



High Court of Australia
ANNUAL REPORT

2009-2010



© High Court of Australia 2010

ISSN 1838-2274 (online)

This work is protected by copyright, but the on-line version may be downloaded and reprinted free of charge. Apart from any other use as permitted under the *Copyright Act 1968* (Cth), no part may be reproduced by any other process without prior written permission from the High Court of Australia. Requests and inquiries concerning reproduction and rights should be addressed to the Manager, Public Information, High Court of Australia, GPO Box 6309, Kingston, ACT 2604 enquiries@hcourt.gov.au.

Front cover image: the Public Hall of the High Court, which has a 24 metre high ceiling supported by two large concrete pillars. The Court is monumetal in design, consistent with its constitutional and appellate function.

High Court of Australia



**High Court
of Australia** uses
**National Carbon
Offset Standard** certified
Tudor RP 100% Recycled paper

An Australian Government Initiative

High Court of Australia

Canberra ACT 2600

30 September 2010

Dear Attorney

In accordance with section 47 of the *High Court of Australia Act 1979* (Cth), I submit on behalf of the High Court and with its approval a report relating to the administration of the affairs of the Court under section 17 of the Act for the year ended 30 June 2010, together with financial statements in respect of the year in the form approved by the Minister for Finance.

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 'A. Phelan'.

Andrew Phelan
Chief Executive and Principal Registrar
of the High Court of Australia

The Honourable Robert McClelland MP
Attorney-General
Parliament House
Canberra ACT 2600



The High Court is located approximately where intended in Walter Burley and Marion Mahoney's plan for the national capital, on the land axis for the city and in the Government Group. It is also adjacent to the water axis. The architectural design of the High Court building with its strong form and open outlook over the houses of Parliament is intended to give further form to the Griffin vision by demonstrating the separation of powers in Australia's system of responsible and representative government. This aerial shot pre-dates the construction of the National Portrait Gallery.

TABLE OF CONTENTS

<i>PART ONE PREAMBLE</i>	<i>iv</i>	<i>PART SIX ADMINISTRATION</i>	<i>24</i>
<i>PART TWO INTRODUCTION</i>	<i>2</i>	Overview	25
Chief Justice Robert French AC	4	Chief Executive and Principal Registrar	25
Justice William Gummow AC	4	Officers and employees	26
Justice Kenneth Hayne AC	5	External scrutiny	26
Justice Dyson Heydon AC	5	Organisational chart	27
Justice Susan Crennan AC	6	Registry	28
Justice Susan Kiefel	6	Judicial workload	29
Justice Virginia Bell	7	Rules of Court	32
		Cost of litigation	32
<i>PART THREE CHIEF JUSTICE'S OVERVIEW</i>	<i>8</i>	Library and Research	34
		Corporate Services	36
<i>PART FOUR THE YEAR IN REVIEW</i>	<i>12</i>	<i>PART SEVEN FINANCIAL STATEMENTS</i>	<i>42</i>
Judicial workload	13	Independent Audit Report	43
Court funding	14	Financial Statements of the High Court of Australia	45
The High Court building and its precinct	15	<i>PART EIGHT ANNEXURE A</i>	<i>84</i>
Public education and visitor programs	15	Freedom of Information Act 1982 (Cth)	
Links and visits	17	Supplementary material	85
Asia Pacific Judicial Reform Forum	17	<i>PART NINE ANNEXURE B</i>	<i>88</i>
Sydney Law Courts building	17	Staffing overview	89
<i>PART FIVE BACKGROUND INFORMATION</i>	<i>18</i>	Staff distribution	90
Establishment	19	Staff classification	91
Functions and powers	20		
Sittings of the Court	20		
Seat of the High Court	20		
Appointment of Justices of the High Court	20		
Composition of the Court	21		
Chief Justices and Justices of the Court	22		



PART ONE PREAMBLE

*Front entrance to the High Court building, representing late twentieth century Brutalist architecture, designed by Edwards Madigan Torzillo and Briggs. Most of the external and internal concrete walls have been 'bush hammered' which flakes the surface and exposes the aggregate within the concrete.
Image: John Gollings*



This is the 31st report prepared as required by the *High Court of Australia Act 1979 (Cth)*.

Contact officer

Inquiries or comments concerning this report may be directed to:

Manager, Public Information
High Court of Australia
PO Box 6309
Kingston ACT 2604

Telephone: (02) 6270 6998
Fax: (02) 6270 6909
Email: enquiries@hcourt.gov.au

Freedom of information

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

Electronic publication

This report is published as a PDF on the High Court's website <http://www.hcourt.gov.au>. It may be downloaded from the site free-of-charge.



PART TWO INTRODUCTION

Chief Justice French AC	04
Justice Gummow AC	04
Justice Hayne AC	05
Justice Heydon AC	05
Justice Crennan AC	06
Justice Kiefel	06
Justice Bell	07

*The 'honour roll' of Chief Justices and Justices on the eastern side ground floor of the Court building.
Image: Spectrum Graphics*



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 usually heard by either five or seven Justices. Before an appeal is heard the Court must have granted leave or special leave to appeal. Special leave applications are first examined by a panel of justices, usually two. If the panel decides that special leave should be refused, a disposition to that effect, with reasons, is published by the members of the panel, sitting in open court. If

the panel considers that the application should be heard in court, it is so listed and proceeds to an oral hearing. Such hearings usually take place before two or three Justices and are heard in Sydney and Melbourne and by video-link from Canberra to other capital cities. Interlocutory applications are heard by a single Justice, usually in the capital city in which they reside or by video-link from Canberra.

At 30 June 2010, the seven Justices of the High Court were:



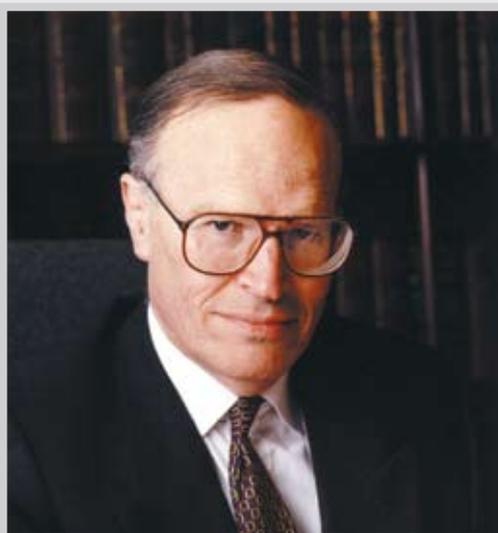
Chief Justice **Robert French AC**

Robert Shenton French 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 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 Western Australian Bar. From 1994 to 1998 he was President of the National Native Title Tribunal. At the time of his appointment he was an additional member of the Supreme Court of the Australian Capital Territory and a member of the Supreme Court of Fiji. He was also a Deputy President of the Australian Competition Tribunal and a part-time member of the Australian Law Reform Commission. From 2001 to January 2005 he was president of the Australian Association of Constitutional Law. Chief Justice French was appointed a Companion in the General Division of the Order of Australia in 2010.

Justice **William Gummow AC**

William Montague Charles Gummow AC 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 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. He is the author and editor of several texts on equity and trusts. Justice Gummow AC was appointed a Companion in the General Division of the Order of Australia in 1997.



Justice Kenneth 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 Victorian Court of Appeal, having been appointed one of the foundation judges of that Court in 1995. He graduated in arts and law from the University of Melbourne. He was Victoria's Rhodes Scholar in 1969 and graduated as a Bachelor of Civil Law from Oxford University.

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 Victorian Supreme Court in 1992. Justice Hayne AC was appointed a Companion in the General Division of the Order of Australia in 2002.

Justice Dyson Heydon AC

John Dyson Heydon AC was appointed to the Court in February 2003, after having been a judge of the New South Wales Court of Appeal since 2000. He graduated in arts from the University of Sydney, and, as the Rhodes Scholar for New South Wales in 1964, graduated as Master of Arts and Bachelor of Civil Law from Oxford University.

He was admitted to the New South Wales Bar in 1973 and was appointed a Queen's Counsel in 1987. At age 34, he was elected dean of the University of Sydney Law School for 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 Susan 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 that office in February 2004. She was educated at the University of Melbourne (BA and PostgradDipHist) and the University of Sydney (LLB).

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 Crennan AC was appointed a Companion in the General Division of the Order of Australia in 2008.

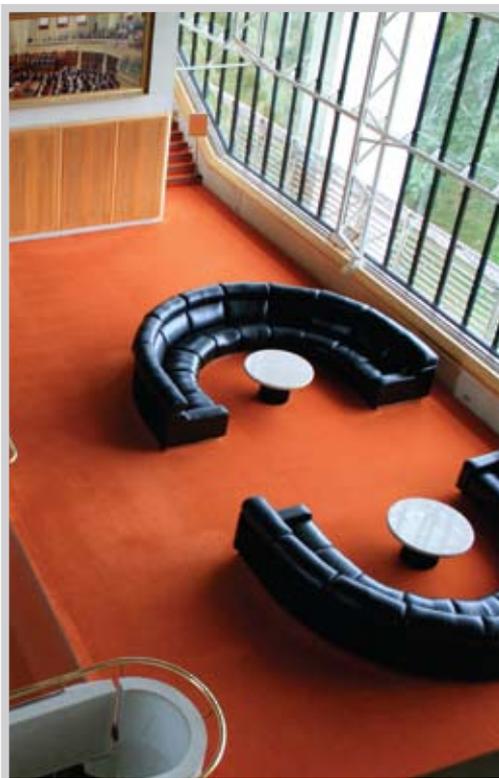
Justice Susan Kiefel

Susan Mary Kiefel 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 served as a part-time Commissioner of the Australian Law Reform Commission from 2003 to 2007. She has a Masters of Laws degree from Cambridge University.



Justice Virginia Bell

Virginia Margaret Bell 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 1976. 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 practised as a public defender between 1986 and 1989 before returning to the private Bar. Between 1994 and 1997 she was a counsel assisting the Royal Commission into the New South Wales Police Service. Justice Bell 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 2006 to 2008.





PART THREE
CHIEF JUSTICE'S OVERVIEW

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.¹

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.

¹ *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.



PART FOUR THE YEAR IN REVIEW

Judicial workload	13
Court funding	14
The High Court building and its precinct	15
Public education and visitor programs	15
Links and visits	17
Asia Pacific Judicial Reform Forum	17
Sydney Law Courts building	17

*Court 1 outer doors, designed by Les Kosstaz and the late George Baldessin. The heraldic shields represent the protection provided by the rule of law to the people. The ribbon image represents the tapes used to bind legal documents as well as the tabs used on legal dress.
Image: Spectrum Graphics.*



Judicial workload

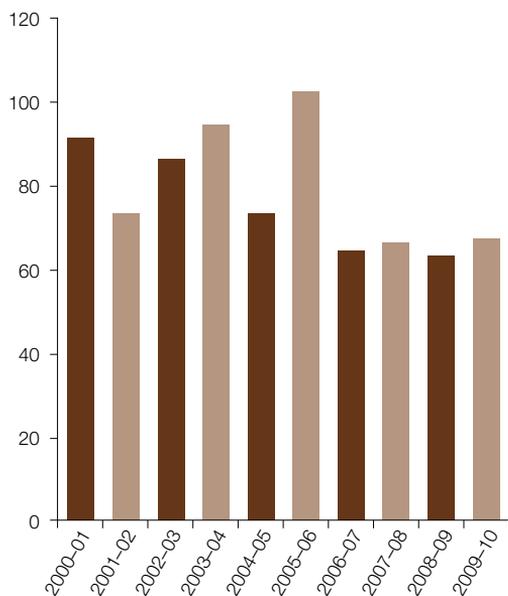


Full Court hearings and decisions

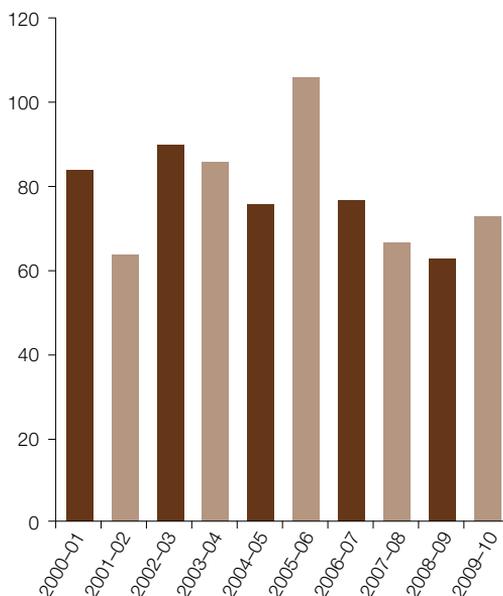
The numbers of Full Court hearings and decisions in 2009–10 were broadly consistent with the averages for both during the past 10 years, as shown in the following graphs.

Of the civil and criminal appeals decided by the Full Court in 2009–10, the decision was given in 99 per cent of cases within six months of the hearing of argument. In more than half of the cases, the decision was given within three months of the hearing.

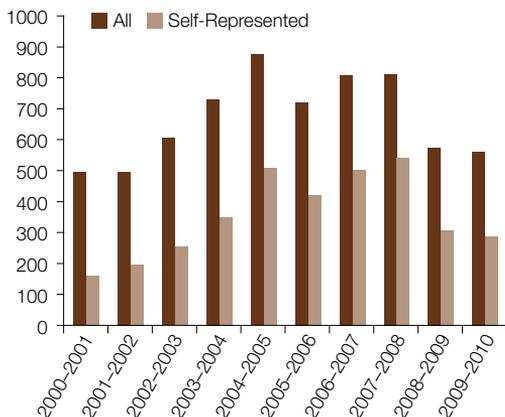
Full Court hearings (other than special leave applications)



Full Court decisions (other than special leave applications)



Applications for special leave filed



Civil special leave applications filed

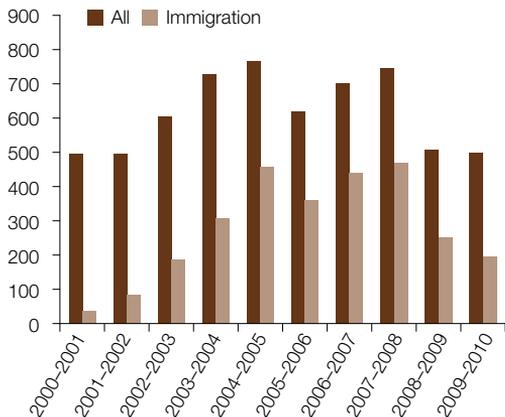


Image: The Chief Executive and Principal Registrar, Mr Andrew Phelan, on level 4 in the Public Hall. Photo reproduced courtesy of The Canberra Times.

Applications for special leave

The first table shows the proportion of applications filed by self-represented litigants in the past 10 years. Fifty one per cent of special leave applications were filed by self-represented litigants in 2009–10.

The proportion of civil special leave applications involving immigration matters dropped from 50 per cent in 2008–09 to 39 per cent in 2009–10. Ninety-three per cent of the immigration applications filed in 2009–10 were filed by self-represented litigants. The second table illustrates the number of immigration matters as a proportion of civil special leave applications filed in the past 10 years.

Fifty-nine per cent of the applications for leave or special leave to appeal decided by the Court during 2009–10 were determined on the papers, in accordance with the procedures in the High Court Rules 2004 governing the consideration of applications. Sixty-six per cent of the applications for leave or special leave to appeal decided during 2008–09 were determined on the papers.

Court funding

The Court had an operating loss of \$0.574m in 2009–10. A significant component of this resulted from increased building repairs and maintenance.

The Court has sought the approval of the Attorney-General, under section 36(2) of the *High Court of Australia Act 1979* (Cth), to have a further operating loss in 2010–11.

The Court has advised the Government that larger operating losses are likely in future years. Action to ensure the adequacy of the Court's future funding continued during 2009–10, with the involvement of the Attorney-General's and Finance and Deregulation portfolios.

The High Court building and its precinct

The High Court controls and manages the Court building and its surrounding land in Canberra. In 2007, the Court building, the adjoining National Gallery of Australia, and the connecting precinct were included on the National Heritage List. Listed places are protected by the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). During 2009–10, the Court finalised or made substantial progress in a number of strategies and plans intended to guide future building and precinct works.

The Court received funding in 2007–08 to fix leaks in the High Court building's roof, windows and balconies. Repairs were completed successfully during 2008–09. Work continued throughout 2009–10 to repair and maintain other elements of the roof and windows not covered by the 2007–08 funding. This work will continue in 2010–11.

The Court received \$4.5m in capital funding in the 2010–11 Budget to address significant occupational health and safety and structural issues in the High Court building forecourt, surrounding precinct and cascade waterfall. The need for remedial works had been identified in several consultancy reports obtained by the Court. These detailed significant structural damage, requiring restrictions to be placed on public access to affected areas. Safety fences remained in place during 2009–10. Some remedial works commenced immediately upon the receipt of the capital funding, while others will require Parliamentary approval. Rectification of the forecourt and cascade waterfall defects is scheduled to be completed in 2010–11. All works will be consistent with the heritage values of the precinct.

Public education and visitor programs

As mentioned in last year's annual report, one of the Court administration's important but less understood functions is to inform and educate the public and visitors to the Court, including many thousands of students, about the Constitution, the judiciary and the role of the Court in Australian governance. The Court also maintains appropriate channels of communication with the media, relevant agencies and the public about the operations of the Court. Funding constraints have impeded the Court's ability to discharge this function adequately in recent years.

In early 2009, the Court established a Public Information Committee to oversee the development of public information policies and plans for educating and informing visitors and the public about the history, role and functioning of the Court. The Committee is chaired by Justice Kiefel and includes the Chief Justice, Justice Bell and the Chief Executive and Principal Registrar.

The Committee supported several initiatives aimed at improving the Court's educational and visitor programs during the year:

- On Sunday 4 October 2009, the Court re-launched the opening of the Court on Sunday afternoons (12 noon to 4pm) with the annual national Lexis Nexus Constitutional Law Moot organised by the University of Canberra's Isaacs Law Society. The Chief Justice presided with Professor Murray Raff, Dean of the Faculty of Law, and Dr Bede Harris, University of Canberra.
- On Saturday 6 February 2010 the international Jessup Law Moot Competition and awards dinner was held at the Court, with Justice Gummow AC, Professor Don Rothwell and Mr Henry Burmester QC presiding.
- Following a consultation process in 2009, 'Court attendants' were re-designated 'Court guides', and a new emphasis was placed on explaining the history and function of the Court for visitors.

- In March 2010 the Chief Justice hosted the official dinner for the National Schools Constitutional Convention at the Court for approximately 150 participants and other guests. Several educational talks were provided during the evening.
- On 13 May 2010 the Canberra International Music Festival and Australian Institute of Architects co-hosted a musical performance in the public spaces of the High Court as part of Amazing Space 2010.

The Court had been closed on weekends for the previous ten years due to funding constraints, but with around 3 000 visitors on Sundays for the nine months to 30 June 2010, this successful initiative will continue.

There were around 86 000 visitors to the High Court building during the year, which was a slightly lower number than for the previous year. The reduction was due mainly to a combination of the aforementioned problems in the forecourt and closure of the cafeteria for most of the year. During 2009–10

approximately 31 000 school children received guided tours of the Court and presentations on its constitutional and appellate role.

Various exhibitions were held in the Public Hall during the year, including:

- the Canberra Institute of Technology's Photography Exhibition 2009 (November/December 2009)
- Oxfam's Mekong–River of Life photographic exhibition (February 2010)
- paintings by South African/Australian artist Enver Larney for South Africa's national day (April/May 2010)
- a photography exhibition to celebrate emergency management volunteers (May 2010).

It is anticipated that visitor numbers will increase when the problems in the forecourt are remedied and associated pathways and signage are improved, improving accessibility to the building. These improvements will restore the ability for public activities to take place in the precinct.



Image: Trophy presentation at the Lexis Nexis Constitutional Law Moot. From left to right: Professor Murray Raff, Dean of the Faculty of Law, University of Canberra (UC); UC team: Beth Morrisroe, Christina Muthurajah, Brent Thompson; Chief Justice French; University of Queensland team: Edmund Robinson, Emma Forbes, Joshua Stewart; Dr Bede Harris, Constitutional Law Lecturer, UC.

In addition, substantial progress was made during 2010–11 in re-designing the Court's website, which will provide improved levels of information to educational institutions and the broader public about the Court and its operations. It is anticipated that the new website will be launched in late-2010.

During the year the Manager, Public Information, continued to provide information to the media, legal publishers, academics and others about the work of the Court.

Links and visits

During 2009–10, the Court maintained its many links with courts, judges and legal organisations 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, Hong Kong, India, Iraq, Japan, Kazakhstan, Philippines, Thailand, the United States, and Vietnam
- parliamentarians and parliamentary and government officials from the African Union, Bangladesh, Iran, Kenya, Pakistan, Panama, Russia, the Philippines, Turkey, the United Kingdom and the United States
- legal academics and law students from Australia, China and the United States.

In November 2009, the Chief Executive and Principal Registrar visited the Supreme Courts of the United Kingdom, the United States of America and Canada to study and report on developments in court governance and management, and the ways in which the superior courts in those countries manage their relationships with the other branches of government.

Asia Pacific Judicial Reform Forum

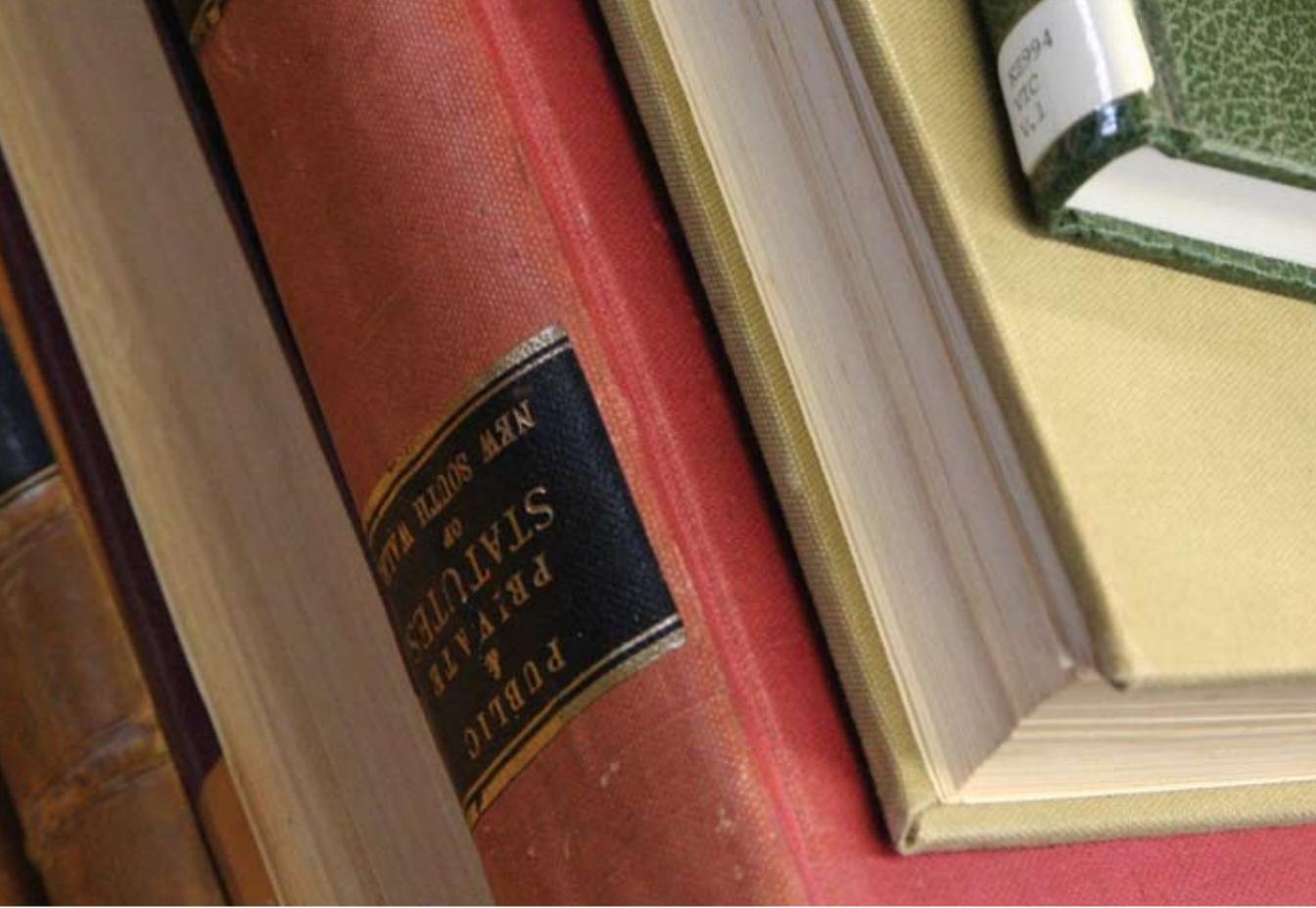
The Asia Pacific Judicial Reform Forum (APJRF) is a network of 49 superior courts and justice sector agencies in the Asia Pacific Region

which have joined together to contribute to judicial reform in the region. The APJRF resulted from the 2005 Manila Declaration on Judicial Reforms, which called for a judicial knowledge and technique sharing network. Its purpose is to create a network to support Asia Pacific jurisdictions committed to advancing judicial reform. Coordination is provided by the APJRF Secretariat, which is chaired by Justice Kenneth Hayne AC. Administrative support is provided by the High Court of Australia, including management of the APJRF website <http://www.apjrf.com>.

In early 2009 the APJRF completed the development of a judicial reform publication, with funding from the United Nations Democracy Fund. *Searching for Success in Judicial Reform – Voices from the Asia Pacific Experience* was published by OUP in early 2009. The publication was used during 2009–10 to inform judicial reform initiatives in the region. The publication is also available online at <http://www.apjrf.com/publications.html>. Planning for the 4th Meeting of the APJRF, to be held in October 2010 in Beijing, on the theme of 'Using Technology to Improve Court Performance', commenced in early 2010.

Sydney Law Courts building

The Chief Executive and Principal Registrar is a Director and Company Secretary of Law Courts Limited as nominee of the Commonwealth Attorney-General. The company owns and manages the Sydney Law Courts Building, which accommodates the High Court, the Federal Court and the NSW Supreme Court. Major refurbishments to the Sydney Building continued during 2009–10, funded by the Commonwealth and New South Wales Governments and managed by Law Courts Limited. The total value of the refurbishment is in excess of \$300m.



PART FIVE BACKGROUND INFORMATION

Establishment	19
Functions and powers	20
Sittings of the Court	20
Seat of the High Court	20
Appointment of Justices of the High Court	20
Composition of the Court	21
Chief Justices and Justices of the Court	22

...ing into such
shall be liable
the same extent
plaintiff; and
in the name of
and the under
Registrar; but
be necessary for
friend . . .
In *R. v.*
plaintiff had p
and tendered
responsible fo
why the plain
was informed
Registrar the
on oath as t
conclusion t
to be respon
unsuccessful
undertaking
upon the F
of mandan
to accept
that, whil
in rejecti
married
obviously

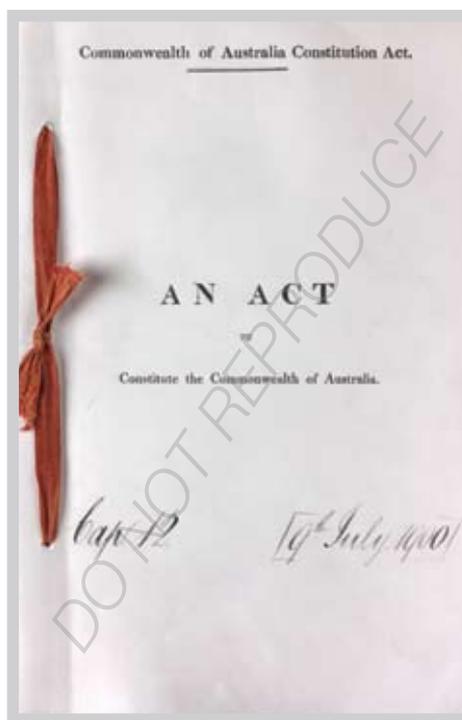


“The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction.”

section 71 of the Commonwealth of Australia Constitution Act

Establishment

The High Court of Australia is established by section 71. To the extent that legislative provision was necessary, the Court was given the power to administer its own affairs by the *High Court of Australia Act 1979 (Cth)*, which was proclaimed on 21 April 1980. The minister responsible for the Court’s administration is the Commonwealth Attorney-General.



This image may not be used or reproduced without permission from the Parliament House Art Collection

*Commonwealth of Australia Constitution Act 1900:
Original Public Record Copy Courtesy of the Gifts Collection,
Parliament House Art Collection, Department of Parliamentary
Services, Canberra.*

Functions and powers

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

Sittings of the Court

The Court conducts its sittings in Canberra and such other places as are determined by a Rule of Court made by the Justices in the preceding year. Approximately two-thirds of all sitting days are 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, Adelaide and Perth, the Court uses Commonwealth Law Courts buildings. In Hobart, facilities are provided with the cooperation and assistance of the Tasmanian Supreme Court.

Seat of the High Court

Section 14 of the *High Court of Australia Act* 1979 (Cth) 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, in the Parliamentary Zone.

The Court is forty metres tall, and consists of three courtrooms, judges' chambers, the Court's Principal Registry, library, administrative wing and large public hall. Its total floor area, including car parks and patios, is approximately 29 400 square metres.

The Court is one of Australia's national buildings and a major tourist attraction. It was designed by architectural firm Edwards Madigan Torzillo and Briggs Pty Ltd, the winners of a national architectural design competition held in 1972 and 1973. The builder was PDC Constructions (ACT) Pty Ltd. Construction costs totalled \$46.5m. The building was opened by Her Majesty Queen Elizabeth II on 26 May 1980.

Appointment of Justices of the High Court

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

- are appointed by the Governor-General in Council
- cannot be removed except by the Governor-General in Council on an address from both Houses of Parliament in the same session, praying for such removal on the grounds 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 70 years.

Part II of the *High Court of Australia Act* 1979 (Cth) contains further provisions concerning the Court and the Justices, including:

- 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 has been a judge of a court created by the parliament or of a court of a State or Territory, or



Image: Justices of the High Court of Australia, standing left to right: Justice Heydon AC, Justice Crennan AC, Justice Hayne AC; seated left to right: Justice Kiefel, Justice Gummow AC, Chief Justice French AC, and Justice Bell

- 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 five 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 rates as are fixed from time to time by Parliament.

Composition of the Court

The Justices of the High Court for the period covered by this report, and the dates they were sworn in, are as follows:

Chief Justice French AC	1 September 2008
Justice Gummow AC	21 April 1995
Justice Hayne AC	22 September 1997
Justice Heydon AC	11 February 2003
Justice Crennan AC	8 November 2005
Justice Kiefel	3 September 2007
Justice Bell	3 February 2009

Chief Justices and Justices of the Court

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

Three members of the Court – Sir Isaac Isaacs, Sir Ninian Stephen and Sir William Deane – resigned from the Court to become Governor-General.

The name and years of service of each Chief Justice and Justice are listed below. For the former Imperial and current Australian honours conferred on these Justices please visit <http://www.itsanhonour.gov.au>

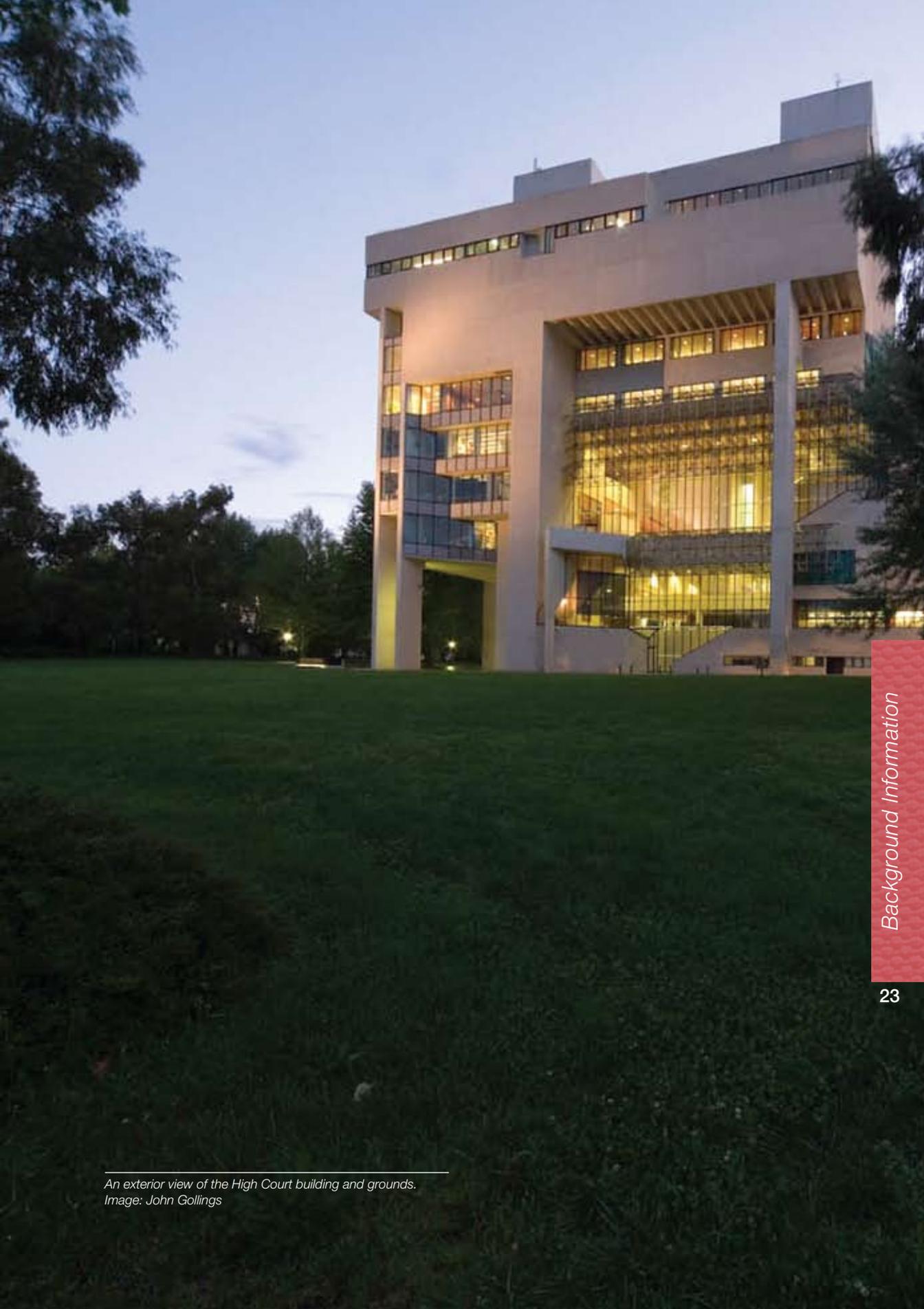
Chief Justices

Sir Samuel Walker Griffith	1903–1919
Sir Adrian Knox	1919–1930
Sir Isaac Alfred Isaacs	1930–1931
Sir Frank Gavan Duffy	1931–1935
Sir John Greig Latham	1935–1952
Sir Owen Dixon	1952–1964
Sir Garfield Edward John Barwick	1964–1981
Sir Harry Talbot Gibbs	1981–1987
Sir Anthony Frank Mason	1987–1995
Sir (Francis) Gerard Brennan	1995–1998
(Anthony) Murray Gleeson	1998–2008
Robert Shenton French	2008–

Justices

Sir Edmund Barton	1903–1920
Richard Edward O'Connor	1903–1912
Sir Isaac Alfred 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 Edward Rich	1913–1950
Sir Hayden Erskine Starke	1920–1950
Sir Owen Dixon	1929–1952
Herbert Vere Evatt	1930–1940
Sir Edward Aloysius McTiernan	1930–1976
Sir Dudley Williams	1940–1958
Sir William Flood Webb	1946–1958
Sir Wilfred Kelsham Fullagar	1950–1961
Sir Frank Walters Kitto	1950–1970
Sir Alan Russell Taylor	1952–1969
Sir Douglas Ian Menzies	1958–1974
Sir (William John) Victor Windeyer	1958–1972
Sir William Francis Langer Owen	1961–1972
Sir Cyril Ambrose Walsh	1969–1973
Sir Harry Talbot Gibbs	1970–1981
Sir Ninian Martin Stephen	1972–1982
Sir Anthony Frank Mason	1972–1987
Sir Kenneth Sydney Jacobs	1974–1979
Lionel Keith Murphy	1975–1986
Sir Keith Arthur Aicken	1976–1982
Sir Ronald Darling Wilson	1979–1989
Sir (Francis) Gerard Brennan	1981–1995
Sir William Patrick Deane	1982–1995
Sir Daryl Michael Dawson	1982–1997
John Leslie Toohey	1987–1998
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–



*An exterior view of the High Court building and grounds.
Image: John Gollings*



PART SIX ADMINISTRATION

Overview	25	Rules of Court	32
Chief Executive and Principal Registrar	25	Cost of litigation	32
Officers and employees	26	Library and Research	34
External scrutiny	26	Corporate Services	36
High Court of Australia			
Organisational Chart	27		
Registry	28		
Judicial workload	29		

The Constitution wall mural on the northern wall of the public hall designed by Jan Senbergs reflects the history, function and aspirations of the Constitution and the High Court.
Image Spectrum Graphics



Overview



Statutory provisions covering the administration of the High Court appear primarily in Part III of the *High Court of Australia Act 1979* (Cth). Of particular relevance are section 17 (administration of the Court), section 19 (functions and powers of the Chief Executive and Principal Registrar) and section 26 (officers and employees).

The operations of the Registry, which is under the control of the Chief Executive and Principal Registrar, are provided for in Part IV of the Act. Part V deals with Court finances and accounts.

Chief Executive and Principal Registrar

Section 18 of the Act provides that there shall be a 'Chief Executive and Principal Registrar of the High Court, who shall be appointed by the Governor-General upon the nomination of the Court'. The current Chief Executive and Principal Registrar, Mr Andrew Phelan, was appointed to the position on 20 July 2007.

The Chief Executive and Principal Registrar has the function of 'acting on behalf of, and assisting, the Justices in the administration of the affairs of the High Court under section 17 and such other functions as are conferred on him or her by this Act or are assigned to him or her by the Court' (section 19(1)). The Chief Executive and Principal Registrar has power to 'do all things that are necessary or convenient to be done for or in connection with the performance of his or her functions' (section 19(2)). In the performance of his or her functions and the exercise of his or her powers the Chief Executive and Principal Registrar shall comply with any directions given to him or her by the Court (section 19(7)).

The Chief Executive and Principal Registrar holds office for such period, not exceeding five years, as is specified in the instrument of his or her appointment, but is eligible for re-appointment (section 20(1)).

Officers and employees

The Chief Executive and Principal Registrar may appoint such other officers and engage other employees as the Court considers necessary for the purposes of the Court (section 26(1) and (3)). The Court determines their terms and conditions of employment, including remuneration and allowances (section 26(4)). Employees of the High Court are not covered by the *Public Service Act* 1999 (Cth).

External scrutiny

Section 42 of the *High Court of Australia Act* 1979 (Cth) provides that the Court 'shall cause to be kept proper accounts and records of the transactions and affairs relating to the administration of the affairs of the Court under section 17 and shall do all things necessary to ensure that all payments out of the moneys held by the Court are correctly made and properly authorised and that adequate control is maintained over the assets held by, or in the

custody of, the Court and over the incurring of liabilities by the Court shall cause to be kept'.

Section 43 of the Act provides for the Auditor-General annually to inspect and audit the accounts and records of the financial transactions of the Court and to draw the attention of the Attorney-General to any irregularity disclosed by that inspection and audit. Results of the Auditor-General's audit of the Court's 2009–10 financial statements, which can be found at Part VII of this report, were reported to the Attorney-General on 3 September 2010. The report was unqualified and there were no significant issues arising from the audit.

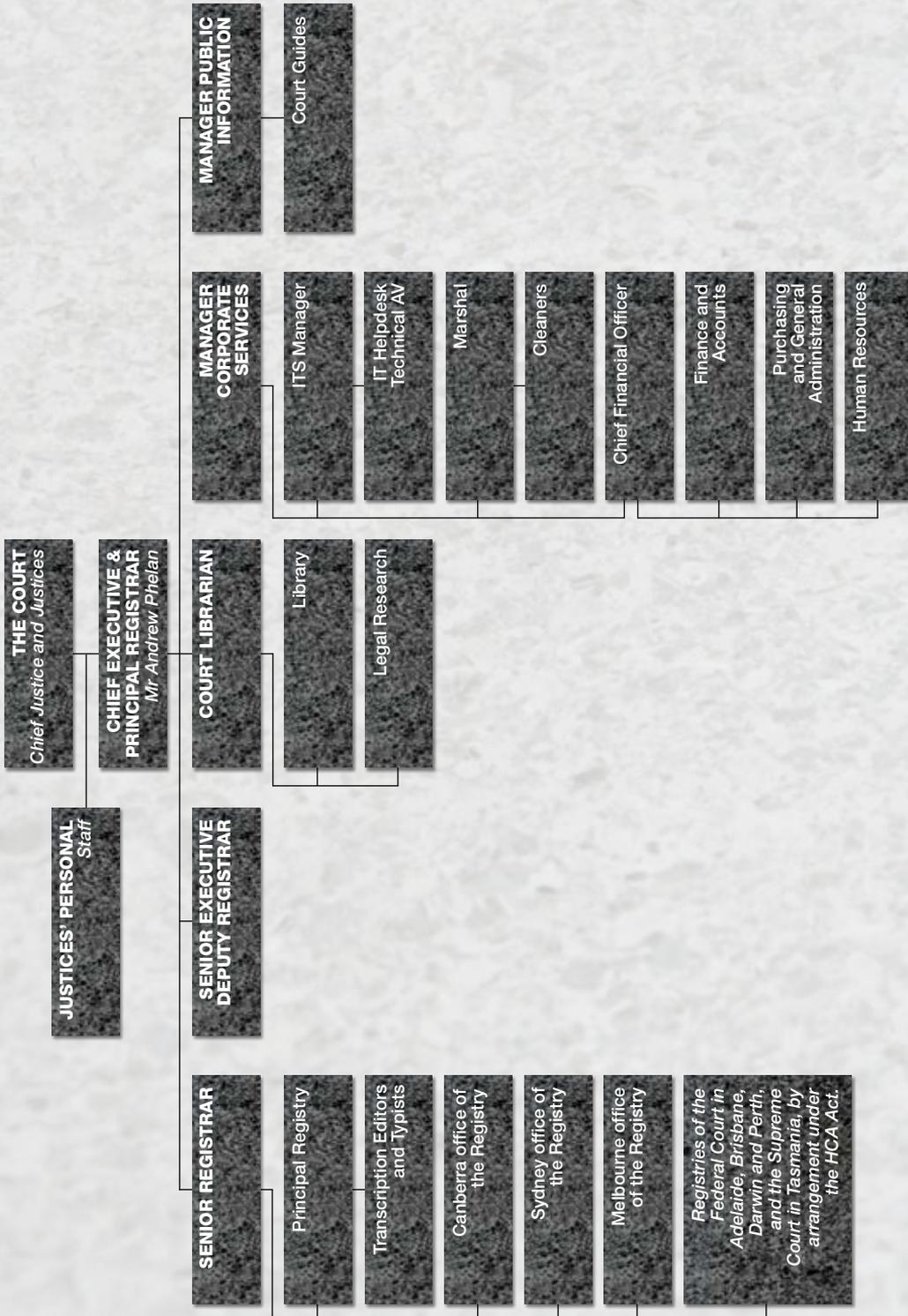
During 2009–10 the Auditor General did not conduct any performance audits involving the Court.

Section 47 of the Act requires the Court, as soon as practicable after 30 June in each year, to prepare and submit to the Attorney-General a report relating to the administration of the affairs of the Court under section 17 during the year that ended on that 30 June, together with financial statements in respect of that year in such form as the Finance Minister approves. The Court's 2008–09 Annual Report was submitted to the Attorney-General on 27 November 2009 and it was tabled out of session on 11 December 2009.



Image: The High Court's executive team, from left, Manager Corporate Services Jeff Smart, Court Librarian Petal Kinder, Chief Executive and Principal Registrar Andrew Phelan, and Senior Registrar Carolyn Rogers.

High Court of Australia Organisational Chart as at 30 June 2010



Registry

The Registry provides administrative services and coordinates the case-flow management for the judicial activities 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 (Cth) and the High Court Rules 2004. They supervise the issue of writs of summons and the filing of applications for constitutional writs in the Court's original jurisdiction and the filing of applications for leave or special leave to appeal and notices of appeal in the Court's appellate jurisdiction.

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

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 website www.hcourt.gov.au.

The Court has its own Court reporting service which provides an accurate transcript of the

proceedings of the High Court for the use of the Justices. 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. The transcript is also made available, in paper form and electronically on the AustLII website at <http://www.austlii.edu.au/au/other/hca/transcripts/> to legal practitioners, litigants and other interested persons. The transcript is usually available within two hours of the Court rising each sitting day in Canberra. Transcripts of special leave applications and cases heard on circuit are available in paper form and on the Court's website within a few days of the hearing. Transcripts dating back to 1994 are available on that site.

The Court reporting service produced a total of 358 individual transcripts with a total of 6 950 pages during 2009–10. This represents a slight increase in the number of transcripts produced by the Court reporting service during the 2008–09 reporting year.

When the Court delivers judgments, copies are immediately available from the Canberra, Melbourne and Sydney offices, and are provided to the parties and media free-of-charge. Additional copies can be purchased, at the fee prescribed in the High Court of Australia (Fees) Regulations 2004, by the parties and the public in the Canberra, Melbourne and Sydney offices of the Registry. This service is also provided if the Court delivers judgments when sitting in other cities. Judgments are also available on the AustLII website at <http://www.austlii.edu.au/au/cases/cth/HCA/> on the day they are delivered by the Court and can be viewed and downloaded, worldwide, without cost. The Court also publishes dispositions in applications for leave or special leave to appeal determined on the papers. The dispositions are available on the AustLII website at <http://www.austlii.edu.au/au/cases/cth/HCASL/>. The Court published 311 special leave dispositions in 2009–10.

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 Chief Executive and 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 3 417 new practitioners were added to the register in 2009–10, which is a significant increase from the 2 104 names added in 2008–09.

Judicial workload

Cases filed

The table below compares the number of cases filed in each Registry and the categories of cases filed during 2008–09 and 2009–10.

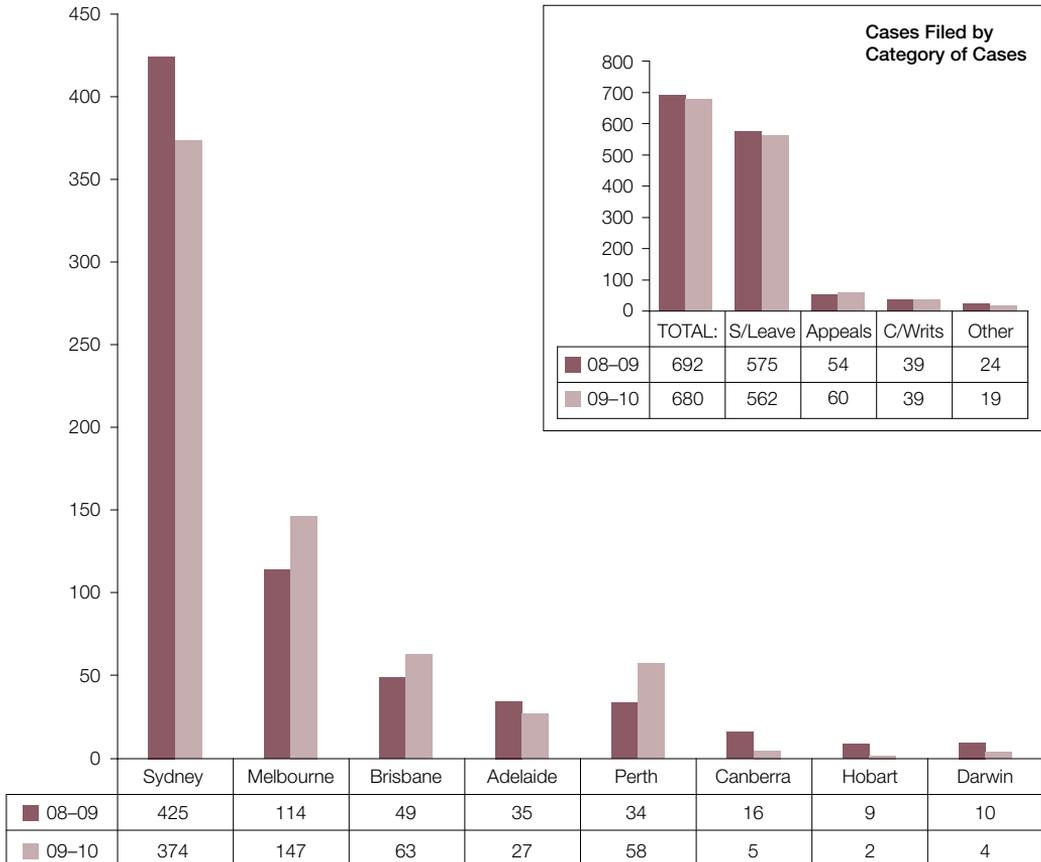
The number of cases filed has decreased slightly, with a total of 680 cases filed in 2009–10 compared with 692 in 2008–09.

The proportion of special leave applications filed by self-represented litigants during 2009–10 was 51 per cent.

In 2009–10, 55 per cent of the cases were filed in the Sydney office of the Registry.

The Melbourne office of the Registry, which

Cases Filed by Registry



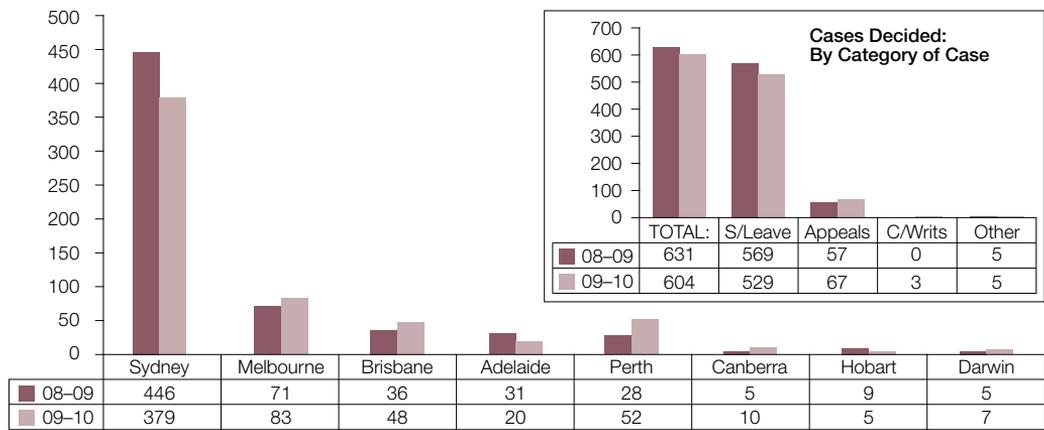
Key to abbreviations in inset graph: 'S/Leave' is special leave, 'C/writs' is constitutional writs

processed cases filed in Melbourne, Adelaide and Hobart, accounted for 26 per cent of total filings in 2009–10. The Registry in Canberra processed cases filed in Canberra, Brisbane, Darwin and Perth, accounting for 19 per cent of all filings.

Cases decided

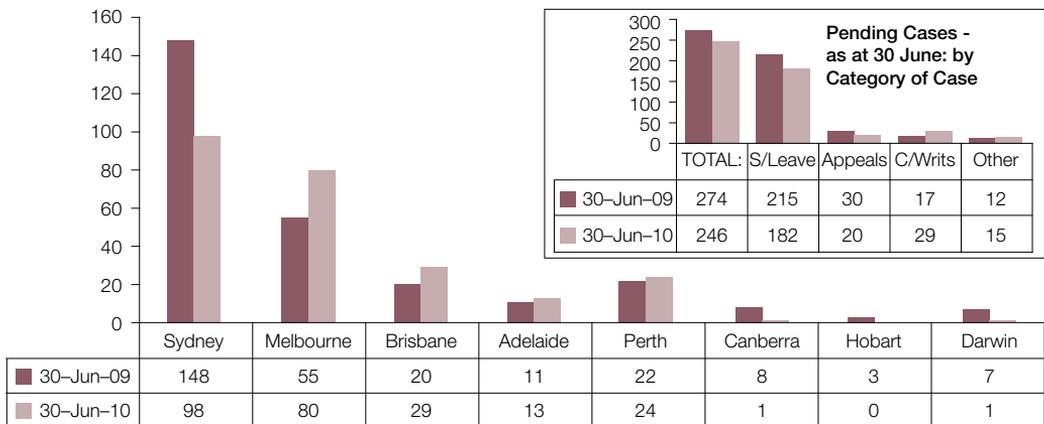
The following table compares the number of cases and categories of cases decided by the Court during 2008–09 and 2009–10:

Cases decided: by registry



Key to abbreviations in inset graph: 'S/Leave' is special leave, 'C/writs' is constitutional writs.

Pending cases as at 30 June: by registry



Key to abbreviations in inset graph: 'S/Leave' is special leave, 'C/writs' is constitutional writs.

to section 40 of the *Judiciary Act* 1903 (Cth), cases stated, and references under section 18 of the *Judiciary Act*. Cases governed by these procedures include cases arising under the Constitution or involving its interpretation.

During the reporting year 58 cases were commenced in the original jurisdiction of the Court, compared with 56 in 2008–09. These cases are generally listed before a single Justice of the Court in the first instance. Not all cases filed in the original jurisdiction proceed to hearing before the Full Court. Some cases are remitted to another Court for trial pursuant to section 44 of the *Judiciary Act*. In 2009–10, the Full Court delivered judgment in five cases filed in the original jurisdiction.

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 cases are usually determined by a single Justice or remitted to another Court for determination. No election petitions were filed during the reporting year.

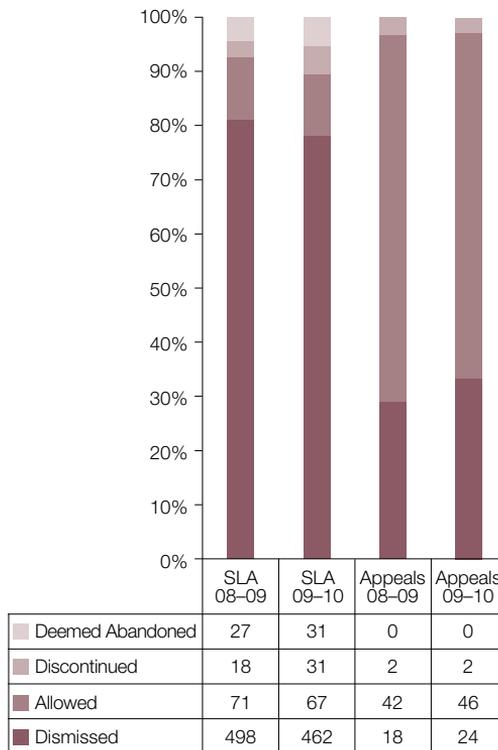
Appellate cases finalised

The table below compares how appellate cases were finalised during 2008–09 and 2009–10.

The number of appeals allowed during the reporting year includes two appeals allowed by consent and the number of appeals dismissed includes one appeal dismissed by consent. These three appeals are not included in the total number of appeals recorded earlier in this report as decided by the Court during 2009–10.

There were seven applications for special leave referred to the Full Court to be argued as if on appeal in 2009–10. Four of these matters have now been heard. The determination figures have been adjusted to reflect those final outcomes. Any appeals that were allowed *instanter* immediately have been recorded in the period that the decision was recorded by the Full Court.

Means of determination: by applications and appeals

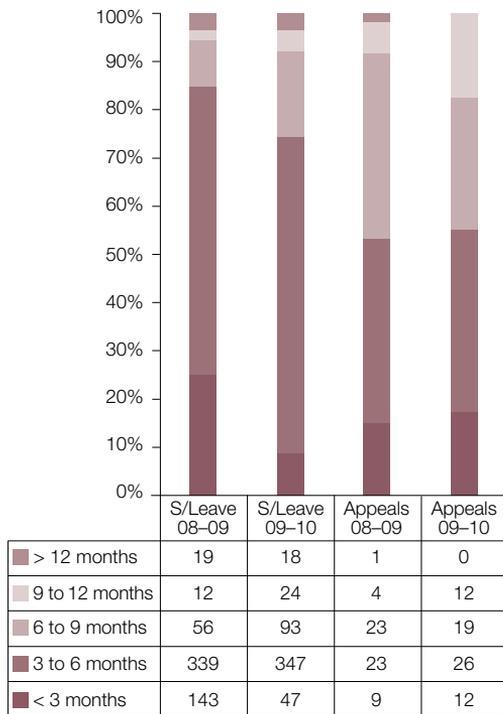


The High Court Rules 2004 provide that the Court may determine leave and special leave applications on the papers without an oral hearing. In those cases, the applications are not listed for hearing but for pronouncement of orders and publications of reasons only. Fifty-nine per cent of the applications decided in 2009–10 were finalised without an oral hearing, compared with 66 per cent in 2008–09.

Appellate cases – time for determination

The provisions of Chapter 4 of the High Court Rules 2004 impose time standards for the filing of applications for special leave to appeal and appeals. This assists case-flow management. The following table compares the periods of time taken for cases filed in the appellate jurisdiction of the Court during 2008–09 and 2009–10 to be determined.

Time for determination: by applications and appeals



Ninety-two per cent of the applications for leave or special leave to appeal and 83 per cent of the appeals decided by the Court during the reporting year were completed within nine months of filing. The figures for 2008–09 were 95 per cent and 92 per cent respectively.

Rules of Court

The Justices have responsibility for making Rules of Court which prescribe the annual sittings of the Court, regulate all cases of practice and procedure in the Court, and prescribe the various forms to be used for proceedings of the Court.

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

Rules of Court are made and promulgated as legislative instruments. 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.

During 2009–10 the Court made the following Rules of Court:

- Legislative Instrument F2009L03341 on 25 August 2009 – Annual sittings of the High Court
- Select Legislative Instrument No 315 of 2009 on 4 November 2009 – Amendment to Schedule 2 (Costs).

Cost of litigation

Court fees and charges

Fees and charges in the High Court form an integral part of litigation costs and are 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 prescribed in Schedule 1 of the Regulations.

Regulation 9 of the High Court of Australia (Fees) Regulations 2004 provides that persons in receipt of legal aid, persons who hold a concession card issued by Centrelink or the Department of Veterans' Affairs, inmates of prisons, children under the age of 18, persons in receipt of Youth Allowance or an Austudy payment, and persons in receipt of benefits under the ABSTUDY scheme, are exempt from payment of the filing fees and hearing fees associated with the proceedings in the High Court.

A person liable to pay a filing or hearing fee may apply to the Registrar to have the two-thirds of the fee waived upon ground that payment of the fee would cause financial hardship to that person. A refusal by a Registrar to waive a fee

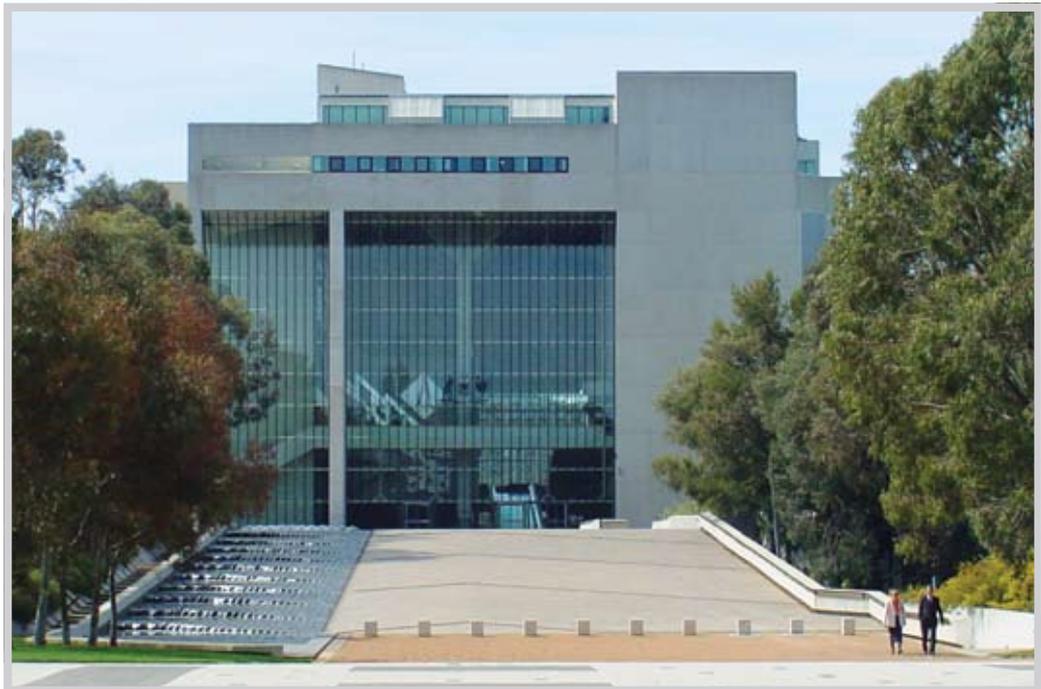
may be reviewed by the Administrative Appeals Tribunal. There were no refusals to waive a fee in the reporting period.

During the reporting year 677 cases attracting a filing fee and/or hearing fees were filed in the Court. Of these, 178, or 26 per cent, of cases were fully exempt from payment of

fees. The Registrar waived payment of two-thirds of the fee in 182, or approximately 27 per cent, of cases. The filing fees and hearing fees foregone in these 360 cases amounted to \$379 643. This is an increase from \$323 320 in the previous reporting year. The composition of this total is shown in the following table.

Record of non-payment of fees 2009–10

Reasons for non-payment	Regulation	No.	Amount
Legal Aid (exemption)	9(1)(a)	9	\$7 621
Holder of a concession card (exemption)	9(1)(b)(i)	98	\$139 541
Prison inmate or person in lawful detention (exemption)	9(1)(b)(ii)	70	\$50 046
Child under the age of 18 years (exemption)	9(1)(b)(iii)	1	\$1 364
Youth Allowance or Austudy payment recipient (exemption)	9(1)(b)(iv)	0	0
ABSTUDY recipient (exemption)	9(1)(b)(v)	0	0
Financial hardship (waiver of two-thirds fee)	10	182	\$181 071
TOTAL		360	\$379 643



The ceremonial forecourt and cascade waterfall leading the main entrance of the Court, before maintenance work during the year.

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 2004. The High Court Rules provide for an estimate of costs as an alternative to the taxation of bills of costs. Such an estimate is made in the absence of the parties and, if the parties do not object in accordance with the Rules, a Certificate of Taxation is issued for the amount of the estimate. As a result the need for bills of costs to be taxed with the attendance of the parties has been substantially reduced.

Library and Research

The Court has a Library Committee, which is chaired by Justice Gummow AC and includes Justice Hayne AC, Justice Heydon AC, the Chief Executive and Principal Registrar and the Court Librarian.

Functions

The functions of the Library and Research Branch are to:

- assemble and maintain collections to assist the Court in its work
- provide high quality reference and research services to the Court
- provide library facilities to legal practitioners appearing before the Court
- publish bulletins to inform the legal profession and the public about progress in cases before the Court
- maintain links with other libraries and information sources to supplement the reference and research material in the Court's collection
- devise and implement systems supporting reference and research services.

Library materials budget

The library's acquisitions and subscription costs remained within budget during the year.

Subscription rates, particularly for on-line subscriptions, have continued to rise above rates of inflation, although they were moderated to some extent by the relative strength of the Australian dollar during the year.

Reference and research

Legal Research Officer

During the year the Legal Research Officer has undertaken research and analysis on a variety of legal issues at the direction of the Justices and the Chief Executive and Principal Registrar. The Legal Research Officer also produces the High Court Bulletin, which provides information to the public about cases currently before the Court, and the Overseas Decisions Bulletin, which provides information to the Justices about relevant decisions from overseas jurisdictions.

Authorities

The library is responsible for ensuring that the Court has available to it during hearings in Canberra the range of authorities relied upon in arguments. During the year, the Library provided authorities to the Justices for 49 hearings.

The library provides assistance to Counsel when they appear before the Court. This might range from directional inquiries and retrieving material from other floors to more complicated queries, such as researching legislative history.

Collection Development and Organisation

Binding of Bills and Explanatory Memoranda project 2009–10

This project involves the binding of loose Australian bills and explanatory memoranda into bound volumes for each Parliamentary session. This is being carried out to prevent loss of material and to facilitate easy retrieval. Thirty-nine volumes were bound and received for the 34th session of Parliament (1985–1987). Forty-nine volumes were bound and received for the 35th

Parliament (1987–1989). Fifty-eight volumes were bound and received for the 36th Parliament (1990–1992). In addition, work continued on collating bills from the early 1900s which were bound by years. Fourteen volumes of bills covering the period 1904–1917 were bound and received. Work will continue concurrently on binding old bills and explanatory memoranda some of which are very fragile and more recent bills and explanatory memoranda.

Acquisitions

The following table provides the number of volumes held on each level of the Library and the total number of volumes held in Canberra.

Location	No. of vols
Level 9	41 992
Level 8	60 198
Bar Library	17 037
All Canberra Chambers	18 856
Level 7	9 633
Total	147 716
Acquisitions	
Books purchased	373
New online subscriptions	2

Inter-library loans

Over 700 inter-library loans were processed by the library during the year.

Unreported judgments 2009–10

The Unreported Judgments project resumed during the year and will continue to ensure that all of the judgments of the Court are available.

Library systems and electronic services

Millennium

A successful upgrade of the Millennium software took place in June 2010. The library also installed a Millennium add-on, WebPac Pro, and has purchased a WebPac Pro Refresher service scheduled for completion later this year. The Refresher service was sourced to assist with redesigning the library catalogue (OPAC) to provide intuitive search functionality, relevance ranking and improved accessibility of the OPAC. In early 2010 the library arranged an additional Millennium port in order to enable secure and controlled access to this section of the Library Collection and to enable seamless entry via the Court Intranet.

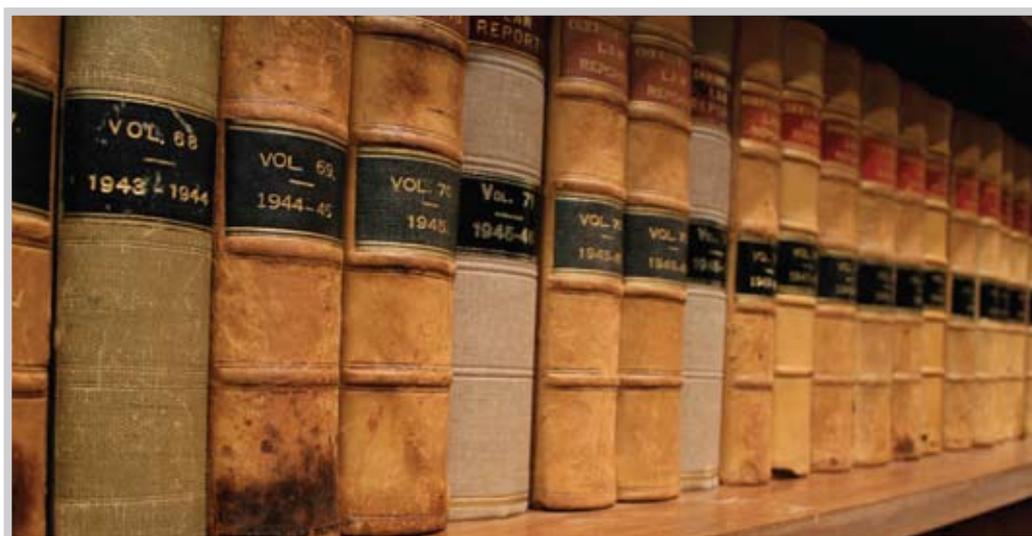


Image: Spectrum Graphics

Digitisation of the Legal Research Officers' papers

The Library has a special collection of over 1300 papers written by the Legal Research Officers to support the work of the Court. It is intended to make these papers internally available via the catalogue search in a digital format. The digital repository was set up in April 2010 and metadata exported from the catalogue in order to host the scanned files. Digitisation commenced in May 2010 with completion expected at the end of July 2010.

Enriching the catalogue with electronic holdings

The Library continues to add links to holdings listed in the catalogue which are subscribed to and available online in full text through various publishers. New records are created for those online journals which are not held in the print collection of the Library.

Activities of the Court Librarian

Ms Kinder continues to be an active member of the Australian Law Librarians' Association (ALLA) National Executive. In October, in her capacity as member of the Board of Directors for the International Association of Law Libraries (IALL) and Director of Communications, attended the 28th Annual Course of Law Librarianship held in Istanbul, Turkey.

Corporate Services

Corporate Services comprises the finance, human resources, information technology, security and building operations for the Court.

Finance committee

The Court has a Finance Committee which:

- reviews and, where appropriate, makes recommendations to the Court on, Court budgets
- monitors, and reports to the Court on, expenditure against budgets

- reviews and adopts annual financial statements prior to their signing by the Chief Executive and Principal Registrar
- reviews and advises where necessary on processes for identifying and managing financial business risks, including appropriate risk management, audit and fraud control frameworks
- considers building strategies and projects.

The Finance Committee is chaired by the Chief Justice and includes Justice Hayne AC, Justice Kiefel and the Chief Executive and Principal Registrar.

Internal audit

The Court's internal audits are performed by a contract internal auditor. During 2008–09 the internal auditor conducted audits and reviews of financial processes, payroll and leave administration, information technology general controls, fraud control, and administration of the Register of Practitioners under section 55C of the *Judiciary Act* 1903 (Cth).

Risk management

During 2009–10 the Court continued to develop a comprehensive set of risk assessments and plans.

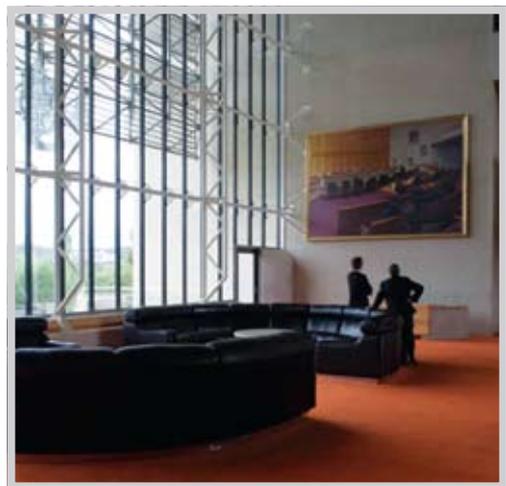


Image shows visitors on Level 3 examining a painting by Robert Hannaford commemorating the 2003 Centenary of the Court. The painting contrasts with a painting on the wall opposite, of the 1903 Banco Court sitting.

Fraud control

In July 2009 the Court updated its Fraud Risk Assessment and Fraud Control Plan modelled on the Commonwealth Fraud Control Guidelines 2002.

During the year one incident of alleged fraud was identified and referred to the Australian Federal Police for further investigation.

Financial management

The table below details the budgeted resources for 2009–10 and financial resources applied to the Court’s outputs and outcomes.

Portfolio Budget Statement 2009-10	Actual Results
Departmental appropriations: \$16.477m	Actual appropriations: \$16.477m
Revenue from other sources: \$1.211m	Actual revenue from other sources: \$1.559m
Program expenses: \$17.688m	Actual program expenses: \$18.663m
Departmental equity injection: \$1.332m	Actual equity injection: \$1.332m
Administered revenue*: \$0.920m	Actual administered revenue: \$1.043m

* Administered revenue includes Court fees and charges collected and remitted to the Official Public Account.



A painting of the first sitting of the High Court in the Banco Court, Melbourne on 6 October 1903, by WA photrealist Marcus Bielby, hangs in the foyer on Level 3, outside Court 3.

Justices’ remuneration and allowances are paid out of Special Appropriations. These appropriations are administered by the Attorney-General’s Department and do not form part of the Court’s Financial Statements in Part VII of this report.

Financial results

Financial reports for the year 2009–10 are in Part VII.

During 2009–10, income including revenue from government amounted to \$18.089m and expenses were \$18.663m, resulting in a deficit of \$0.574m. The Court’s estimates for 2009–10 (inclusive of a deficit) were approved by the Attorney-General under s36(1) of the *High Court of Australia Act 1979 (Cth)*.

Consultants

During the year, eighteen consultancy contracts, with a total value of \$444 439 (including GST) were entered into by the Court. Contracts with a total value of \$10 000 or more (including GST) were:

Name	Description	Contract Price \$
Australian Valuation Office	Valuation of High Court Building	\$15 400
Art and Archival P/L	Development of a management plan for High Court art collection	\$21 010
Steensen Varming P/L	Preparation of a report on the efficiency and effectiveness of the High Court building air conditioning system.	\$38 610
Interiors Australia P/L	Provision of architectural and project management services to refurbish the Melbourne office of the Registry	\$47 590
GHD P/L	Provision of engineering and project management services to rectify the cascade waterfall and to install water storage to enable the use of non-potable water.	\$101 514
Penleigh Boyd and Associates P/L	Development of a master plan addressing issues contained in the precinct audit and management plan.	\$54 560
Total		\$278 684

Human resource management

Terms and conditions of employment

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

No High Court staff member received performance pay during 2009–10.

Staffing overview

At Annexure B 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 employees by salary classification.

Occupational health and safety

The Court has a comprehensive occupational health and safety (OH&S) policy that meets the requirements of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (Cth). The policy outlines the mechanisms

required for a healthy and safe working environment with an emphasis on OH&S issue resolution procedures.

During 2009–10 the OH&S Committee met four times. This Committee provides an opportunity for employees to raise any issues they have about personal and workplace safety. Designated Workplace Representatives are encouraged to consult within their areas prior to and after OH&S Committee meetings.

Information about the Court's health and safety arrangements, OH&S Committee minutes and a register of OH&S issues can be accessed by employees from the Court's intranet.

During 2009–10 the Court provided employees with the opportunity to receive H1N1 and influenza vaccinations. To encourage a reasonable level of physical activity the Court sponsored 21 employees in the Global Corporate Challenge Program.

During 2009–10 the Court updated its Asbestos-Containing Material Register. A consultancy report identified that four issues needed to be resolved as soon as practicable.

The report also recommended that a range of other materials be tagged to clearly indicate the risk of a hazardous material. Of the four issues, three were resolved during 2009–10.

The fourth issue relates to the presence of asbestos-containing mill board in air conditioning air reheat units. The Court engaged a contractor to conduct air quality testing in all identified areas. The tests found no evidence of airborne asbestos fibres. The Court sought advice from an air-conditioning consultant who advised that the reheat units do not need to be replaced. In June 2010 the Court commenced seeking quotes from qualified contractors to safely remove the sections of duct containing the air reheat units.

The Court maintained temporary fencing for all of 2009–10 in the Court precinct for areas that were assessed as a high safety risk. Funding to address these safety risks was announced in the May 2010 Commonwealth Budget.

Other initiatives undertaken during 2009–10 to ensure the health, safety and welfare at work of employees and contractors include:

- the National Safety Council conducted an independent OH&S audit of the Court building and work practices
- health and safety representative training was provided for two staff
- defibrillator training with St John Ambulance Australia was provided for 22 staff. Four contractors also completed the training.

During 2009–10 there were:

- no accidents or dangerous occurrences that required the Court to provide information to Comcare under section 68 of the *Occupational Health and Safety Act 1991* (Cth)
- three minor incidents
- one new workers compensation claim
- two continuing workers compensation claims that relate to incidents prior to July 2009
- 17 new safety issues that were raised by staff through the OH&S Committee
- 21 safety issues notified to the OH&S Committee which were resolved.

Information technology

The Information Technology (IT) Committee

The IT Committee is chaired by Justice Hayne AC and includes the Chief Justice and Chief Executive and Principal Registrar.

Initiatives

During 2009–10 the IT section undertook the following initiatives:

- replaced all desktop and laptop computers
- upgraded the wide area network links to all sites
- migrated email and calendar functions from Novell Groupwise to Lotus Notes
- upgraded video conferencing equipment at all sites
- engaged a consultant to redesign the Court's internet site.

During 2009–10 the Court began planning to replace courtroom technology equipment. This will be a major project and is expected to take up to two years to complete.

A strategic plan to improve the Court's records management practices was developed in 2009–10. The plan included an assessment of the Court's current records management processes against the Check-up Tool prepared by the National Archives of Australia.

Building operations

Heritage strategy and conservation management plan

During 2008–09 the Court engaged a consultant to prepare a Heritage Strategy and a Conservation Management Plan for the High Court building and its surrounds, consistent with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). During 2009–10 work continued on the Heritage Strategy and Conservation Management Plan with input from a number of organisations.

In June 2009 the Court provided drafts of the Heritage Strategy and Conservation Management Plan to the Department of Environment, Heritage, Water and the Arts for comment.

In 2010–11 the Court will seek comment from interested stakeholders before providing a copy of the Conservation Management Plan to the Minister for the Environment.

Rectification of safety and structural issues

In June 2009 a consultant provided the Court with a detailed management plan that identified a range of significant issues concerning public safety, building integrity and design and use with the High Court building forecourt and precinct. There were also a large number of minor issues covering landscape elements, drainage, forecourt paving, night lighting, railings and outdoor furniture. A detailed, costed report was provided in September 2009.

In the May 2010 Commonwealth Budget the Court received \$4.5m in capital funding to address significant occupational health and safety and structural issues in the High Court building forecourt, surrounding precinct and cascade waterfall. Work commenced immediately and will continue through 2010–11.

To guide these works the Court is preparing a master plan to ensure that works are consistent with the building's heritage values and the Court's precinct is integrated with its surroundings better.

An engineering consultant was engaged to provide advice on rectifying elements of the cascade waterfall. To enable the cascade waterfall to be operated with non-potable water, the Court will install water tanks to store captured rainwater.

Environmental performance

During 2009–10 the Court engaged a consultant to assess the current condition, efficiency and effectiveness of the Court building's heating, ventilation and air conditioning (HVAC) system.

The consultant's report found that, although the equipment was in reasonable condition, the Court should commence planning to replace the air handling units. The report included recommendations to consider different design options that were not available when the building was constructed which would reduce the Court's energy usage and related CO₂ and other greenhouse gas emissions.

Design work will commence in 2010–11 to address the report recommendations, which are intended to be implemented over a number of years from available Court funds.

Building security

During 2009–10 a personal security risk review and a building security structural review were completed. Both of these reviews provided recommendations to improve the physical security of the High Court building and other Chambers and Registries. Recommendations have been incorporated into the project to rectify structural safety and structural issues in the High Court building forecourt and precinct. The Australian Federal Police commenced a review of the Court's security in 2009–10.

During 2009–10 the High Court building access control and security system was upgraded. The access control system is consistent with the system recently upgraded in all Commonwealth Law Court buildings.

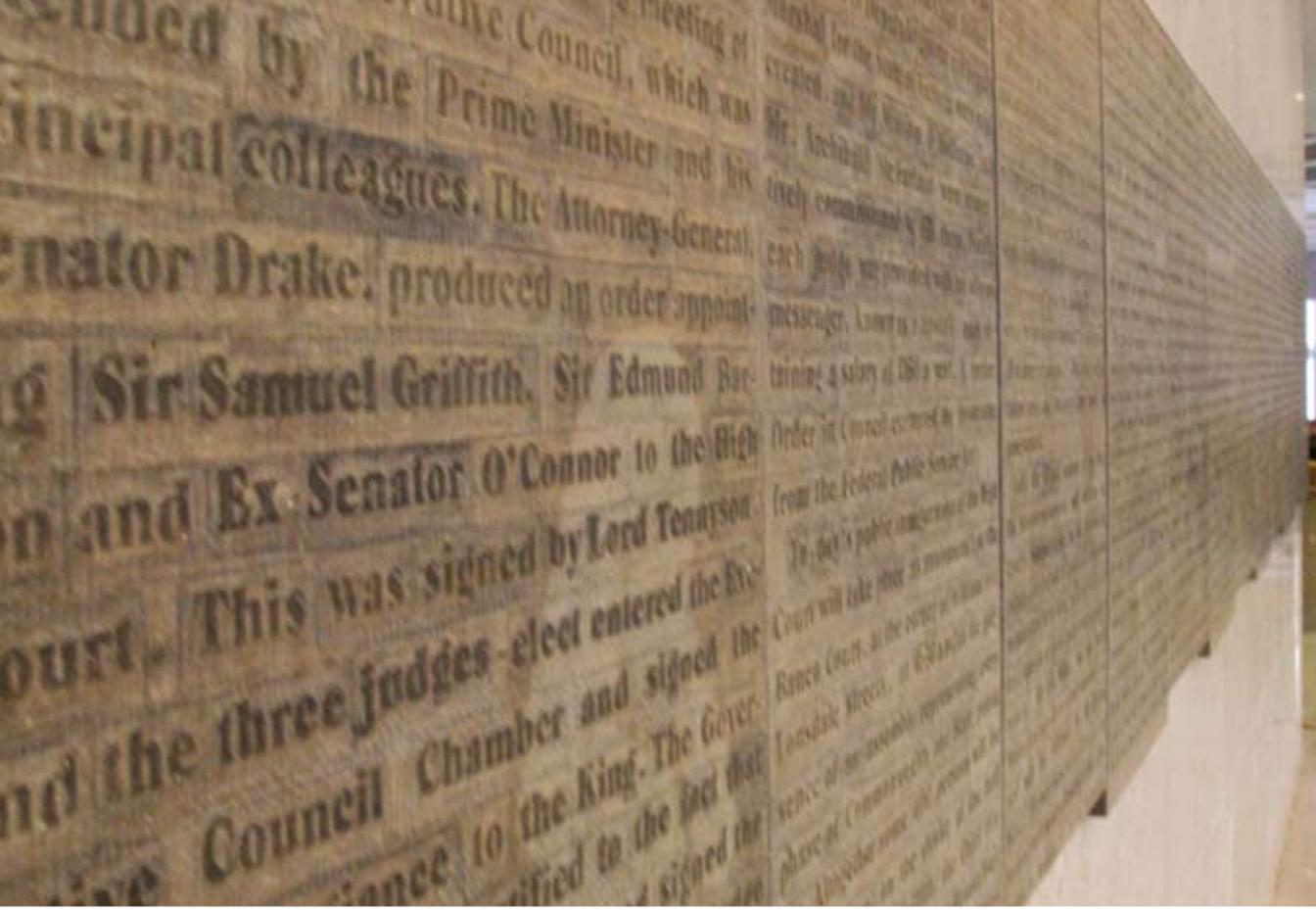
Other building projects

Other building projects undertaken in 2009–10 included:

- refurbishment of the Melbourne office of the Registry
- installation of new archival storage facilities
- planning to rectify water leaks from the glass wall on western side of the High Court building
- building a new secure mail room
- repainting Courtroom One.



Repainting work in Court 1 in June 2010.
Image: Andrew Phelan

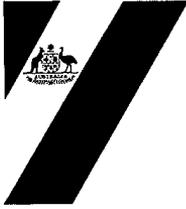


PART SEVEN FINANCIAL STATEMENTS

Independent Audit Report	43
Financial Statements of the High Court of Australia	45

*Wax mural on the wall outside Court 1 by Tasmanian artist
Bea Maddock. The mural describes the first sitting of
the High Court in Melbourne on 6 October 1903.*

Image: Spectrum Graphics



INDEPENDENT AUDITOR'S REPORT

To the Attorney General

Scope

I have audited the accompanying financial statements of the High Court of Australia for the year ended 30 June 2010, which comprise: a Statement by the Chief Executive & Principle Registrar and Chief Financial Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Asset Additions; Schedule of Administered Items and Notes to and forming part of the Financial Statements, including a Summary of Significant Accounting Policies.

The Responsibility of the Chief Executive for the Financial Statements

The High Court of Australia's Chief Executive & Principle Registrar is responsible for the preparation and fair presentation of the financial statements in the form required by the Minister for Finance and the Australian Accounting Standards (which include the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the High Court of Australia's preparation and fair presentation of the financial statements in order to design audit procedures that are

GPO Box 707 CANBERRA ACT 2601
19 National Circuit BARTON ACT
Phone (02) 6203 7300 Fax (02) 6203 7777

appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the High Court of Australia's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the High Court of Australia's Chief Executive & Principle Registrar, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

In conducting the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Auditor's Opinion

In my opinion, the financial statements of the High Court of Australia:

- (a) are based on proper accounts and records;
- (b) are in agreement with the accounts and records;
- (c) have been prepared in accordance with the form of financial statements approved by the Finance Minister under the *High Court of Australia Act 1979*, and the Australian Accounting Standards;
- (d) give a true and fair view of the High Court of Australia's financial position as at 30 June 2010 and its financial performance and its cash flows for the year then ended.

In my opinion, the receipt, expenditure and investment of monies, and the acquisition and disposal of assets by the Court during the year ended 30 June 2010, has been in accordance with the *High Court of Australia Act 1979*.

Australian National Audit Office



Simon Kidman
Executive Director
Delegate of the Auditor-General
Canberra
3 September 2010

Index to the Notes of the Financial Statements

Statement by the Chief Executive and Chief Financial Officer	
Statement of Comprehensive Income	
Balance Sheet	
Statement of Changes in Equity	
Cash Flow Statement	
Schedule of Commitments	
Schedule of Asset Additions	
Schedule of Administered Items	
Note 1: Summary of Significant Accounting Policies	55
Note 2: Events After the Reporting Period	62
Note 3: Expenses	63
Note 4: Income	65
Note 5: Financial Assets	65
Note 6: Non-Financial Assets	67
Note 7: Payables	73
Note 8: Provisions	73
Note 9: Cash flow Reconciliation	74
Note 10: Contingent Liabilities and Assets	74
Note 11: Executive Remuneration	75
Note 12: Remuneration of Auditors	76
Note 13: Public Money in the Custody of the Court	76
Note 14: Financial Instruments	77
Note 15: Income Administered on Behalf of Government	80
Note 16: Administered Reconciliation Table	80
Note 17: Compensation and Debt Relief	80
Note 18: Reporting of Outcomes	81

HIGH COURT OF AUSTRALIA
STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER

The attached financial statements of the High Court of Australia for the year ended 30 June 2010 have been prepared as required by section 47(1) of the *High Court of Australia Act 1979 (Cth)* and include:

Statement of Comprehensive Income;

Balance Sheet;

Statement of Changes in Equity;

Cash Flow Statement;

Schedule of Commitments;

Schedule of Asset Additions;

Schedule of Administered Items; and

Notes to and forming part of the financial statements.

In our opinion, the attached financial statements for the year ended 30 June 2010 are based on properly maintained financial records and give a true and fair view of matters consistent with the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997 (Cth)*, as amended.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Court will be able to pay its debts as and when they become due and payable.

Andrew Phelan
Chief Executive & Principal Registrar
High Court of Australia

Date of signing

3 September 2010

Margaret Baird
Chief Financial Officer
High Court of Australia

Date of signing

3 September 2010

STATEMENT OF COMPREHENSIVE INCOME for the High Court of Australia
for the period ended 30 June 2010

		30 June 2010	30 June 2009
	Notes	\$	\$
EXPENSES			
Employee benefits	3A	7,472,928	7,212,057
Supplier expenses	3B	7,034,134	6,826,845
Depreciation and amortisation	3C	4,061,027	3,831,632
Write-down and impairment of assets	3D	80,078	742,723
Losses from asset sales	3E	15,033	2,429
Total expenses		<u>18,663,200</u>	<u>18,615,686</u>
LESS:			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	165,673	143,303
Interest	4B	304,337	417,877
Other	4C	93,108	52,717
Resources received free of charge	4D	995,658	1,084,639
Total own-source revenue		<u>1,558,776</u>	<u>1,698,536</u>
Gains			
Other	4E	53,500	186,300
Total gains		<u>53,500</u>	<u>186,300</u>
Total own-source income		<u>1,612,276</u>	<u>1,884,836</u>
Net cost of (contribution by) services		<u>(17,050,924)</u>	<u>(16,730,850)</u>
Revenue from Government	4F	16,477,000	15,237,000
Surplus (Deficit) attributable to the Australian Government		<u>(573,924)</u>	<u>(1,493,850)</u>
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation reserves		23,638,423	(1,331,217)
Total comprehensive income		<u>23,638,423</u>	<u>(1,331,217)</u>
Total comprehensive income (loss) attributable to the Australian Government		<u>23,064,499</u>	<u>(2,825,067)</u>

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

BALANCE SHEET for the High Court of Australia
as at 30 June 2010

		30 June 2010	30 June 2009
	Notes	\$	\$
ASSETS			
Financial Assets			
Cash and cash equivalents	5A	1,661,808	1,292,006
Trade and other receivables	5B	178,181	229,026
Other investments	5C	<u>4,167,601</u>	<u>3,289,364</u>
Total financial assets		<u>6,007,590</u>	<u>4,810,396</u>
Non-Financial Assets			
Land and buildings	6A,D	189,912,370	168,247,387
Infrastructure, plant and equipment	6B,D	4,245,081	4,286,323
Library holdings	6C,D	17,064,621	16,175,875
Intangibles	6E,F	110,195	23,676
Other	6G	<u>533,996</u>	<u>476,388</u>
Total non-financial assets		<u>211,866,263</u>	<u>189,209,649</u>
Total Assets		<u>217,873,853</u>	<u>194,020,045</u>
LIABILITIES			
Payables			
Suppliers	7A	-	401,111
Other	7B	<u>735,443</u>	<u>994,037</u>
Total payables		<u>735,443</u>	<u>1,395,148</u>
Provisions			
Employee provisions	8A	<u>1,927,349</u>	<u>1,810,335</u>
Total provisions		<u>1,927,349</u>	<u>1,810,335</u>
Total Liabilities		<u>2,662,792</u>	<u>3,205,483</u>
Net Assets		<u>215,211,061</u>	<u>190,814,562</u>
EQUITY			
Contributed equity		58,010,598	56,678,598
Reserves		159,070,207	135,431,784
Retained surplus (accumulated deficit)		<u>(1,869,744)</u>	<u>(1,295,820)</u>
Total Equity		<u>215,211,061</u>	<u>190,814,562</u>

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

STATEMENT OF CHANGES IN EQUITY for the High Court of Australia
for the year ended 30 June 2010

	Retained earnings		Asset revaluation reserves		Contributed equity/capital		Total equity	
	2010	2009	2010	2009	2010	2009	2010	2009
Opening balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Balance carried forward from previous period	(1,295,820)	198,031	135,431,784	136,763,001	56,678,598	56,678,598	190,814,562	193,639,630
Adjustment for rounding	-	(1)	-	-	-	-	-	(1)
Adjusted opening balance	(1,295,820)	198,030	135,431,784	136,763,001	56,678,598	56,678,598	190,814,562	193,639,629
Comprehensive income								
Other comprehensive income	-	-	23,638,423	(1,331,217)	-	-	23,638,423	(1,331,217)
Surplus (Deficit) for the period	(573,924)	(1,493,850)	-	-	-	-	(573,924)	(1,493,850)
Total comprehensive income	(573,924)	(1,493,850)	23,638,423	(1,331,217)	-	-	23,064,499	(2,825,067)
Transactions with owners								
Contributions by owners	-	-	-	-	1,332,000	-	1,332,000	-
Appropriations (equity injection)	-	-	-	-	(1,332,000)	-	(1,332,000)	-
Sub-total Transactions with Owners	-	-	-	-	1,332,000	-	1,332,000	-
Closing balance as at 30 June	(1,869,744)	(1,295,820)	159,070,207	135,431,784	58,010,598	56,678,598	215,211,061	190,814,562
Closing balance attributable to the Australian Government	(1,869,744)	(1,295,820)	159,070,207	135,431,784	58,010,598	56,678,598	215,211,061	190,814,562

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

CASH FLOW STATEMENT for the High Court of Australia
for the period ended 30 June 2010

	30 June 2010	30 June 2009
Notes	\$	\$
OPERATING ACTIVITIES		
Cash received		
Goods and services	197,733	77,935
Appropriations	16,477,000	15,237,000
Interest	319,042	416,009
Net GST received	876,300	978,275
Other	93,108	52,717
Total cash received	17,963,183	16,761,936
Cash used		
Employees	7,351,200	7,074,309
Suppliers	6,517,998	5,526,814
Net GST paid	859,698	1,032,897
Total cash used	14,728,896	13,634,020
Net cash from operating activities	9 3,234,287	3,127,916
INVESTING ACTIVITIES		
Cash received		
Proceeds from sales of infrastructure, plant and equipment	19,727	737
Investments	4,342,933	300,000
Total cash received	4,362,660	300,737
Cash used		
Purchase of infrastructure, plant and equipment	3,337,975	5,412,568
Investments	5,221,170	113,363
Total cash used	8,559,145	5,525,931
Net cash used by investing activities	(4,196,485)	(5,225,194)
FINANCING ACTIVITIES		
Cash received		
Capital injection	1,332,000	-
Total cash received	1,332,000	-
Net cash from financing activities	1,332,000	-
Net increase (decrease) in cash held	369,802	(2,097,278)
Cash and cash equivalents at the beginning of the reporting period	1,292,006	3,389,284
Cash and cash equivalents at the end of the reporting period	5A 1,661,808	1,292,006

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

SCHEDULE OF COMMITMENTS for the High Court of Australia
as at 30 June 2010

	30 June 2010 \$	30 June 2009 \$
BY TYPE		
Commitments receivable		
Sublease rental income	(2,899)	-
GST recoverable on commitments	<u>(1,002,937)</u>	<u>(968,926)</u>
Total commitments receivable	<u>(1,005,836)</u>	<u>(968,926)</u>
Commitments payable		
Capital commitments		
Land and buildings	365,825	464,619
Infrastructure, plant and equipment	148,371	267,112
Intangibles	<u>12,881</u>	<u>-</u>
Total capital commitments	<u>527,077</u>	<u>731,731</u>
Other commitments		
Operating leases	8,319,573	8,865,418
Other ¹	<u>2,185,653</u>	<u>1,061,035</u>
Total other commitments	<u>10,505,226</u>	<u>9,926,453</u>
Net commitments by type	<u>10,026,467</u>	<u>9,689,258</u>
BY MATURITY		
Commitments receivable		
Operating lease income		
One year or less	<u>(2,899)</u>	<u>-</u>
Total operating lease income	<u>(2,899)</u>	<u>-</u>
Other commitments receivable		
One year or less	(260,620)	(226,472)
From one to five years	(362,190)	(294,101)
Over five years	<u>(380,127)</u>	<u>(448,353)</u>
Total other commitments receivable	<u>(1,002,937)</u>	<u>(968,926)</u>
Commitments payable		
Capital commitments		
One year or less	<u>527,077</u>	<u>731,731</u>
Total capital commitments	<u>527,077</u>	<u>731,731</u>
Operating lease commitments		
One year or less	965,595	879,063
From one to five years	3,172,588	3,054,470
Over five years	<u>4,181,390</u>	<u>4,931,885</u>
Total operating lease commitments	<u>8,319,573</u>	<u>8,865,418</u>
Other commitments		
One year or less	1,374,151	880,392
From one to five years	<u>811,502</u>	<u>180,643</u>
Total other commitments	<u>2,185,653</u>	<u>1,061,035</u>
Net commitments by maturity	<u>10,026,467</u>	<u>9,689,258</u>

NB: Commitments are GST inclusive where relevant.

¹ Other commitments include contracts for security, telecommunications and building maintenance.

HIGH COURT OF AUSTRALIA
SCHEDULE OF COMMITMENTS (continued)
as at 30 June 2010

Nature of lease	General description of leasing arrangement
Leases for office accommodation	The majority of these commitments are leases for accommodation within Commonwealth Law Court buildings owned by the Commonwealth of Australia. Lease payments are subject to annual increases in accordance with upward movements in the Consumer Price Index.
Agreement for the provision of motor vehicles to senior executive officers and one office car.	The Court leases motor vehicles under the terms of a contract with various operative dates.

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

HIGH COURT OF AUSTRALIA
SCHEDULE OF ASSET ADDITIONS for the High Court of Australia
for the period ended 30 June 2010

The following non-financial non-current assets were added in 2009-10:

	Land	Buildings	Heritage & cultural	Other infrastructure plant & equipment	Intangibles	Library holdings	Total
	\$	\$	\$	\$	\$	\$	\$
By purchase - appropriation equity	-	-	-	-	89,675	1,200,000	1,289,675
By purchase - appropriation ordinary annual services	-	1,360,689	-	397,636	2,904	30,026	1,791,255
By purchase - other	-	-	11,500	12,000	-	-	23,500
Assets received as gifts/donations	-	-	30,000	-	-	-	30,000
Total additions	-	1,360,689	41,500	409,636	92,579	1,230,026	3,134,430

The following non-financial non-current assets were added in 2008-09:

	Land	Buildings	Heritage & cultural	Other infrastructure plant & equipment	Intangibles	Library holdings	Total
	\$	\$	\$	\$	\$	\$	\$
By purchase - appropriation equity	-	3,476,000	-	-	-	-	3,476,000
By purchase - appropriation ordinary annual services	-	712,920	-	283,799	20,285	1,307,007	2,324,011
By purchase - other	-	-	186,301	-	-	-	186,301
Total additions	-	4,188,920	186,301	283,799	20,285	1,307,007	5,986,312

SCHEDULE OF ADMINISTERED ITEMS for the High Court of Australia

	30 June 2010	30 June 2009
Notes	\$	\$
Income administered on behalf of Government		
<i>for the period ended 30 June 2010</i>		
Revenue		
Non-taxation revenue		
Sale of goods and rendering of services	15A <u>1,042,854</u>	<u>975,131</u>
Total non-taxation revenue	<u>1,042,854</u>	<u>975,131</u>
Total revenues administered on behalf of Government	<u>1,042,854</u>	<u>975,131</u>
	30 June 2010	30 June 2009
Notes	\$	\$
Administered Cash Flows		
<i>for the year ended 30 June 2010</i>		
OPERATING ACTIVITIES		
Cash received		
Fees and charges	<u>1,042,854</u>	<u>975,311</u>
Total cash received	<u>1,042,854</u>	<u>975,311</u>
Net cash flows from operating activities	<u>1,042,854</u>	<u>975,311</u>
Net Increase (Decrease) in Cash Held	1,042,854	975,311
Cash and cash equivalents at the beginning of the reporting period	-	-
Cash to Official Public Account for:		
- Other	<u>(1,042,854)</u>	<u>(975,311)</u>
Cash and cash equivalents at the end of the reporting period	<u>-</u>	<u>-</u>
This schedule should be read in conjunction with the accompanying notes.		

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the High Court of Australia ("the Court")

The Court is a Commonwealth entity. The objective of the Court is to interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court of Australia.

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

Outcome 1: To interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court of Australia.

The continued existence of the Court is guaranteed by the Constitution.

All activities contributing toward this outcome are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the Court in its own right. Administered activities involve the management or oversight by the Court, on behalf of the Government, of items controlled or incurred by the Government.

The Court conducts the following administered activities: Fees and charges are collected in accordance with the *High Court of Australia (Fees) Regulations 2004* Schedule 1. The fees and charges collected are transferred to consolidated revenue.

1.2 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 Robert French (appointed 1/09/08)

The Honourable Murray Gleeson, AC (retired 29/08/08)

Justices:

The Honourable William Gummow, AC

The Honourable Michael Kirby, AC, CMG (retired 2/02/09)

The Honourable Kenneth Hayne, AC

The Honourable Dyson Heydon, AC

The Honourable Susan Crennan, AC

The Honourable Susan Kiefel

The Honourable Virginia Bell (appointed 3/02/09)

Chief Executive & Principal Registrar:

Andrew Phelan

Under section 10 of the *High Court of Australia Act 1979 (Cth)*, a Justice is not capable of accepting or holding any other office of profit within Australia. No related party transactions have occurred during the 2009-2010 financial year.

1.3 Basis of Preparation of the Financial Statements

The financial statements and notes are required by section 47 (1) of the *High Court of Australia Act 1979 (Cth)* and are general purpose financial statements. Under Section 47 (1) the Financial Statements are required to be in such a form as the Minister of Finance approves.

On that basis, the Financial Statements and notes have been prepared in accordance with:

- Finance Minister's Orders (or FMO) for reporting periods ending on or after 1 July 2009; and
- Australian Accounting Standards and Interpretation issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

The financial statements are presented in Australian dollars and values are rounded to the nearest dollar unless otherwise specified.

Unless alternative treatment is specifically required by an accounting standard or the FMO, assets and liabilities are recognised in the balance sheet when and only when it is probable that future economic benefits will flow to the Court or a future sacrifice of economic benefit will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under Agreements Equally Proportionately Unperformed are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the statement of comprehensive income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Administered revenues, expenses, assets and liabilities and cash flows reported in the Schedule of Administered Items and related notes are accounted for on the same basis and using the same policies as for departmental items, except where otherwise stated at Note 1.20.

1.4 Significant Accounting Judgement and Estimates

In the process of applying the accounting policies listed in this note, the Court has made the following judgment's that have the most significant impact on the amounts recorded in the financial statements:

- The fair value of land and buildings has been taken to be the written down replacement cost as determined by an independent valuer. The Court's building is purpose-built and may in fact realise more or less in the market.

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

1.5 New Australian Accounting Standards

Adoption of New Australian Accounting Standard Requirements

No accounting standard has been adopted earlier than the application date as stated in the standard. Of the new standards, amendments to standards and interpretations issued by the Australian Accounting Standards Board that are applicable to the current period, none have a material impact on the Court.

Future Australian Accounting Standards Requirements

Of the new standards, amendments to standards and interpretations issued by the Australian Accounting Standards Board that are applicable to future periods, none will have a material impact on the Court.

1.6 Revenue

Revenue from Government

Amounts appropriated for departmental outputs for the year (adjusted for any formal additions and reductions) are recognised as revenue when the Court gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Resources Received Free of Charge

Resources received free of charge are recognised as revenue when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Other Types of Revenue

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the Court retains no managerial involvement nor effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated from the transaction will flow to the Court.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits with the transaction will flow to the Court.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of reporting period. Allowances are made when collectability of the debt is no longer probable.

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

1.7 Gains

Resources Received Free of Charge

Resources received free of charge are recognised as gains when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded either as revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government agency or authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.8).

Sale of Assets

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

Other Gains

Assets recognised for the first time are classified as other gains at their fair value when the asset qualifies for recognition.

1.8 Transactions with the Government as Owner

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) are recognised directly in contributed equity in that year.

1.9 Employee Benefits

Liabilities for 'short-term employee benefits' (as defined in AASB 119 *Employee Benefits*) and termination benefits due within twelve months of end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan asset (if any) out of which the obligations are to be settled directly.

Leave

The liability for employee benefits 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 the average sick leave taken in future years by employees of the Court is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration, including the Court's employer superannuation contribution rates, to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the Department of Finance and Deregulation's short-hand method as revised in February 2009. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The Court recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Superannuation

Staff of the Court are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), the PSS accumulation plan (PSSap) or other complying accumulation superannuation funds.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

The Court makes employer contributions to the employee superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government of the superannuation entitlements of the Court's employees. The Court accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

1.10 Leases

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased non-current assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

Notes to and forming part of the Financial Statements for the High Court of Australia

The discount rate used is the interest rate implicit in the lease. 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 straight-line basis which is representative of the pattern of benefits derived from the leased assets.

1.11 Borrowing Costs

All borrowing costs are expensed as incurred.

1.12 Cash

Cash and cash equivalents includes cash on hand, cash held with outsiders, demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. Cash is recognised at its nominal amount.

1.13 Financial Assets

All financial assets of the Court are currently classed as either:

- held-to-maturity investments; and
- loans and receivables.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Financial assets are recognised and derecognised upon trade date.

Effective Interest Method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

Income is recognised on an effective interest rate basis except for financial assets at fair value through profit or loss.

Held-to-Maturity Investments

Non-derivative financial assets with fixed or determinable payments and fixed maturity dates that the Court has the positive intent and ability to hold to maturity are classified as held-to-maturity investments. Held-to-maturity investments are recorded at amortised cost using the effective interest method less impairment, with revenue recognised on an effective yield basis.

Loans and Receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

- *Financial assets held at amortised cost* - if there is objective evidence that an impairment loss has been incurred for loans and receivables or held to maturity investments held at amortised cost, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the statement of comprehensive income.

1.14 Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities.

Financial liabilities were recognised and derecognised upon 'trade date'.

Other Financial Liabilities

Other financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs.

Notes to and forming part of the Financial Statements for the High Court of Australia

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.15 Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the balance sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

1.16 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

1.17 Infrastructure, Plant and Equipment

Asset Recognition Threshold

Purchases of infrastructure, plant and equipment are recognised initially at cost in the balance sheet, except for purchases costing less than \$3,000 (or building improvements less than \$10,000), which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

Revaluations

Fair values for each class of asset are determined as shown below:

Asset class	Fair value measured at
Land	Highest and best use with recognition of the restrictive zoning within the Parliamentary Triangle and the inability of the assets to be disposed of due to legislation or government policy.
Buildings	Depreciated replacement cost recognising that the Court's Building is a special-purpose heritage building.
Infrastructure, plant & equipment	Market selling price
Heritage and cultural assets	Market selling price

Following initial recognition at cost, infrastructure, plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Notes to and forming part of the Financial Statements for the High Court of Australia

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable infrastructure, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Court using, in all cases, the straight-line method of depreciation.

The Court has heritage and cultural assets that do not have limited useful lives and are not depreciated.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	<u>2010</u>	<u>2009</u>
Building assets	4 to 170 years	4 to 173 years
Infrastructure, plant and equipment	0 to 50 years	0 to 50 years
Library holdings	50 years	50 years

Impairment

All assets were assessed for impairment at 30 June 2010. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Court were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

1.18 Intangibles

The Court's intangibles comprise externally acquired software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over their anticipated useful life. The useful lives of the Court's software is 3 years (2008-09: 3 years).

All software assets were assessed for indications of impairment as at 30 June 2010.

1.19 Taxation

The Court is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST:

- except where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- except for receivables and payables.

1.20 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the schedule of administered items and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

Notes to and forming part of the Financial Statements for the High Court of Australia

Administered Cash Transfers to and from Official Public Account

Revenue collected by the Court for use by the Government rather than the Court is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. These transfers to the OPA are adjustments to the administered cash held by the Court on behalf of the Government and reported as such in the statement of cash flows in the schedule of administered items and in the Administered Reconciliation Table in Note 16: Administered Reconciliation Table.

Revenue

All administered revenues are revenues relating to the course of ordinary activities performed by the Court on behalf of the Australian Government.

1.21 Comparative Figures

When required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

Note 2: Events After the Reporting Period

No events have occurred after the reporting period that affect the Financial Statements.

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	<u>\$</u>	<u>\$</u>
Note 3: Expenses		
Note 3A: Employee Benefits		
Wages and salaries	5,703,799	5,777,507
Superannuation:		
Defined contribution plans	365,793	286,759
Defined benefit plans	742,592	705,035
Leave and other entitlements	660,744	306,476
Separation and redundancies	-	136,280
Total employee benefits	<u>7,472,928</u>	<u>7,212,057</u>
<p>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 High Court of Australia.</p>		
Note 3B: Suppliers		
Goods and services:		
Property	2,641,858	2,484,176
Information technology and communication	840,355	739,933
Travel	888,218	957,004
Other	1,542,253	1,638,616
Total goods and services	<u>5,912,684</u>	<u>5,819,729</u>
Goods and services are made up of:		
Provision of goods - related entities	4,916	6,524
Provision of goods - external parties	212,484	295,232
Rendering of services - related entities	1,680,867	1,877,662
Rendering of services - external parties	4,014,417	3,640,311
Total goods and services	<u>5,912,684</u>	<u>5,819,729</u>
Other supplier expenses		
Operating lease rentals - external parties:		
Minimum lease payments	1,016,606	948,820
Workers compensation premiums	104,844	58,296
Total other supplier expenses	<u>1,121,450</u>	<u>1,007,116</u>
Total supplier expenses	<u>7,034,134</u>	<u>6,826,845</u>
Note 3C: Depreciation and Amortisation		
Depreciation:		
Infrastructure, plant and equipment	378,974	340,369
Buildings	3,334,713	3,232,411
Library holdings	341,280	246,852
Total depreciation	<u>4,054,967</u>	<u>3,819,632</u>
Amortisation:		
Intangibles:		
Computer software	6,060	12,000
Total amortisation	<u>6,060</u>	<u>12,000</u>
Total depreciation and amortisation	<u>4,061,027</u>	<u>3,831,632</u>

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	<u>\$</u>	<u>\$</u>
Note 3D: Write-Down and Impairment of Assets		
Asset write-downs and impairments from:		
Financial assets		
Impairment of trade and other receivables	2,019	3
Non-financial assets		
Revaluation decrement - library holdings	-	539,624
Revaluation decrement - infrastructure, plant and equipment	76,071	-
Impairment of infrastructure, plant and equipment	1,988	43,834
Impairment of heritage and cultural assets	-	25,000
Impairment of buildings	-	134,262
Total write-down and impairment of assets	<u>80,078</u>	<u>742,723</u>
Note 3E: Losses from Asset Sales		
Infrastructure, plant and equipment:		
Proceeds from sale	(19,728)	(737)
Carrying value of assets sold	<u>34,761</u>	<u>3,166</u>
Total losses from asset sales	<u>15,033</u>	<u>2,429</u>

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	<u>\$</u>	<u>\$</u>
Note 4: Income		
REVENUE		
<u>Note 4A: Sale of Goods and Rendering of Services</u>		
Provision of goods - external parties	33,440	32,785
Rendering of services - external parties	<u>132,233</u>	<u>110,518</u>
Total sale of goods and rendering of services	<u>165,673</u>	<u>143,303</u>
<u>Note 4B: Interest</u>		
Deposits	<u>304,337</u>	417,877
Total interest	<u>304,337</u>	<u>417,877</u>
<u>Note 4C: Other Revenue</u>		
Practitioner certificates	63,268	46,689
Comcare receipt	24,303	-
Other	<u>5,537</u>	<u>6,028</u>
Total other revenue	<u>93,108</u>	<u>52,717</u>
<u>Note 4D: Resources Received Free of Charge</u>		
Financial statement audit	36,000	34,500
Property operating cost	959,658	989,009
Registry filing services	<u>-</u>	<u>61,130</u>
Total resources received free of charge	<u>995,658</u>	<u>1,084,639</u>
GAINS		
<u>Note 4E: Other Gains</u>		
Other	<u>53,500</u>	186,300
Total other gains	<u>53,500</u>	<u>186,300</u>
Recognising assets held by the Court in the accounts for the first time.		
REVENUE FROM GOVERNMENT		
<u>Note 4F: Revenue from Government</u>		
Appropriations:		
Departmental outputs	<u>16,477,000</u>	<u>15,237,000</u>
Total revenue from Government	<u>16,477,000</u>	<u>15,237,000</u>
Note 5: Financial Assets		
<u>Note 5A: Cash and Cash Equivalents</u>		
Cash at bank	1,658,408	1,288,856
Cash on hand	1,900	1,650
Other	<u>1,500</u>	<u>1,500</u>
Total cash and cash equivalents	<u>1,661,808</u>	<u>1,292,006</u>

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	<u>\$</u>	<u>\$</u>
Note 5B: Trade and Other Receivables		
Goods and Services:		
Goods and services - related entities	1,650	15,387
Goods and services - external parties	<u>44,232</u>	<u>62,344</u>
Total receivables for goods and services	<u>45,882</u>	<u>77,731</u>
GST receivable from the Australian Taxation Office	91,499	108,102
Other:		
Interest	18,303	33,008
Other receivables	<u>22,497</u>	<u>10,185</u>
Total other receivables	<u>40,800</u>	<u>43,193</u>
Total trade and other receivables	<u>178,181</u>	<u>229,026</u>
Receivables are expected to be recovered in:		
No more than 12 months	<u>178,181</u>	<u>229,026</u>
Total trade and other receivables	<u>178,181</u>	<u>229,026</u>
Receivables are aged as follows:		
Not overdue	174,438	221,598
Overdue by:		
Less than 30 days	21	2,383
30 to 60 days	715	300
61 to 90 days	750	4,419
More than 90 days	<u>2,257</u>	<u>326</u>
Total receivables	<u>178,181</u>	<u>229,026</u>
Note 5C: Other Investments		
Deposits	<u>4,167,601</u>	<u>3,289,364</u>
Total other investments	<u>4,167,601</u>	<u>3,289,364</u>
Total investments expected to be recovered in:		
No more than 12 months	<u>4,167,601</u>	<u>3,289,364</u>
Total other investments	<u>4,167,601</u>	<u>3,289,364</u>

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010 \$	30 June 2009 \$
Note 6: Non-Financial Assets		
Note 6A: Land and Buildings		
Land at fair value	8,925,000	7,517,058
Buildings on freehold land:		
Fair value	180,748,042	236,503,070
Accumulated depreciation	(102,983)	(80,081,202)
Work in progress - at cost	342,311	4,308,461
Total land and buildings	189,912,370	168,247,387

All revaluations are conducted in accordance with the revaluation policy stated at Note 1. In June 2010, an independent valuer, the Australian Valuation Office conducted the valuations.

Revaluation increment of \$1,407,942 for land (2009: nil) and increment of \$22,230,481 for buildings on freehold land (2009: nil) were credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet.

No indicators of impairment were found for land and buildings.

No land or buildings are expected to be sold or disposed of within the next 12 months.

Either the gross or net approach to disclosing revalued assets may be used as permitted by AASB 116 para. 35. As at 30 June 2010 the net approach was used and is to be used in future years. (30 June 2009 the gross approach was used).

Note 6B: Infrastructure, Plant and Equipment

Heritage and cultural:		
Artworks - fair value	2,699,800	2,669,800
Rare books - fair value	130,711	130,711
Heritage furniture - fair value	203,300	178,800
Total heritage and cultural	3,033,811	2,979,311
Other infrastructure, plant and equipment:		
Fair value	1,220,461	1,964,504
Accumulated depreciation	(9,191)	(657,492)
Total other infrastructure, plant and equipment	1,211,270	1,307,012
Total infrastructure, plant and equipment	4,245,081	4,286,323

All revaluations are conducted in accordance with the revaluation policy stated at Note 1. In June 2010, an independent valuer, Pickles Auction Pty Ltd conducted the valuation of infrastructure, plant and equipment. In April 2009, an independent valuer, Simon Storey conducted the valuations of artwork and heritage furniture. In June 2009 an independent valuer, the Australian Valuation Office conducted a valuation of rare books.

No revaluation increment/decrement for 2010 (2009: increment of \$890,056) for heritage and cultural assets was credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet. Revaluation decrement of \$76,071 for infrastructure, plant and equipment was expensed in 2010 (2009:nil).

No indicators of impairment were found for infrastructure, plant and equipment.

No infrastructure, plant or equipment is expected to be sold or disposed of within the next 12 months.

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	\$	\$
Note 6C: Library Holdings		
Library holdings		
Fair value	17,621,253	16,391,227
Accumulated depreciation	(556,632)	(215,352)
Total library holdings	17,064,621	16,175,875

In June 2009, an independent valuer, the Australian Valuation Office conducted the valuation of the library holdings.

No revaluation increment/decrement for 2010 (2009: decrement of \$2,221,874) was debited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet. No decrement for 2010 was expensed (2009: decrement of \$539,624 expensed).

No indicators of impairment were found for library holding assets.

No library holdings are expected to be sold or disposed of within the next 12 months.

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 6D: Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment (2009-10)

	Land	Buildings	Total Land and Buildings	Other IP&E	Heritage & Cultural	Library Holdings	Total
	\$	\$	\$	\$	\$	\$	\$
As at 1 July 2009							
Gross book value	7,517,058	240,811,531	248,328,589	1,964,504	2,979,311	16,391,227	269,663,631
Accumulated depreciation and impairment	n/a	(80,081,202)	(80,081,202)	(657,492)	-	(215,352)	(80,954,046)
Net book value 1 July 2009	7,517,058	160,730,329	168,247,387	1,307,012	2,979,311	16,175,875	188,709,585
Additions:							
By purchase	-	1,360,689	1,360,689	409,636	41,500	1,230,026	3,041,851
By donation/gift	-	-	-	-	-	-	-
Revaluations and impairments recognised in other comprehensive income	1,407,942	22,230,481	23,638,423	-	-	-	23,638,423
Revaluations recognised in the operating result	-	-	-	(76,071)	-	-	(76,071)
Impairments recognised in the operating result	-	-	-	(1,988)	-	-	(1,988)
Reversal of impairments recognised in the operating result	-	-	-	-	-	-	-
Reclassification	-	584	584	(13,584)	13,000	-	-
Depreciation expense	n/a	(3,334,713)	(3,334,713)	(378,974)	-	(341,280)	(4,054,967)
Disposals:							
Other disposals	-	-	-	(34,761)	-	-	(34,761)
Net book value 30 June 2010	8,925,000	180,987,370	189,912,370	1,211,270	3,033,811	17,064,621	211,222,072
Net book value as of 30 June 2010 represented by:							
Gross book value	8,925,000	181,090,353	190,015,353	1,220,461	3,033,811	17,621,253	211,890,878
Accumulated depreciation and impairment	n/a	(102,983)	(102,983)	(9,191)	-	(556,632)	(668,806)
	8,925,000	180,987,370	189,912,370	1,211,270	3,033,811	17,064,621	211,222,072

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 6D (Cont'd): Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment (2008-09)

	Land	Buildings	Total Land and Buildings	Other IP&E	Heritage and Cultural	Library Holdings	Total
	\$	\$	\$	\$	\$	\$	\$
As at 1 July 2008							
Gross book value	7,517,058	237,077,011	244,594,069	1,730,403	1,937,804	18,090,733	266,353,009
Accumulated depreciation and impairment	n/a	(77,168,929)	(77,168,929)	(330,272)	-	(213,515)	(77,712,716)
Net book value 1 July 2008	7,517,058	159,908,082	167,425,140	1,400,131	1,937,804	17,877,218	188,640,293
Additions:							
By purchase	-	4,188,920	4,188,920	283,799	186,301	1,307,007	5,966,027
Revaluations and impairments recognised in other comprehensive income	-	-	-	601	890,056	(2,221,874)	(1,331,217)
Revaluations recognised in the operating result	-	-	-	-	-	(539,624)	(539,624)
Impairments recognised in the operating result	-	(134,262)	(134,262)	(43,834)	(25,000)	-	(203,096)
Reclassification	-	-	-	9,850	(9,850)	-	-
Depreciation expense	n/a	(3,232,411)	(3,232,411)	(340,369)	-	(246,852)	(3,819,632)
Disposals:							
Other disposals	-	-	-	(3,166)	-	-	(3,166)
Net book value 30 June 2009	7,517,058	160,730,329	168,247,387	1,307,012	2,979,311	16,175,875	188,709,585
Net book value as of 30 June 2009 represented by:							
Gross book value	7,517,058	240,811,531	248,328,589	1,964,504	2,979,311	16,391,227	269,663,631
Accumulated depreciation and impairment	n/a	(80,081,202)	(80,081,202)	(657,492)	-	(215,352)	(80,954,046)
	7,517,058	160,730,329	168,247,387	1,307,012	2,979,311	16,175,875	188,709,585

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	\$	\$
Note 6E: Intangibles		
Computer software:		
Externally acquired - at cost	521,030	497,842
Work in progress	89,675	20,285
Total computer software (gross)	610,705	518,127
Accumulated amortisation	(500,510)	(494,451)
Total computer software (net)	110,195	23,676
Total intangibles	110,195	23,676

No indicator of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 6F: Reconciliation of the Opening and Closing Balances of Intangibles (2009 - 10)

	Computer software purchased \$	Total \$
As at 1 July 2009		
Gross book value	518,127	518,127
Accumulated amortisation and impairment	(494,451)	(494,451)
Net book value 1 July 2009	23,676	23,676
Additions:		
By purchase	92,579	92,579
Amortisation	(6,060)	(6,060)
Other movements	-	-
Net book value 30 June 2010	110,195	110,195
Net book value as at 30 June 2010 represented by:		
Gross book value	610,705	610,705
Accumulated amortisation and impairment	(500,510)	(500,510)
	110,195	110,195

Note 6F (Cont'd): Reconciliation of the Opening and Closing Balances of Intangibles (2008 - 09)

	Computer software purchased \$	Total \$
As at 1 July 2008		
Gross book value	491,557	491,557
Accumulated amortisation and impairment	(476,164)	(476,164)
Net book value 1 July 2008	15,393	15,393
Additions		
By purchase	20,285	20,285
Amortisation	(12,000)	(12,000)
Other movements	(2)	(2)
Net book value 30 June 2009	23,676	23,676
Net book value as of 30 June 2009 represented by:		
Gross book value	518,127	518,127
Accumulated amortisation and impairment	(494,451)	(494,451)
	23,676	23,676

Other movements corrects the opening balance for gross book value.

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	<u>\$</u>	<u>\$</u>
Note 6G: Other Non-Financial Assets		
Prepaid property rentals	336,235	333,013
Other prepayments	<u>197,761</u>	<u>143,375</u>
Total other non-financial assets	<u>533,996</u>	<u>476,388</u>
Total other non-financial assets - are expected to be recovered in:		
No more than 12 months	<u>533,996</u>	476,388
Total other non-financial assets	<u>533,996</u>	<u>476,388</u>

No indicators of impairment were found for other non-financial assets.

Note 7: Payables

Note 7A: Suppliers

Trade creditors	-	<u>401,111</u>
Total supplier payables	-	<u>401,111</u>
Supplier payables expected to be settled within 12 months:		
External parties	-	<u>401,111</u>
Total supplier payables	-	<u>401,111</u>

Settlement is usually made within 30 days.

The Court implemented a new accounting package as at 1 July 2010 hence all creditors as at 30 June 2010 were paid.

Note 7B: Other Payables

Unearned revenue	16,482	16,270
Salaries and wages	177,597	178,486
Accrued expenses	416,381	692,216
Superannuation	<u>124,983</u>	<u>107,065</u>
Total other payables	<u>735,443</u>	<u>994,037</u>

Total other payables are expected to be settled in:

No more than 12 months	<u>735,443</u>	994,037
Total other payables	<u>735,443</u>	<u>994,037</u>

Note 8: Provisions

Note 8A: Employee provisions

Leave	<u>1,927,349</u>	<u>1,810,335</u>
Total employee provisions	<u>1,927,349</u>	<u>1,810,335</u>
Employee provisions are expected to be settled in:		
No more than 12 months	1,714,705	1,665,086
More than 12 months	<u>212,644</u>	<u>145,249</u>
Total employee provisions	<u>1,927,349</u>	<u>1,810,335</u>

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	\$	\$
Note 9: Cash flow Reconciliation		
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Cash and cash equivalent as per:		
Cash flow statement	1,661,808	1,292,006
Balance sheet	1,661,808	1,292,006
Difference	-	-
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	17,050,924	16,730,850
Add revenue from Government	16,477,000	15,237,000
Adjustments for non-cash items		
Depreciation /amortisation	4,061,027	3,831,632
Net write down of non-financial assets	78,059	742,720
Loss on disposal of assets	15,033	2,429
Other Gains	(53,500)	(186,300)
Changes in assets / liabilities		
(Increase) / decrease in net receivables	50,844	(131,255)
(Increase) / decrease in prepayments	(57,608)	(211,867)
Increase / (decrease) in employee provisions	117,015	249,899
Increase / (decrease) in supplier payables	(401,111)	282,417
Increase / (decrease) in accrued expenses	(18,785)	(117,718)
Increase / (decrease) in other payables	17,237	159,809
Net cash from / (used by) operating activities	3,234,287	3,127,916

Note 10: Contingent Liabilities and Assets

Quantifiable Contingencies

As at 30 June 2010, the Court had no quantifiable contingencies (2009: nil).

Unquantifiable Contingencies

As at 30 June 2010, the Court had no unquantifiable contingencies (2009: nil).

Significant Contingencies

As at 30 June 2010, the Court has no significant remote contingencies (2009: nil).

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 11: Executive Remuneration

Note 11:A: Actual Remuneration Paid to Senior Executives

	<u>2010</u>	<u>2009</u>
The number of senior executives who received:		
\$160,000 to \$174,999	-	1
\$175,000 to \$189,999	-	1
\$190,000 to \$204,999	1	-
\$205,000 to \$219,999	-	1
\$220,000 to \$234,999	1	-
\$250,000 to \$264,999	-	1
\$265,000 to \$279,999	2	-
\$340,000 to \$354,999	1	-
\$355,000 to \$369,999	-	1
Total	<u>5</u>	<u>5</u>

Excluding acting arrangements and part-year service

Total expense recognised in relation to Senior Executive employment

	\$	\$
Short-term employee benefits:		
Salary (including annual leave taken)	917,055	845,009
Changes in annual leave provisions	2,046	15,995
Other	112,701	153,970
Total Short-term employee benefits	<u>1,031,802</u>	<u>1,014,974</u>
Superannuation (post-employment benefits)	258,348	130,148
Changes in long service leave provisions	<u>32,205</u>	<u>32,503</u>
Total	<u>1,322,355</u>	<u>1,177,625</u>

"Other" includes motor vehicle contributions and employee super contributions.

Note 11:B: Salary Packages for Senior Executives

Average annualised remuneration packages for substantive Senior Executives

	<u>As at 30 June 2010</u>			<u>As at 30 June 2009</u>		
	No. SES	Base salary (including annual leave) \$	Total remuneration package ¹ \$	No. SES	Base salary (including annual leave) \$	Total remuneration package ¹ \$
Total remuneration:						
\$175,000 to \$189,999	1	161,223	185,406	1	158,840	180,283
\$190,000 to \$204,999	2	172,550	198,433	2	170,000	192,950
\$265 000 to \$279 999	1	240,000	276,000	1	240,000	272,400
\$325,000 to \$339 999	<u>1</u>	<u>225,890</u>	<u>319,250</u>	<u>1</u>	<u>219,310</u>	<u>309,950</u>
Total	<u>5</u>			<u>5</u>		

Excluding acting arrangements.

1. The total remuneration package includes:

- (a) Agreed base salary (including annual leave)
- (b) Motor vehicle contributions
- (c) Superannuation

Long service leave is excluded, as entitlement to this is not certain until 10 years of service is reached

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 11: Executive Remuneration (continued)

Major differences between Note 11A and 11B

Note 11A discloses senior executive remuneration based upon:

- (a) Actual salary paid during the year (including payment for leave taken)
- (b) Movement in annual leave and long service leave provisions (including revaluations of provisions)
- (c) Superannuation (post employment benefits)
- (d) Motor vehicle contributions

These amounts differ to the remuneration package disclosed in Note 11B depending upon; the amount of leave taken during the year; acting arrangements; changes to base salary; salary for superannuation purposes; motor vehicle contributions during the year; and revaluations of employee provisions.

Note 11B reflects only substantive senior executive packages in existence as at 30 June.

Note 12: Remuneration of Auditors

	2010	2009
	\$	\$

Financial statement audit services were provided free of charge to the Court.

The fair value of audit services provided was:

High Court of Australia	<u>36,000</u>	<u>34,500</u>
	<u>36,000</u>	<u>34,500</u>

No other services are provided by the Auditor-General.

Note 13: Public Money in the Custody of the Court

Suitor's Fund

Balance as at 1 July	17,000	14,265
Amounts received	-	4,515
Amounts deducted/paid out	<u>(1,750)</u>	<u>(1,780)</u>
Balance as at 30 June	<u>15,250</u>	<u>17,000</u>

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

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	\$	\$

Note 14: Financial Instruments

Note 14A: Categories of financial instruments

Financial Assets

Held-to-maturity		
Term deposits	4,167,601	3,289,364
Total	4,167,601	3,289,364

Loans and receivables

Cash at bank	1,661,808	1,292,006
Receivable for goods and services	68,379	87,916
Total	1,730,187	1,379,922

Carrying amount of financial assets

5,897,788	4,669,286
-----------	-----------

Financial Liabilities

At amortised cost:

Supplier payables	-	401,111
Accrued expenses	416,381	692,216
Total	416,381	1,093,327

Carrying amount of financial liabilities

416,381	1,093,327
---------	-----------

Note 14B: Net Income and Expense from Financial Assets

Held-to-maturity

Interest revenue	201,765	194,018
Net gain/(loss) held-to-maturity	201,765	194,018

Loans and receivables

Interest revenue	97,877	208,262
Net gain/(loss) loans and receivables	97,877	208,262

Net gain/(loss) from financial assets

299,642	402,280
---------	---------

Note 14C: Fair Value of Financial Instruments

	Carrying amount 2010 \$'000	Fair Value 2010 \$'000	Carrying amount 2009 \$'000	Fair value 2009 \$'000
Financial Assets				
Cash at bank	1,661,808	1,661,808	1,292,006	1,292,006
Held-to-maturity	4,167,601	4,167,601	3,289,364	3,289,364
Receivables for goods and services	68,379	68,379	87,916	87,916
Total	5,897,788	5,897,788	4,669,286	4,669,286
Financial Liabilities				
Suppliers payable at amortised cost	-	-	401,111	401,111
Accrued expenses at amortised cost	416,381	416,381	692,216	692,216
Total	416,381	416,381	1,093,327	1,093,327

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 14D: Credit Risk

The Court's primary credit risk exposure arises from the Court's business interactions on credit with trade debtors. The credit quality of other customers is risk assessed by management taking into account their financial position, past experience and other factors and compliance with the Court's credit terms is regularly monitored by management.

The following table illustrates the Court's gross exposure to credit risk, excluding any collateral or credit enhancements.

	2010	2009
	\$	\$
Financial assets		
Loans and receivables	68,379	87,916
Total	68,379	87,916

Credit quality of financial instruments not past due or individually determined as impaired

	Not past due nor impaired 2010 \$	Not past due nor impaired 2009 \$	Past due or impaired 2010 \$	Past due or impaired 2009 \$
Financial assets				
Loans and receivables	64,636	80,488	3,743	7,428
Total	64,636	80,488	3,743	7,428

Ageing of financial assets that are past due but not impaired for 2010

	0 to 30 days \$	31 to 60 days \$	61 to 90 days \$	90+ days \$	Total \$
Loans and receivables	21	715	750	2,257	3,743
Total	21	715	750	2,257	3,743

Ageing of financial assets that are past due but not impaired for 2009

	0 to 30 days \$	31 to 60 days \$	61 to 90 days \$	90+ days \$	Total \$
Loans and receivables	2,383	300	4,419	326	7,428
Total	2,383	300	4,419	326	7,428

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 14E: Liquidity Risk

The Court manages liquidity risk by continuously monitoring the forecast and actual cashflows associated with the financial assets and liabilities of the Court. The following tables illustrates the maturities for the Court's financial liabilities.

Maturities for non- derivative financial liabilities 2010

	On demand	within 1 year	1 to 2 years	2 to 5 years	> 5 years	Total
	\$	\$	\$	\$	\$	\$
Accrued expenses	-	416,381	-	-	-	416,381
Total	-	416,381	-	-	-	416,381

Maturities for non-derivative financial liabilities 2009

	On demand	within 1 year	1 to 2 years	1 to 2 years	> 5 years	Total
	\$	\$	\$	\$	\$	\$
Supplier payables	-	401,111	-	-	-	401,111
Accrued expenses	-	692,216	-	-	-	692,216
Total	-	1,093,327	-	-	-	1,093,327

Note 14F: Market Risk

The Court's primary market risk exposure arises from changes in the interest rates associated with funds held with banks and financial institutions.

The weighted average interest rate received on cash at bank funds during the 2009/2010 financial year was 3.15%. Based on recent trends and the current economic environment, management estimates that the maximum perceived exposure to changes in the interest rates in the next 12 months is approximately +/- 1.50%.

The weighted average interest rate received on investments during the 2009/2010 financial year was 3.98%. Based on recent trends and the current economic environment, management estimates that the maximum perceived exposure to changes in the interest rates in the next 12 months is approximately +/- 1.50%.

Sensitivity analysis of the risk that the Court is exposed to for 2010

Risk variable	Change in risk variable %	Effect on	
		Profit and loss \$	Equity \$
Interest rate risk - cash at bank	3.150	24,876	-
Interest rate risk - cash at bank	3.150	(24,876)	-
Interest rate risk - investments	3.977	62,514	-
Interest rate risk - investments	3.977	(62,514)	-

Sensitivity analysis of the risk that the Court is exposed to for 2009

Risk variable	Change in risk variable %	Effect on	
		Profit and loss \$	Equity \$
Interest rate risk - cash at bank	4.543	27,453	-
Interest rate risk - cash at bank	4.543	(27,453)	-
Interest rate risk - investments	5.628	49,669	-
Interest rate risk - investments	5.628	(49,669)	-

Notes to and forming part of the Financial Statements for the High Court of Australia

	30 June 2010	30 June 2009
	<u>\$</u>	<u>\$</u>
Note 15: Income Administered on Behalf of Government		
REVENUE		
Non-Taxation Revenue		
Note 15A: Sales of Goods and Rendering of Services		
Filing and hearing fees	998,095	952,083
Other	44,759	23,048
Total sales of goods and rendering of services	<u>1,042,854</u>	<u>975,131</u>
Note 16: Administered Reconciliation Table		
Opening administered assets less administered liabilities as at 1 July	-	-
Plus: Administered income	1,042,854	975,131
Administered transfers to/from Australian Government:		
Transfers to OPA	<u>(1,042,854)</u>	<u>(975,131)</u>
Closing administered assets less administered liabilities as at 30 June	<u>-</u>	<u>-</u>
Note 17: Compensation and Debt Relief		
Administered		
182 waivers of amounts owing to the Australian Government were made pursuant to Regulation 10 of the High Court of Australia (Fees) Regulations 2004, for persons being in financial hardship (waiver of two-thirds fee) (2009: 181 waivers)	<u>181,071</u>	<u>178,567</u>
9 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 9(1)(a) of the High Court of Australia (Fees) Regulations 2004, for persons in receipt of legal aid. (2009:23).	<u>7,621</u>	<u>11,284</u>
98 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 9(1)(b)(i) of the High Court of Australia (Fees) Regulations 2004, for persons who hold a concession card issued by Centrelink or the Dept of Veterans' Affairs. (2009:87).	<u>139,541</u>	<u>108,861</u>
70 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 9(1)(b)(ii) of the High Court of Australia (Fees) Regulations 2004, for persons being a prison inmate or person in lawful detention. (2009:37).	<u>50,046</u>	<u>23,244</u>
1 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 9(1)(b)(iii) of the High Court of Australia (Fees) Regulations 2004, for persons being a child under the age of 18 years. (2009:1).	<u>1,364</u>	<u>1,364</u>

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 18: Reporting of Outcomes

The High Court of Australia operates solely in Australia and is structured to meet the following single outcome and output.

Outcome 1: To interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court of Australia.

Note 18A: Net Cost of Outcome Delivery

Particulars	Outcome 1		Total	
	2010	2009	2010	2009
	\$	\$	\$	\$
Expenses				
Administered	-	-	-	-
Departmental	18,663,200	18,615,686	18,663,200	18,615,686
Total	18,663,200	18,615,686	18,663,200	18,615,686
Income from non-government sector				
Administered	-	-	-	-
Other	1,042,854	975,131	1,042,854	975,131
Total administered	1,042,854	975,131	1,042,854	975,131
Departmental				
Other	165,673	143,303	165,673	143,303
Total departmental	165,673	143,303	165,673	143,303
Total	1,208,527	1,118,434	1,208,527	1,118,434
Other own-source income				
Departmental	1,446,603	1,741,533	1,446,603	1,741,533
Total	1,446,603	1,741,533	1,446,603	1,741,533
Net cost/(contribution) of outcome delivery	16,008,070	15,755,719	16,008,070	15,755,719

Notes to and forming part of the Financial Statements for the High Court of Australia

Note 18B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcomes

Particulars	Outcome 1		Total	
	2010	2009	2010	2009
	\$	\$	\$	\$
Departmental Expenses:				
Employees	7,472,928	7,212,057	7,472,928	7,212,057
Suppliers	7,034,134	6,826,845	7,034,134	6,826,845
Depreciation and amortisation	4,061,027	3,831,632	4,061,027	3,831,632
Write down of assets	80,078	742,723	80,078	742,723
Loss on disposal of assets	15,033	2,429	15,033	2,429
Total	18,663,200	18,615,686	18,663,200	18,615,686
Departmental Income:				
Income from Government	16,477,000	15,237,000	16,477,000	15,237,000
Sale of goods and services	165,673	143,303	165,673	143,303
Interest	304,337	417,877	304,337	417,877
Other revenue	1,088,766	1,137,356	1,088,766	1,137,356
Other gains	53,500	186,300	53,500	186,300
Total	18,089,276	17,121,836	18,089,276	17,121,836
Departmental Assets				
Financial assets	6,007,590	4,810,396	6,007,590	4,810,396
Non-financial assets	211,866,263	189,209,649	211,866,263	189,209,649
Total	217,873,853	194,020,045	217,873,853	194,020,045
Departmental Liabilities				
Payables	735,443	1,395,148	735,443	1,395,148
Provisions	1,927,349	1,810,335	1,927,349	1,810,335
Total	2,662,792	3,205,483	2,662,792	3,205,483

Note 18C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcomes

Particulars	Outcome 1		Total	
	2010	2009	2010	2009
	\$	\$	\$	\$
Administered Income				
Fees and charges	1,042,854	975,131	1,042,854	975,131
Total	1,042,854	975,131	1,042,854	975,131



The long ramps in the Public Hall provide easy access to each of the three Courtrooms in the building and provide lines of sight into and beyond the building.



PART EIGHT ANNEXURE A

Freedom of Information Act 1982 (Cth)
Supplementary material 85

'Sydney Harbour', an oil painting by Robert Pengilley (1944–).
Image: Spectrum Graphics



Freedom of Information Act 1982 (Cth)

Supplementary material



Parts V and VI of this Report provide information about the establishment, functions, organisation and operation of the High Court and its administration. Other information required by section 8 of the *Freedom of Information Act 1982 (Cth)* follows.

Categories of documents

Listed below are the categories of documents that are maintained in the possession of the High Court and which are open to public access (outside the provisions of the Freedom of Information Act), whether free-of-charge on request or by payment of a fee or other charge.

Case-related documents

Certain documents related to legal matters and filed or lodged at the High Court Registry are open to public access in accordance with Rule 4.07.4 of the High Court Rules. Access to these documents is subject to a fee or other charge.

The following categories of documents are available for purchase by the public:

- transcripts of proceedings before the Court
- reasons for judgment
- photocopies of Court documents which are available for search under Rule 4.07.4 of the High Court Rules.

Library documents

The following documents are available free-of-charge from the High Court Library:

- High Court Bulletin, listing cases reserved, cases removed under section 40 of the *Judiciary Act* 1903 (Cth), and results of applications for special leave.

Other documents

The following documents are available from the High Court free-of-charge:

- High Court sitting calendar
- High Court business lists
- High Court daily sitting lists
- fees for filing, issuing or sealing a document or obtaining a service, pursuant to Schedule 1 of the High Court of Australia (Fees) Regulations
- Scale of Professional Costs, pursuant to Schedule 2 of the High Court of Australia (Fees) Regulations
- selected case summaries
- brochure on the functions, powers, history and operation of the High Court, and features of the High Court Building in Canberra
- brochure on courtroom practice in the High Court
- the High Court Registry Service Charter.

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 is affected by section 5 of the Freedom of Information Act which provides that access is not available to a Court document under that Act unless the document relates to matters of an administrative nature.

If a request is to be refused on grounds provided for in the Act (such as insufficient information, substantial and unreasonable diversion of resources, the document cannot be found or does not exist), applicants will be notified and given an opportunity for consultation. The only officers authorised to grant or deny access to documents under the Act are the Chief Executive and Principal Registrar and the Manager, Public Information of the High Court of Australia.

If an applicant lives some distance from any point at which access is normally provided, consideration will be given to alternative arrangements to reduce inconvenience to the applicant.

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

Manager, Public Information
High Court of Australia
PO Box 6309
Kingston ACT 2604

Telephone: (02) 6270 6998

Fax: (02) 6270 6868

Email: enquiries@hcourt.gov.au

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

Fax: (02) 6273 3025

Email: crogers@hcourt.gov.au

All other matters:

Marshal

Telephone: (02) 6270 6853

Fax: (02) 6270 6346

Email: jpelle@hcourt.gov.au

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

Inspection of public documents may be arranged at the following locations:

Registry of the High Court

Parkes Place

Parkes ACT 2600

Office of the High Court Registry

Level 23, Law Courts Building

Queens Square

Sydney NSW 2000

Office of the High Court 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

Level 5, Commonwealth Law Courts Building

3 Angas 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

Level 3, Federal Court of Australia

State Square

Darwin NT 0800



Court 3 Level 3 – the smallest of the three courtrooms, designed for cases to be heard by a single Justice

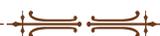


PART NINE ANNEXURE B

Staffing overview	89
Staff distribution	90
Staff classification	91



Staffing overview



This Annexure comprises two tables which provide a profile of the Court administration's staff as at 30 June 2010.

All High Court staff are employed under the *High Court of Australia Act 1979* (Cth). Conditions of employment for staff below the SES level are contained in the Determination under s26(4) of the *High Court of Australia Act 1979* Terms and Conditions of Employment of Employees and, where applicable, the High Court Administration Collective Agreement 2006–2009.

As at 30 June 2010 the High Court had 62 full-time and part-time ongoing staff, 20 full-time and part-time non-ongoing staff, and 23 casual staff.

Staff distribution

Staff distribution by branch/section, as at 30 June 2010

Branch/Section	Ongoing		Non-Ongoing		Casual	Total 2010	Total 2009
	Full Time	Part Time	Full Time	Part Time			
CE&PR	5	-	-	-	-	5	6
Chambers	9	-	14	-	-	23	24
Corporate Services	10	7	2	1	2	22	23
Library	6	3	3	-	-	12	12
Public Information	2	2	-	-	12	16	16
Registry	12	6	-	-	9	27	27
Total	44	18	19	1	23	105	108



Staff classification

Ongoing and non-ongoing full-time, part-time and casual staff by classification and gender, as at 30 June 2010

Classification	Non-Ongoing				Ongoing Employee				Casual		Total		Total	
	Full Time		Part Time		Full Time		Part Time		F	M	F	M	F	M
EL1	-	-	-	-	5	3	2	-	-	-	7	3	6	3
EL2	1	-	-	-	4	1	1	-	-	-	6	1	5	1
HCE1	-	-	1	-	-	1	3	1	-	2	4	4	4	5
HCE2	-	1	-	-	-	1	-	2	3	9	3	13	3	12
HCE3	1	-	-	-	4	-	6	-	7	2	18	2	19	1
HCE4	-	1	-	-	1	4	2	-	-	-	3	5	4	5
HCE5	8	6	-	-	1	1	1	-	-	-	10	7	11	8
HCE6	-	1	-	-	12	1	-	-	-	-	12	2	15	1
Office Holder	-	-	-	-	-	1	-	-	-	-	-	1	-	1
SES	-	-	-	-	2	2	-	-	-	-	2	2	2	2
Sub total	10	9	1	-	29	15	15	3	10	13	65	40	69	39
Total by classification	19		1		44		18		23		105		108	



