



PART THREE  
CHIEF JUSTICE'S OVERVIEW

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*Judges' conference table with seven panels representing the seven-member High Court bench, made by Robert Dunlop Woodcraft in 1980. Image: Heath Mackey.*



The High Court derives its jurisdiction from the Constitution and from statutes made under the Constitution. It is Australia's final appeal court, but also hears cases in the original jurisdiction conferred upon it directly by the Constitution. The judicial business of the Court is conducted by its seven Justices who act collegially and cooperatively while respecting each other's independence.

In the exercise of its jurisdiction in 2009–10, the Court decided 67 appeals, 529 special leave applications and 8 cases in its original jurisdiction. Eighty-three per cent of the appeals and 92 per cent of the special leave applications were disposed of within nine months of filing. The Court delivered 28 unanimous judgments and 19 joint judgments of a majority.

The diversity of the matters upon which the Court delivered judgment in 2009–10 reflects its function as the final appellate and constitutional court for Australia. Cases decided during the year included constitutional decisions about

the spending power of the Commonwealth, the validity of the Australian Military Court, the validity of Commonwealth and State arrangements affecting the exercise of water rights and the constitutional protection of the role of the State Supreme Courts in exercising jurisdiction over tribunals and other like bodies within the States. Many of the Court's decisions involved the interpretation of the Constitution or of Acts of the Commonwealth or State parliaments and the common law.

The administration of the Court is vested in its seven Justices. They are assisted in that task by the Chief Executive and Principal Registrar,

Mr Andrew Phelan, and the senior staff of the Court. There are several committees which comprise two or more justices and relevant Court officers. They deal with: Finance, Information Technology, Public Information, Library Services and the Production of the Annual Report.

As appears from the body of the Annual Report, the funding of the Court and the maintenance and upkeep of its building in Canberra and the forecourt and precinct continued to require the attention of the Justices. The Court commissioned the preparation of a detailed management plan covering these issues. It also has under preparation a Master Plan to ensure that works are consistent with the heritage values of the Canberra building. The Court has sought expert advice on rectifying elements of the cascade waterfall, which it is hoped to have operating on a permanent basis early next year. The Court received capital funding in May which enabled it to address occupational health and safety and structural issues in its building forecourt, the surrounding precinct and the cascade waterfall. At the time of reporting, work is underway.

The Court has also wanted to ensure that its information technology and information management systems are reviewed and upgraded from time to time. There have been a number of initiatives in this respect during the reporting period.

As appears later in this Report, the Court had an operating loss of \$0.574m in 2009–2010. The Court has informed the Attorney-General that marginal operating losses are likely to continue in future years. Much of this was related to increased building repairs and maintenance costs.

The public information activities of the Court reflect the importance which it attaches to raising awareness among members of the public of its role under the Constitution and how it goes about its work. Alfred Deakin, Australia's

first Attorney-General and one of the architects of the Constitution, described the role of the High Court and its relationship to the people of Australia in the following terms:

*It is one of the institutions which the people of Australia, when they accepted their Constitution, required to be established for the purpose of ensuring that there should not be a departure from the bond into which they entered for themselves and for posterity ... and it is as their chosen and declared agent that the High Court finds its place in the Constitution which they accepted.<sup>1</sup>*

It is because of that popular authority and mandate that it is important the High Court be accessible to visitors who can come to the building and watch the proceedings of the Court and that it support educational activities to improve public awareness and understanding of its constitutional role. It is for that reason that the Court established a Public Information Committee. The activities of the Public Information Committee and educational and visitor programs are referred to in this Report. There were 86 000 visitors to the Court during the year under review, including some 31 000 school children who were given tours of the Court and presentations on its functions.

The repairs to the forecourt and associated pathways and signage referred to in the Report and the restoration of the functioning of the cascade waterfall should enhance the attractiveness of the building and its surrounds as an important part of its heritage listed precinct.

I would like to take the opportunity of thanking the Chief Executive and Principal Registrar, the senior officers of the Court and the members of the staff of the Court for the assistance which they have provided to the members of the Court during the financial year ended 30 June 2010.

<sup>1</sup> *Australia, House of Representatives, Parliamentary Debates (Hansard), 18 March 1902 at 10967.*



*Members of the public are welcome to attend Court sittings. In 2009–10, about 31 000 of the 86 000 visitors to the Court were school students.*