

Decisions of the High Court on appeals are final. There are no further appeals once a matter has been decided by the High Court.

Rules of Court, which are made by the Justices, set out the procedural steps that legal practitioners must comply with in preparing a case for hearing, including the preparation of an appeal book. The appeal book, prepared by the appellant's legal practitioner, contains documents necessary for the Court to decide the questions raised in the appeal.

During the hearing the parties present their arguments to the Court, usually through legal representatives.

The Court rarely gives its decision (the judgment) at the end of the hearing. Rather, the decision is "reserved" and presented some time after the hearing. Each Justice makes his or her own decision on cases, and where decisions are not unanimous the decision of the majority prevails.

The usual practice is for Justices to prepare written reasons for their decision which are handed down by the Court at a later sitting. Printed copies of the judgments are given to the parties involved immediately after the decision is announced by the Court. Copies of judgments are available for sale to the public from the Registry, or free of charge from the Internet at www.hcourt.gov.au. The decisions are subsequently recorded in law reports and are now available on computerised legal databases.

Decisions of the High Court are binding on all other courts throughout Australia.

The High Court building

The High Court building located on the shores of Lake Burley Griffin is one of Canberra's major national buildings. Situated in the Parliamentary Zone, it is adjacent to the National Gallery and the National Portrait Gallery and close to the National Science and Technology Centre (Questacon) and the National Library. The building was opened by Her Majesty Queen Elizabeth II on 26 May 1980.

The High Court building is a unique structure. It was designed by the architectural firm of Edwards Madigan Torzillo & Briggs Pty Ltd, the winners of a national competition.

The 40-metre tall concrete and glass building comprises a number of major functional elements, namely a large Public Hall, three courtrooms, an administrative wing, and an area provided for the Justices.

The forecourt and main entrance of the building are approached via a long ceremonial ramp. A waterfall designed by Robert Woodward and constructed of South Australian speckled granite runs the full length of one side of the ramp.

Most of the external and internal walls created by the 18,400 cubic metres of concrete used in the construction have been subjected to a process known as "bush hammering", carried out with a percussion instrument which has flaked the surface and exposed the aggregate.

The glazed areas totalling 4,000 square metres use steel frame supports which means that generous expansion allowances had to be provided to cope with Canberra's wide temperature range. A system was devised so that the glass in the walls can creep up or down according to the temperature changes and any movement in the concrete structure.



Public Hall

The Public Hall is a large area with a 24-metre high ceiling supported by two large concrete pillars. The tiles on the floor are cut from Aurisina, an Italian marble, one of the very few imported materials in the building. Access to all three courtrooms is from the Public Hall, which is often used for cultural exhibitions and public functions.

Located in the Public Hall are a display case containing interesting historical items and a theatre featuring a short film about the Court's work.

Artworks

Several major works of art have been included in the building design. On the northern wall of the Public Hall is a mural designed by Jan Senbergs to reflect the history, function and aspirations of the High Court. Attached to what is called the Constitution Wall, the mural has six different sized panels linked by a central theme.

Another mural, also by Jan Senbergs, located on the western or States Wall symbolises the role of the states in the federation and the significance of the High Court as the apex of the judicial system in Australia. The mural consists of six double panels, the tops of which have stylised state flag symbols. The lower part of the double panel has an abstracted composition based on various images relating to each state.

Outside Courtroom No.1 there is a wax mural, by Bea Maddock, describing the events of the first sitting of the High Court at the Banco Court in Melbourne on 6 October 1903.

On the outside wall of Courtroom No. 3 is a painting by Marcus Beilby depicting the first sitting of the High Court of Australia in Melbourne in 1903. Opposite is a painting by Robert Hannaford of the Court in session in Courtroom 1 in Canberra 2003.

The Courtrooms

The building contains three courtrooms of different sizes which are used for different purposes.

No. 1 Courtroom is used on all ceremonial occasions and for all cases where a Full Bench of the seven Justices of the Court is required to sit. The wall panelling and gallery furniture are red tulip oak timber from Queensland and New South Wales. The long curved bench and bar table are made of jarrah timber from Western Australia. Aurisina marble has been used on the floor as well as the face of the bench. Blackwood panels have been used in the ceiling of the room.

A woven tapestry in the form of a banner incorporates the badges of the states from the Shield of Arms of the Commonwealth surmounted by the Crest of the Commonwealth. It was woven in the Victorian Tapestry Workshop in South Melbourne.

Doors for each of the three courtrooms incorporate a special design, those of Courtroom No. 1 featuring a silvered bronze grid partly recessed and fixed into the laminated plate glass. The theme of the design is a shield, emphasising the Court's function as a protector of the Constitution and the liberties of the citizen. The door handles continue the emblematic design.



Courtroom 1

No. 2 Courtroom is generally used in cases where a full court of five Justices is sitting and is also used for hearing applications for leave to appeal by video-link.

No. 3 Courtroom has been designed for matters dealt with generally by a single Justice. It has a jury box so that a trial can be conducted should such a case come before the Court.

The courtroom has been furnished with coach wood timber with a ceiling mainly of glass which provides a high level of natural lighting.



Courtroom 3

Portraits of the first 11 Chief Justices are displayed in the three courtrooms.

Photographic portraits of all Chief Justices and Justices who have sat on the Court since its inception are displayed along the wall outside Courtroom No. 1.

Commemorative plaques

A feature wall at the lower entrance to the building commemorates the present and former Chief Justices and Justices of the Court. Each plaque has the name of the Justice and his or her period of service. Also adjacent to the lower entrance is a plaque commemorating the laying of the building's foundation stone in 1975 by Gough Whitlam, the then Prime Minister of Australia.

On the large column as you enter the Public Hall is a plaque to commemorate the contribution to the establishment of the High Court building as the seat of the High Court of Australia by the Right Honourable Sir Garfield Barwick AK GCMG.

Sitting and opening hours

The High Court building and sittings are open to the public.

In Canberra, the Court usually sits for two weeks each month other than during law vacations. Normally the Court sits Tuesday through Friday in the first week and Tuesday, Wednesday and Thursday in the second week. Normal sitting hours are 10.15am-12.45pm and 2.15pm-4.15pm.

The building is open from 9.45am-4.30pm Monday to Friday (except public holidays), and on Sundays, midday to 4.00pm. The *Chambers Cafe* on Level One is open 9.45am-3.00pm Monday – Friday (except public holidays). Lunch is available 11.30am-2.00pm.

Information desks are located at the Ground Floor and Level 2 entrances, and Court Guides are on duty throughout the building to assist you during your visit.

An exhibition area and a video about the role of the Court are located in the Public Hall.

For visitors with a disability, parking is located under the portico of the building, off Parkes Place, on the right hand side of the building. A wheelchair is available upon request. Access to the courtrooms is either by ramps or elevators. Please ask Court Guides for assistance.

More information can be found on the High Court website: www.hcourt.gov.au



**HIGH COURT
OF
AUSTRALIA**
www.hcourt.gov.au

What is the High Court?

The High Court of Australia is the highest court in the Australian judicial system. It has its origins in the Australian Constitution, section 71 of which states: “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 courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, no less than two, as the Parliament prescribes.”

The functions of the High Court are to interpret and apply the law of Australia; to decide cases of special federal significance including challenges to the constitutional validity of laws; and hear appeals, by special leave, from federal, state and territory courts.

History of the Court

The first sitting of the High Court took place in the Banco Court of the Supreme Court in Melbourne on 6 October 1903. It was a distinguished bench, comprising three people who had been prominent in the federation movement:

- Chief Justice Sir Samuel Griffith, former premier and former Chief Justice of Queensland.
- Sir Edmund Barton, the first prime minister and leader of the Constitutional Conventions.
- Richard Edward O'Connor, a former minister for justice and solicitor-general for New South Wales and the first leader of the government in the Senate.

The Court remained comprised of three Justices until 1906 when it was increased to five. In 1912 an additional two Justices were appointed but during 1933, due to the financial stringencies of the Great Depression, the Court was reduced to six Justices when a vacancy was not filled. The Court was restored to its present seven Justices in 1946.

Separate Court facilities were provided for the High Court in Sydney in 1923 and also in Melbourne in 1928. Until those years the state Supreme Court facilities in those cities were used. The High Court's Principal Registry was located in Melbourne until 1973 then transferred to Sydney. The Court and its Principal Registry transferred to its permanent home in Canberra in May 1980.

While most sittings are held in Canberra, the Court may sit in the capital cities of Queensland, South Australia, Western Australia and Tasmania. Also, applications for

special leave to appeal to the Court are heard one day each month in Melbourne and Sydney and on occasions by video-link with Adelaide, Brisbane, Darwin, Hobart and Perth.

Chief Justice French AC



Robert Shenton French AC was appointed Chief Justice of the High Court of Australia in September 2008. At the time of his appointment he was a judge of the Federal Court of Australia, having been appointed to that office in November 1986. He was also an additional member of the Supreme Court of the ACT, a member of the Supreme Court of Fiji, a Deputy

President of the Australian Competition Tribunal and a part-time member of the Australian Law Reform Commission. Chief Justice French graduated from the University of Western Australia in science and law. He was admitted in 1972 and practised as a barrister and solicitor in Western Australia until 1983 when he went to the Bar. From 1994 to 1998 he was President of the National Native Title Tribunal. From 2002-05 he was president of the Australian Association of Constitutional Law. Chief Justice French AC was appointed a Companion in the General Division of the Order of Australia in 2010.

Justice Gummow AC



William Montague Charles Gummow AC was appointed to the High Court in April 1995. At the time he was a judge of the Federal Court of Australia. He graduated from the University of Sydney as a Bachelor of Arts and Master of Laws. After 10 years in practice as a solicitor, he was admitted to the New South Wales Bar in 1976. He was appointed a Queen's Counsel in 1986. For 30 years he lectured part-time at the University of Sydney. Justice Gummow AC was appointed a Companion in the General Division of the Order of Australia in 1997.

Justice Hayne AC



Kenneth Madison Hayne AC 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 Oxford University. Elected Rhodes Scholar for Victoria in 1969, he joined the Victorian Bar in 1971, and was appointed a Queen's Counsel in 1984. He practised in state and federal courts principally in commercial, constitutional and general civil matters. He was appointed a judge of the Supreme Court of Victoria in 1992. Justice Hayne AC was appointed a Companion in the General Division of the Order of Australia in 2002.

Justice Heydon AC



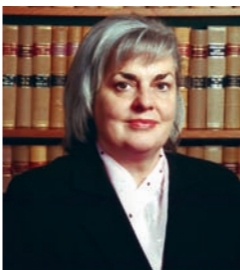
(John) Dyson Heydon AC was appointed to the Court in February 2003. At the time of his appointment he was a judge of the New South Wales Court of Appeal, having been appointed to that office in 2000. He was educated at the University of Sydney (BA) and Oxford University (MA, BCL) as a Rhodes Scholar. He

was admitted to the New South Wales Bar in 1973 and was appointed a Queen's Counsel in 1987.

At the age of 34 he was elected dean of the University of Sydney Law School for the years 1978-79. He practised at the Bar from 1979 until his appointment to the Court of Appeal. He has published a number of legal texts including his first book, *The Restraint of Trade Doctrine*, in 1971. Justice Heydon AC was appointed a Companion in the General Division of the Order of Australia in 2004.

Justice Crennan AC

Susan Maree Crennan AC was appointed to the Court in November 2005. At the time of her appointment she was a judge of the Federal Court of Australia, having been appointed to the office in February 2004. She was educated at the University of Melbourne (BA and PosgradDipHist) and the University of Sydney (LLB). Justice Crennan AC was appointed a Companion in the General Division of the Order of Australia in 2008.



Justice Crennan AC was admitted to the New South Wales Bar in 1979 and joined the Victorian Bar in 1980. She was appointed a Queen's Counsel in 1989. Justice Crennan AC was president of the Australian Bar Association 1994-95, Chairman of the Victorian Bar Council in 1993-94, and a Commissioner for Human Rights in 1992.

Justice Kiefel AC



Susan Mary Kiefel AC was appointed to the Court in September 2007. At the time of her appointment she was a judge of the Federal Court of Australia and the Supreme Court of Norfolk Island. She served as a judge of the Supreme Court of Queensland in 1993-94 before joining the Federal Court. She was admitted to the Queensland Bar in 1975 and was the first woman in

Queensland to be appointed Queen's Counsel, in 1987. Justice Kiefel AC served as a part-time Commissioner of the Australian Law Reform Commission from 2003-07. She has a Master of Laws degree from Cambridge University. Justice Keifel AC was appointed a Companion in the General Division of the Order of Australia in 2011.

Justice Bell AC



Virginia Margaret Bell AC was appointed to the Court in February 2009. At the time of her appointment she was a judge of the New South Wales Court of Appeal. She graduated from the University of Sydney as a Bachelor of Laws in 1977. After seven years as a solicitor with the Redfern Legal Centre, she was admitted to the

New South Wales Bar in 1984 and was appointed a Senior Counsel in 1997. Justice Bell AC practised as a public defender between 1986 and 1989 before returning to the Bar. Between 1994 and 1997 she was a counsel assisting the Royal Commission into the New South Wales Police Service. Justice Bell AC was appointed a judge of the Supreme Court of New South Wales in March 1999. She served as president of the Australian Institute of Judicial Administration from 2006-08.

Justices of the Court

There have been 12 Chief Justices of the Court and 42 Justices since the Court was established in 1903.

<i>Chief Justices</i>	
Sir Samuel Walker Griffith	1903-19
Sir Adrian Knox	1919-30
Sir Isaac Alfred Isaacs	1930-31
Sir Frank Gavan Duffy	1931-35
Sir John Greig Latham	1935-52
Sir Owen Dixon	1952-64
Sir Garfield Edward John Barwick	1964-81
Sir Harry Talbot Gibbs	1981-87
Sir Anthony Frank Mason	1987-95
Sir (Francis) Gerard Brennan	1995-98
(Anthony) Murray Gleeson	1998-2008
Robert Shenton French	2008-

<i>Justices of the Court</i>	
Sir Edmund Barton	1903-20
Richard Edward O'Connor	1903-12
Sir Isaac Alfred Isaacs	1906-30
Henry Bourne Higgins	1906-29
Sir Frank Gavan Duffy	1913-31
Sir Charles Powers	1913-29
Albert Bathurst Piddington	1913-13
Sir George Edward Rich	1913-50
Sir Hayden Erskine Starke	1920-50
Sir Owen Dixon	1929-52
Herbert Vere Evatt	1930-40
Sir Edward Aloysius McTiernan	1930-76
Sir Dudley Williams	1940-58
Sir William Flood Webb	1946-58
Sir Wilfred Kelsham Fullagar	1950-61
Sir Frank Walters Kitto	1950-70
Sir Alan Russell Taylor	1952-69
Sir Douglas Ian Menzies	1958-74
Sir Victor Windeyer	1958-72
Sir William Francis Langer Owen	1961-72
Sir Cyril Ambrose Walsh	1969-73
Sir Harry Talbot Gibbs	1970-81
Sir Ninian Martin Stephen	1972-82
Sir Anthony Frank Mason	1972-87
Sir Kenneth Sydney Jacobs	1974-79
Lionel Keith Murphy	1975-86
Sir Keith Arthur Aickin	1976-82
Sir Ronald Darling Wilson	1979-89
Sir (Francis) Gerard Brennan	1981-95
Sir William Patrick Deane	1982-95
Sir Daryl Michael Dawson	1982-97
John Leslie Toohey	1987-98
Mary Genevieve Gaudron	1987-2003
Michael Hudson McHugh	1989-2005
William Montague Charles Gummow	1995-
Michael Donald Kirby	1996-2009
Kenneth Madison Hayne	1997-
Ian David Francis Callinan	1998-2007
(John) Dyson Heydon	2003-
Susan Maree Crennan	2005-
Susan Mary Kiefel	2007-
Virginia Margaret Bell	2009-

Appointment to the Court

Justices of the High Court are appointed by the Governor-General by Commission.

The *High Court of Australia Act* requires the federal Attorney-General to consult with the attorneys-general of the states before an appointment to the Court is recommended.

Until 1977, members of the High Court were appointed for life. However, following a referendum in 1977, all new Justices must retire at age 70. There are now no Justices with life appointments. There have been 12 Chief Justices and 42 Justices since the Court's inauguration. One Justice, Albert Bathurst Piddington, resigned before taking his place on the bench. Six Chief Justices were appointed from outside the Court and six appointed from the High Court Bench.

Operation of the Court

The High Court of Australia deals with cases which come to it on appeal or which begin in the High Court itself.

Cases which involve interpretation of the Constitution, or where the Court may be invited to depart from one of its previous decisions, or where the Court considers the principle of law involved to be one of major public importance, are normally determined by a Full Bench comprising all seven Justices if they are available to sit.

Other cases which come to the High Court for final determination involve appeals against the decisions of the Supreme Court of the states and territories, of the Federal Court of Australia and of the Family Court of Australia and these are usually dealt with by a full court of five Justices.

In addition there are certain matters which can be heard and determined by a single Justice.

The subject matter of the cases heard by the Court traverses the whole range of Australian law, including contract, company law, copyright, criminal law and procedure, tax law, insurance, personal injury, property law, family law, industrial practices and immigration law.

Most of the Court's work relates to the hearing of appeals against decisions of other courts. There is no automatic right to have an appeal heard by the High Court and parties who wish to appeal must persuade the Court in a preliminary hearing that there are special reasons for the appeal to be heard.