<b>100</b>	<b>15</b>	<b>100</b>	<b>10</b>	<b>100</b>	<b>15</b>	<b>100</b>	<b>10</b>	<b>100</b>	<b>15</b>	<b>100</b>

**26A. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – LEGALLY REPRESENTED**

As for Table 26

**26B. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – SELF REPRESENTED**

No self represented litigants in this category

**27. ELAPSED TIME FOR CONSTITUTIONAL MATTERS<sup>[1]</sup> AND ELECTORAL PETITIONS FINALISED - ALL**

Days	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time									
	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%				
90 or less	0	0	0	0	0	0	1	34	0	0	1	0	0	0	0	0
91 to 180	0	0	0	0	0	0	1	33	0	0	0	33	0	0	0	0
181 to 270	0	0	2	67	0	0	1	33	0	0	2	67	0	0	0	0
271 to 365	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
over 365	0	0	1	33	0	0	0	0	0	0	0	0	0	0	3	100
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>100</b>

**27A. ELAPSED TIME FOR CONSTITUTIONAL MATTERS<sup>[1]</sup> AND ELECTORAL PETITIONS FINALISED - LEGALLY REPRESENTED**

As for Table 27

**27B. ELAPSED TIME FOR CONSTITUTIONAL MATTERS<sup>[1]</sup> AND ELECTORAL PETITIONS FINALISED - SELF REPRESENTED**

No self represented litigants in this category

[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) and causes removed in accordance with Section 40 of the *Judiciary Act 1903* (Cth).

**28. ELAPSED TIME FOR CONSTITUTIONAL WRITS FINALISED<sup>[1]</sup> - ALL**

Days	Filing to Ready for Hearing			Ready for Hearing to Hearing			Hearing to Decision			Total Elapsed Time						
	00-01	%	01-02	%	00-01	%	01-02	%	00-01	%	01-02	%				
90 or less	7	44	2	50	16	100	4	100	7	44	2	50	1	6	1	25
91 to 180	7	44	1	25	0	0	0	0	4	25	0	0	5	31	1	25
181 to 270	0	0	0	0	0	0	0	0	5	31	2	50	3	19	1	25
271 to 365	1	6	1	25	0	0	0	0	0	0	0	0	4	25	0	0
over 365	1	6	0	0	0	0	0	0	0	0	0	0	3	19	1	25
<b>TOTAL</b>	<b>16</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>16</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>16</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>16</b>	<b>100</b>	<b>4</b>	<b>100</b>

**28A. ELAPSED TIME FOR CONSTITUTIONAL WRITS FINALISED<sup>[1]</sup> - LEGALLY REPRESENTED**

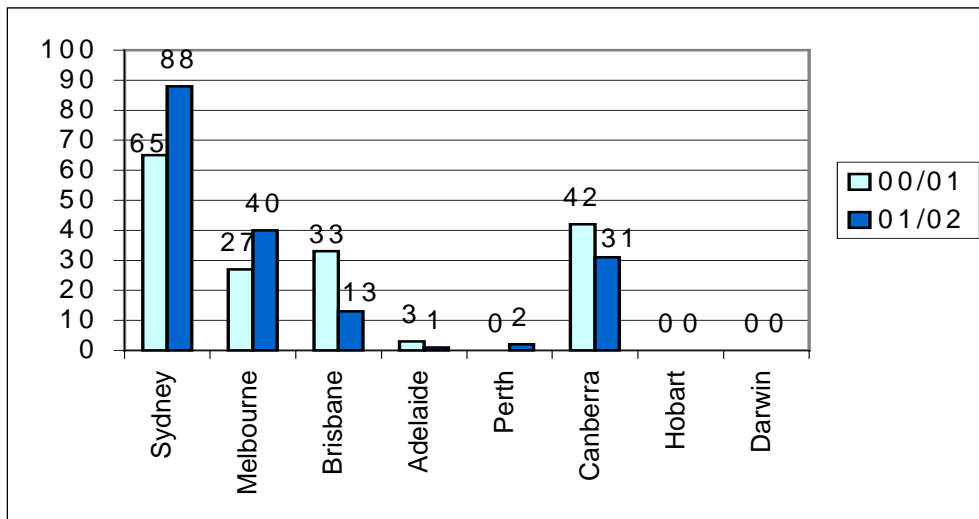
As for Table 28

**28B. ELAPSED TIME FOR CONSTITUTIONAL WRITS FINALISED<sup>[1]</sup> - SELF REPRESENTED LITIGANTS**

No self represented litigants in this category

[1] Applications made within the original jurisdiction of the Court conferred by Section 75(v) of the Constitution.

**29. MATTERS HEARD BEFORE A SINGLE JUSTICE**



**30. CATEGORIES OF MATTERS HEARD BEFORE A SINGLE JUSTICE**

<b>Category:</b>	<b>2000-01</b>	<b>2001-02</b>
Directions hearing	73	<b>16</b>
Order nisi application	47	<b>67</b>
Interlocutory injunction/stay/bail application	25	<b>19</b>
Application for leave to issue process	9	<b>5</b>
Application to vacate/expedite hearing date	11	<b>20</b>
Trial of election petition	0	<b>4</b>
Solicitor ceasing to act	0	<b>1</b>
Other	5	<b>43</b>
<b>TOTAL</b>	170	<b>175</b>

## **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 2002.
- 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 2002

**Regulation 4**

<b>PART 1</b>		
<b>Document or service mentioned in subregulation 4(1)</b>		
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	1,052.00
2	Writ of summons or petition	1,052.00
3	Civil leave or special leave application	1,052.00
4	Criminal special leave application	66.00
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)	1,052.00
5A	Application for summons for directions	263.00
6	Civil notice of appeal	1,052.00
6A	Criminal notice of appeal	387.00
7	Certificate of the Registrar other than a certificate of taxation	38.00
8	Taxing a bill of costs for every \$100.00, or part of \$100.00	8.00
<b>PART 2</b>		
<b>Document or service mentioned in subregulation 4(2)</b>		
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 3.00 1.00 26.00
12	Annual subscription for copies of reasons for judgments (including the cost of postage)	453.00
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.]



Item	<b>5.10.00</b> <b>to 16.9.01</b> \$	<b>17.9.01</b> <b>to 30.9.02</b> \$
<b>DRAWING</b>		
18	Drawing any pleading or affidavit not exceeding 5 folios ..... 81.80	85.00
	- or, per folio ..... 11.50	11.90
19	Drawing any other document where no other provision is made - per folio ..... 11.30	11.70
<b>ENGROSSING</b>		
20	Marking each exhibit to an affidavit..... 2.00	2.10
21	Engrossing any document - per folio ..... 4.20	4.40
<b>COPIES</b>		
22	Of any document including carbon, photographic or machine made copy - per page ..... 2.00	2.10
	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.	
<b>PERUSAL AND EXAMINATION</b>		
23	Perusal of any document including special letter, telegram, telex or similar document ..... 30.50	31.70
	- or, per folio ..... 4.20	4.40
	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 ..... 30.60	31.80
	- clerk ..... 10.00	10.40
<b>CORRESPONDENCE</b>		
25	Short letter including a formal acknowledgment, making appointments, forwarding documents without comment ..... 14.50	15.10
26	Ordinary letter (including letters between principal and agent) ..... 24.70	25.70
27	Circular letter (after the first) each ..... 8.20	8.50
28	Special letter or letter containing opinion and including letters of substance between principal and agent ..... 40.80	42.40
	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) ..... 40.80	42.40
	Or	
	Such sum as the Taxing Officer thinks reasonable in the circumstances.	
30	Receiving and filing any incoming special letter, facsimile, telegram or telex ..... 2.00	2.10
	NOTE: Postage and transmission fees may be claimed as a disbursement properly incurred.	
<b>SERVICE</b>		
31	Personal service of any process or proceeding where necessary ..... 50.80	52.80
	Or	
	Such sum may be allowed as is reasonable having regard to time occupied, distance travelled and other relevant circumstances.	

Item	<b>5.10.00</b> <b>to 16.9.01</b> <b>\$</b>	<b>17.9.01</b> <b>to 30.9.02</b> <b>\$</b>
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 .....	45.20 47.00
	(b) agent's charges .....	86.30 89.70
	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 .....	
	17.40	18.10
	<b>ATTENDANCES</b>	
34	An attendance which requires the attendance of a solicitor	
	- per quarter hour .....	48.90 50.80
35	An attendance which is capable of being made by a clerk .....	
	- or, per quarter hour .....	8.00 8.30
36	Making an appointment or similar attendance by telephone .....	
	14.50	15.10
37	An attendance on counsel:	
	- with brief or other papers .....	31.10 32.30
	- to appoint a conference or consultation .....	13.60 14.10
38	A conference or consultation with counsel .....	
	- or, per half hour .....	81.80 85.00
	61.70	64.10
39	On a summons or other application in Chambers .....	
	- or, per half hour .....	81.80 85.00
40	In Court or in Chambers instructing counsel on any hearing or application:	
	- if a solicitor attends, per hour .....	196.70 204.40
	or	
	- if a clerk attends, per hour .....	81.90 85.10
41	On an application or appearance before a Registrar or a Taxing Officer .....	
	- or, per hour .....	102.50 106.50
	122.80	127.60
	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 .....	
	53.60	55.70
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 .....	
	411.10	427.10
44	Where the Taxing Officer is satisfied that a solicitor's principal place of practice is in a place other than that in which the Court is sitting, and it is necessary for the solicitor 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 the solicitor is necessarily absent from the 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 .....	918.40 954.20
45	An attendance for which no other provision is made .....	
	40.80	42.40
	<b>PREPARATION OF APPEAL AND APPLICATION BOOKS</b>	
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 .....	132.90 138.10
	- clerk .....	44.30 46.00



Item	5.10.00 to 16. 9.01 \$	17.9.01 to 30.9.02 \$
47	Where appeal or application books are prepared in a solicitor's office, the Taxing Officer may in his or her discretion allow such sum as the Taxing Officer thinks just and reasonable having regard to work and labour properly performed and charged for material used. In exercising his or her 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.	
	<b>GENERAL CARE AND CONDUCT</b>	
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 exercising his or her discretion the Taxing Officer may have regard to any matters which the Taxing Officer considers 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.	
	<b>WITNESSES EXPENSES</b>	
49	Witnesses called because of their professional, scientific or other special skill or knowledge	
	- per day .....	748.00      777.20
50	Witnesses called, other than those covered in item 49 - per day .....	
	78.90	82.00
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 he or she thinks 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.	
	<b>DISBURSEMENTS</b>	
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 or her discretion allow such additional charges or disbursements as the Taxing Officer considers reasonable.	

## HIGH COURT OF AUSTRALIA (FEES) REGULATIONS

### WAIVER OF FEES DURING 2001-02

<b>Exemption category</b>	<b>Sources of Exemption</b>	<b>No.</b>	<b>Amount</b>
Legal Aid	Reg.4(4)(a)/4A(2)(b)/5(2)(b)	28	\$24,606
Social security law concession cardholder or Veterans' Affairs cardholder	Reg.4(4)(b)(i)&(ii)/ 4A(2)(c)(i)&(ii)/5(2)(c)(i)&(ii)	101	\$125,715
Prison inmate/person in lawful detention	Reg.4(4)(b)(iii)/4A(2)(c)(iii)/ 5(2)(c)(iii)	136	\$94,134
Child under the age of 18 years	Reg.4(4)(b)(iv)/4A(2)(c)(iv)/ 5(2)(c)(iv)	0	Nil
Youth Allowance or Austudy payment recipient	Reg.4(4)(b)(v)/4A(2)(c)(v)/ 5(2)(c)(v)	8	\$11,375
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)	263	\$344,489
<b>TOTAL</b>		<b>536</b>	<b>\$600,319</b>

## 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 2002. 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

<b>Employment Category and Sex</b>	<b>Office of the Chief Exec. &amp; Marshal's Branch</b>	<b>Registry Branch</b>	<b>Library Branch</b>	<b>Chambers</b>	<b>Total</b>
<b><u>Full-time Staff</u></b>					
<u>Permanent</u>					
Men	11	2	1	1	15
Women	6	10	9	8	33
Total	17	12	10	9	48
<u>Temporary</u>					
Men	0	0	0	4	4
Women	0	0	0	8	8
Total	0	0	0	12	12
<u>All Full-time Staff</u>					
Men	11	2	1	5	19
Women	6	10	9	16	41
Total	17	12	10	21	60
<b><u>Part-time Staff</u></b>					
<u>Permanent</u>					
Men	3	0	0	0	3
Women	4	1	4	0	9
Total	7	1	4	0	12
<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	4	1	4	0	9
Total	7	1	4	0	12
<b><u>All Staff</u></b>					
Men	14	2	1	5	22
Women	10	11	13	16	50
Total	24	13	14	21	72

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 \$85,000	1			1		1			1	2
High Court Executive Levels 1 – 2 \$61,512-\$86,010		2	1	3		1			1	6
High Court Officer Levels 5 – 6 \$43,787-\$54,325	3	2				3	4	16	7	21
High Court Officer Levels 1 – 4 \$27,326-\$42,625	9	6	1	7	1	8	1		12	21
<b>Total</b>	<b>14</b>	<b>10</b>	<b>2</b>	<b>11</b>	<b>1</b>	<b>13</b>	<b>5</b>	<b>16</b>	<b>22</b>	<b>50</b>