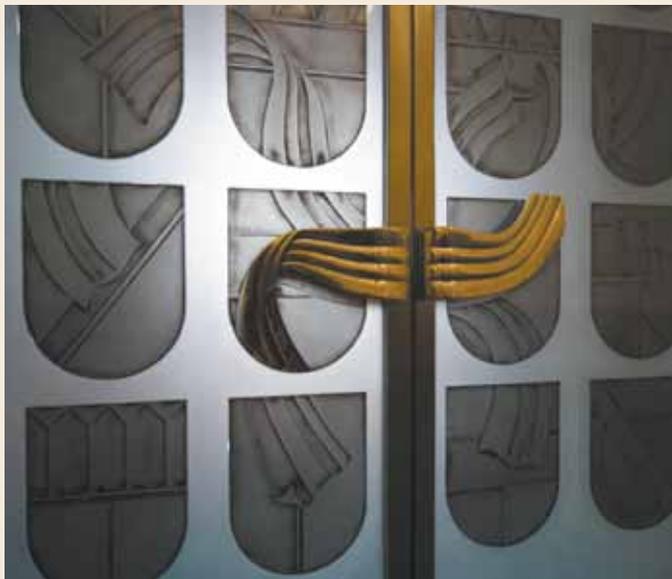




*High Court of Australia*



*ANNUAL REPORT*  
*2010–2011*



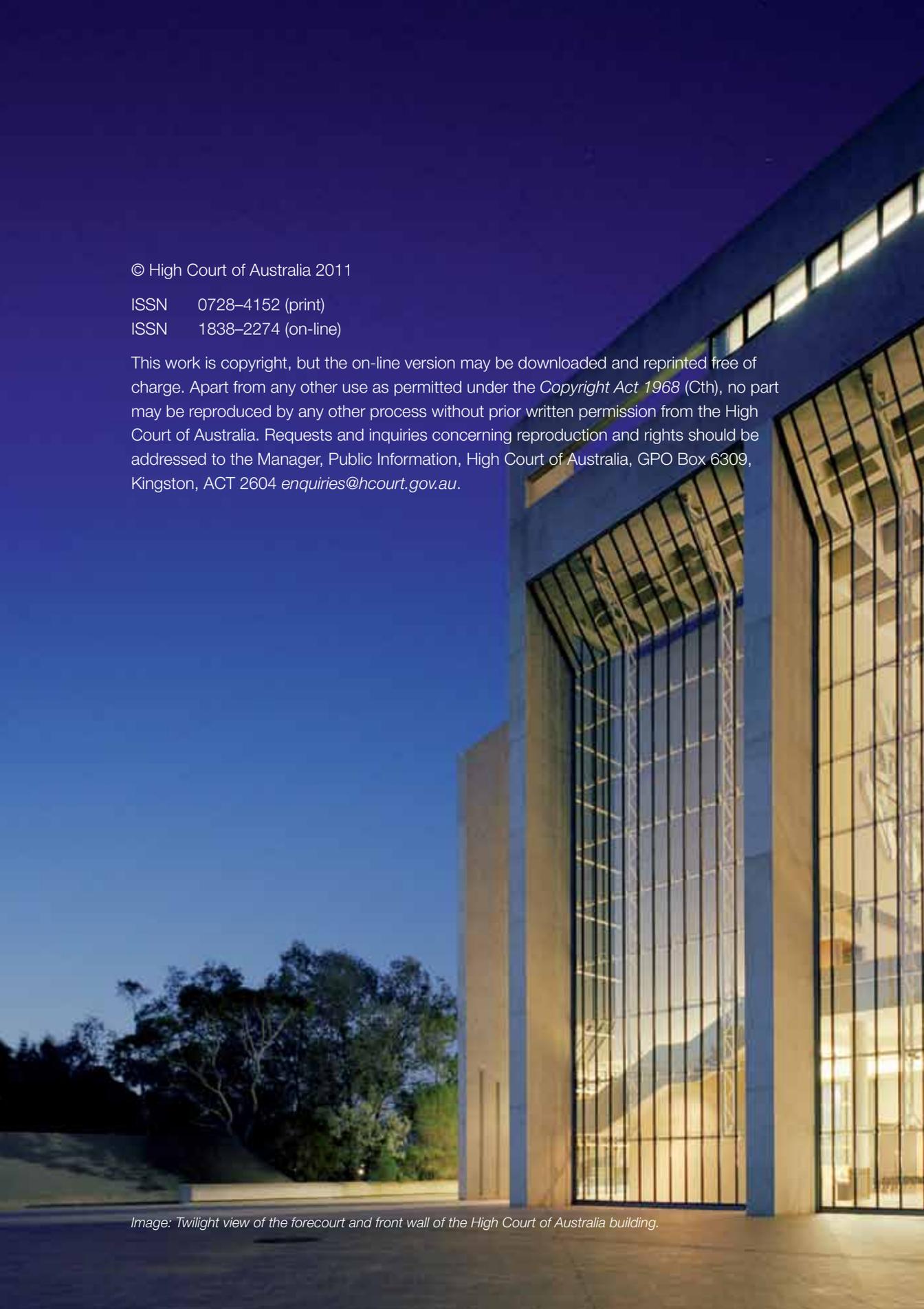
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*Image: Twilight view of the forecourt and front wall of the High Court of Australia building.*



**High Court of Australia**

Canberra ACT 2600

4 November 2011

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 2011, 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



**Andrew Phelan**

Chief Executive and Principal Registrar  
of the High Court of Australia

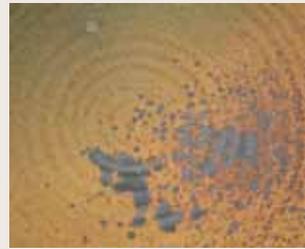
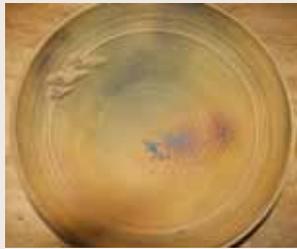
The Honourable Robert McClelland MP  
Attorney-General  
Parliament House  
Canberra ACT 2600

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## PART ONE PREAMBLE





*This is the 32nd 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

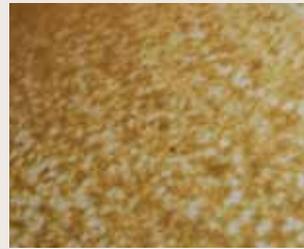
**Telephone:** (02) 6270 6998

**Fax:** (02) 6270 6868

**Email:** [enquiries@hcourt.gov.au](mailto:enquiries@hcourt.gov.au)

### **Electronic publication**

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## PART TWO INTRODUCTION



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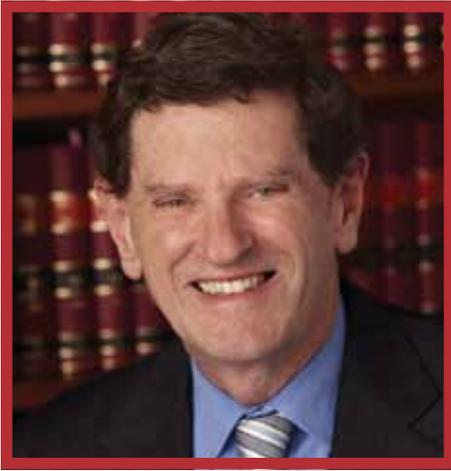


*The High Court of Australia is the nation's highest court. It is established by the Constitution for the resolution of constitutional disputes. It is also the nation's final court of appeal. The Court sits in Canberra and, when there is sufficient business, it may sit in Brisbane, Adelaide, Perth or Hobart.*

There are seven Justices of the Court. Ordinarily, constitutional cases are heard by all seven Justices. Appeals are usually heard by five or seven Justices. Before an appeal is heard the Court must have granted leave or special leave to appeal. Special leave applications are first examined by a panel of Justices, usually two. If the panel decides that special leave should be refused without oral argument, 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

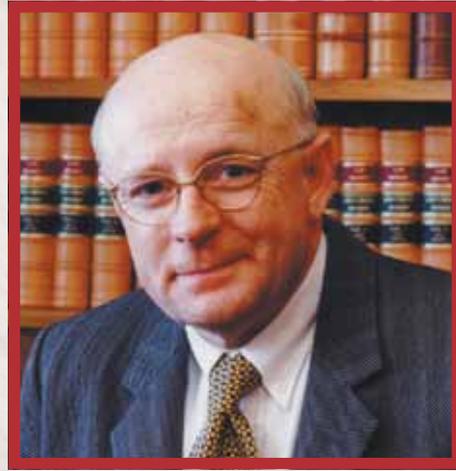
place before two or three Justices. They may take place in Canberra, Sydney, Melbourne, Brisbane, Adelaide, Perth and Hobart. Interlocutory applications are heard by a single Justice, usually in the capital city in which they reside, or by video-link from Canberra.

At 30 June 2011, there were seven Justices of the High Court as profiled in the four pages following.



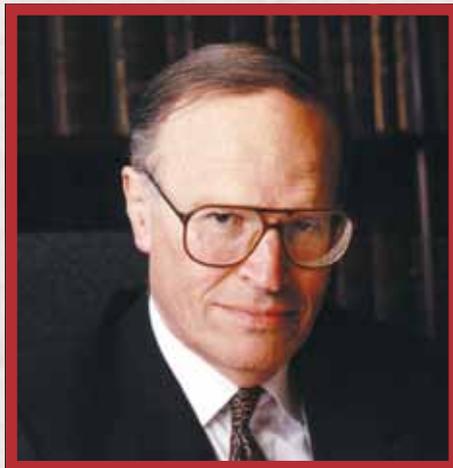
## Chief Justice Robert French AC

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 1994–98 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 until 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 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 was appointed a Companion in the General Division of the Order of Australia in 1997.



## Justice Kenneth Hayne AC

---

Kenneth Madison Hayne 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 was appointed a Companion in the General Division of the Order of Australia in 2002.

## Justice Dyson Heydon AC

---

John Dyson Heydon 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 was appointed a Companion in the General Division of the Order of Australia in 2004.



## Justice Susan Crennan AC

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



## Justice Susan Kiefel AC

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 Kiefel was appointed a Companion in the General Division of the Order of Australia in 2011.



## 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 1977. After seven years as a solicitor with the Redfern Legal Centre, she was admitted to the New South Wales Bar in 1984 and was appointed a Senior Counsel in 1997. Justice Bell 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.



*Top: Part-image of Jan Senbergs' Constitutional Wall mural in the High Court's Public Hall; Courtroom 3 above.*



## PART THREE

# CHIEF JUSTICE'S OVERVIEW



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



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

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

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

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

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

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

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

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

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

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

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



## PART FOUR THE YEAR IN REVIEW



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*Images: The Public Hall of the High Court building in Canberra is an outstanding example of late modern Brutalist architecture. Phillip McConnell reduced ash glazed stoneware jar.*



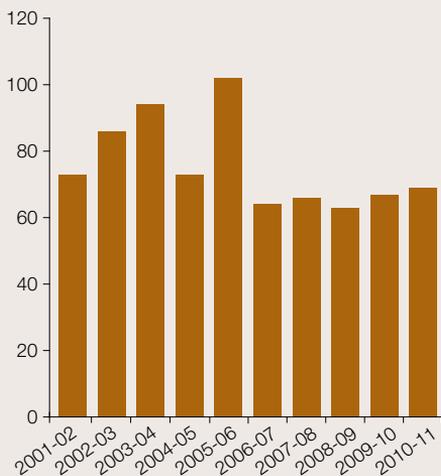
## Judicial workload

### Full Court hearings and decisions

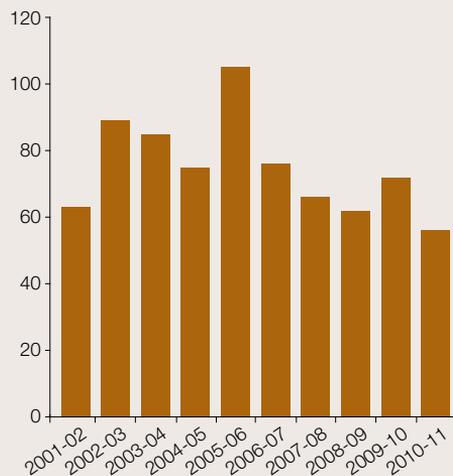
As shown in the following graphs, the numbers of Full Court hearings and decisions in 2010–11 were comparable with averages for both during the past 10 years.

Of the civil and criminal appeals decided by the Full Court in 2010–11, the decision was given in 92% of cases within six months of the hearing of argument. In over a third 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)**



## Court funding

The Court had an operating deficit of \$0.412m in 2010–11. It was announced in the 2011–12 Budget that the Court will receive an additional \$1.5m in base funding from 2011–12 to enable the Court to meet its ongoing operational costs and to maintain services.

## Records Authority

On 22 November 2010 the Chief Executive and Principal Registrar of the High Court and the Director-General of the National Archives of Australia signed a Records Authority in a ceremony attended by the Chairman of the Archives Advisory Council, Mr Paul Santamaria SC. The signing ceremony was the final step in the Court updating its previous Records Authority, which had been in effect since 1995. The new Records Authority reflects the changing business processes of the Court. The Court is now operating under a modern records authority, which contains appropriate retention periods and sentencing regimes for materials of national significance. The Records Authority represents a significant commitment by the Court to understand, create and manage records of its activities, from case files to its building plans.



## Public education and visitor programs

The Court recognises the importance of public education and visitor programs for strengthening respect for the democratic rule of law in Australia. Under the broad direction of the Court's Public Information Committee (Chief Justice French AC, Justice Kiefel AC (chair), Justice Bell and the Chief Executive and Principal Registrar), the Court's administration made a concerted effort in 2010–11 to engage more broadly and deeply with the education sector through workshops, the development of online educational resources, and improved visitor experiences. The Committee supported several initiatives aimed at improving the Court's educational and visitor programs during 2010–11 as detailed in Part Six.

The Court decided to initiate an annual series of two public lectures, focussing on constitutional and historical themes. The first lecture was held on 8 June 2011, presented by the Dean of the Adelaide Law School, Professor John Williams. The second lecture in 2011 will be presented by the Associate Dean of the Australian National University's College of Law, Professor Fiona Wheeler.

Following the significant enhancement of the Court's website during 2010–11, a wide range of information relating to the judicial work of the Court is accessible on-line. This is listed in [Annexure A](#). The Public Information Committee also approved the development of new web-based educational resources in 2010–11.

## The High Court building and its precinct

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The Court is not only the final appellate and constitutional court for Australia, its seat in Canberra is also a major tourist attraction.

The High Court National Gallery Precinct is included on the National Heritage List for its design achievement. Both the High Court building and the National Gallery are examples of late modern Brutalist architecture typified by the use of concrete, bold geometric shapes, building massing, connectivity and fluid movement. These two significant late twentieth century civic buildings are situated in a cohesive, integrated landscape setting. The precinct gives expression to the vision of Walter Burley and Marion Mahony Griffin for a precinct of grand civic buildings in the triangular Parliamentary Zone adjacent to the lake water axis.

During 2010–11 the Court undertook various projects to maintain and enhance the heritage values of the precinct, including the building. These are discussed in more detail in Part Six. They included:

- the development of a Conservation Management Plan under the *Environmental Protection, Biodiversity and Conservation Act 1999* (Cth)
- capital works in the High Court building forecourt, surrounding precinct and Cascade Waterfall.
- the upgrading of registry and other office facilities
- security enhancement
- building maintenance works.

## Links and visits

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During 2010–11 the Court and its staff 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:

- judges, senior lawyers, court administrators and a retired former judge from Canada, East Timor, Japan, Malaysia, Papua New Guinea, People's Republic of China, South Africa, Solomon Islands and the United States of America
- Ambassadors from Japan, Pakistan and South Africa
- government officials from the Commonwealth Secretariat, Republic of Korea, United Kingdom and the United States
- members of parliament and parliamentary staff from Norway
- legal academics and law students from Australia, Canada, China and the United States.

## Asia Pacific Judicial Reform Forum

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The Asia Pacific Judicial Reform Forum (APJRF) is a multi-lateral network of superior courts and judicial education bodies in the broader Asia Pacific region. The APJRF is focused on developing the effectiveness of courts throughout the Asia Pacific Region. Its members come from the judiciaries of 49 countries. It has developed a website, which is maintained by the High Court of Australia, and encourages personal contact and the exchange of ideas between judicial officers from member countries.

The APJRF has held four major international meetings since 2005. The most recent international meeting was held in Beijing in the People's Republic of China from 26–28 October 2010. The theme of the meeting was 'Using Technology to Improve Court Performance'. Where possible, the papers presented at the Meeting have been published on the APJRF website [www.apjrf.com/oct2010meeting.html](http://www.apjrf.com/oct2010meeting.html).

The work of the APJRF is managed by a Secretariat comprised of Australian judges, the Chief Executive and Principal Registrar of the High Court of Australia and the Chief Executive of the Judicial Commission of New South Wales. The Secretariat is chaired by the Honourable Justice Kenneth Hayne AC of the High Court of Australia.



*Image: A north-easterly view of the High Court building.*



*Image: Courtroom 2 of the High Court building in Canberra showing the Australian Coat of Arms carved in red cedar, designed by Derek Wrigley and carved by Peter Otto and his son, Laurence, mounted on the wall behind the Bench.*



## PART FIVE BACKGROUND INFORMATION



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## Establishment

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*The High Court of Australia is established by s 71 of the Constitution which provides in part: 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.*

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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). The minister responsible for the Court's administration is the Commonwealth Attorney-General.



## Functions and powers

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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. 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 of the Full Court 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 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 available 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, Justices' 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 was designed by architectural firm Edwards Madigan Torzillo and Briggs Pty Ltd, the winners of a national architectural design competition held

in 1972–73. 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
- must retire on attaining the age of 70 years.

Part Two 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 of Justice of the Court, 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

- 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 in 2010–11 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 AC	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 High 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 to be appointed to the office of Governor-General.

The name and years of service of each High Court Chief Justice and Justice follow:

## Chief Justices of the Court

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

## Justices of the Court

Sir Edmund Barton	1903–20
Richard Edward O'Connor	1903–12
Sir Isaac Alfred Isaacs	1906–30
Henry Bournes Higgins	1906–29
Sir Frank Gavan Duffy	1913–31
Sir Charles Powers	1913–29
Albert Bathurst Piddington	1913–13
Sir George Edward Rich	1913–50
Sir Hayden Erskine Starke	1920–50
Sir Owen Dixon	1929–52
Herbert Vere Evatt	1930–40
Sir Edward Aloysius McTiernan	1930–76
Sir Dudley Williams	1940–58
Sir William Flood Webb	1946–58
Sir Wilfred Kelsham Fullagar	1950–61
Sir Frank Walters Kitto	1950–70

Sir Alan Russell Taylor	1952–69
Sir Douglas Ian Menzies	1958–74
Sir Victor Windeyer	1958–72
Sir William Francis Langer Owen	1961–72
Sir Cyril Ambrose Walsh	1969–73
Sir Harry Talbot Gibbs	1970–81
Sir Ninian Martin Stephen	1972–82
Sir Anthony Frank Mason	1972–87
Sir Kenneth Sydney Jacobs	1974–79
Lionel Keith Murphy	1975–86
Sir Keith Arthur Aickin	1976–82
Sir Ronald Darling Wilson	1979–89
Sir (Francis) Gerard Brennan	1981–95
Sir William Patrick Deane	1982–95
Sir Daryl Michael Dawson	1982–97
John Leslie Toohey	1987–98
Mary Genevieve Gaudron	1987–2003
Michael Hudson McHugh	1989–2005
William Montague Charles Gummow	1995–
Michael Donald Kirby	1996–2009
Kenneth Madison Hayne	1997–
Ian David Francis Callinan	1998–2007
(John) Dyson Heydon	2003–
Susan Maree Crennan	2005–
Susan Mary Kiefel	2007–
Virginia Margaret Bell	2009–





## PART SIX ADMINISTRATION



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*Images: Rosella Namok (1979-) Lockhart River Queensland, Today now ... we all got to go by same laws, 2003 acrylic on canvas. Collection of the High Court of Australia. Winner of the High Court Centenary Art Prize run in conjunction with the Australian Bar Association for the centenary of the Court, 6 October 2003. Marea Gazzard Bularri 1 stoneware receptacle.*



## Overview

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*Statutory provisions covering the administration of the High Court appear primarily in Part III of the High Court of Australia Act 1979 (Cth).*

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Of particular relevance are s 17 (administration of the Court), s 19 (functions and powers of the Chief Executive and Principal Registrar) and s 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 5 deals with Court finances and accounts.

The High Court's executive team comprises the Manager Corporate Services Jeff Smart, the Court Librarian Petal Kinder, the Chief Executive and Principal Registrar Andrew Phelan, the Senior Registrar Carolyn Rogers, and the Senior Executive Deputy Registrar, Ben Wickham.

## Chief Executive and Principal Registrar

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Section 18 of the *High Court of Australia Act 1979 (Cth)* provides for the appointment by the Governor-General, upon the nomination of the Court, of the Chief Executive and Principal Registrar of the High Court. 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 (s 20(1)).

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 has such other functions as are conferred on him or her by this Act or are assigned to him or her by the Court' (s19(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' (s 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 (s 19(7)).

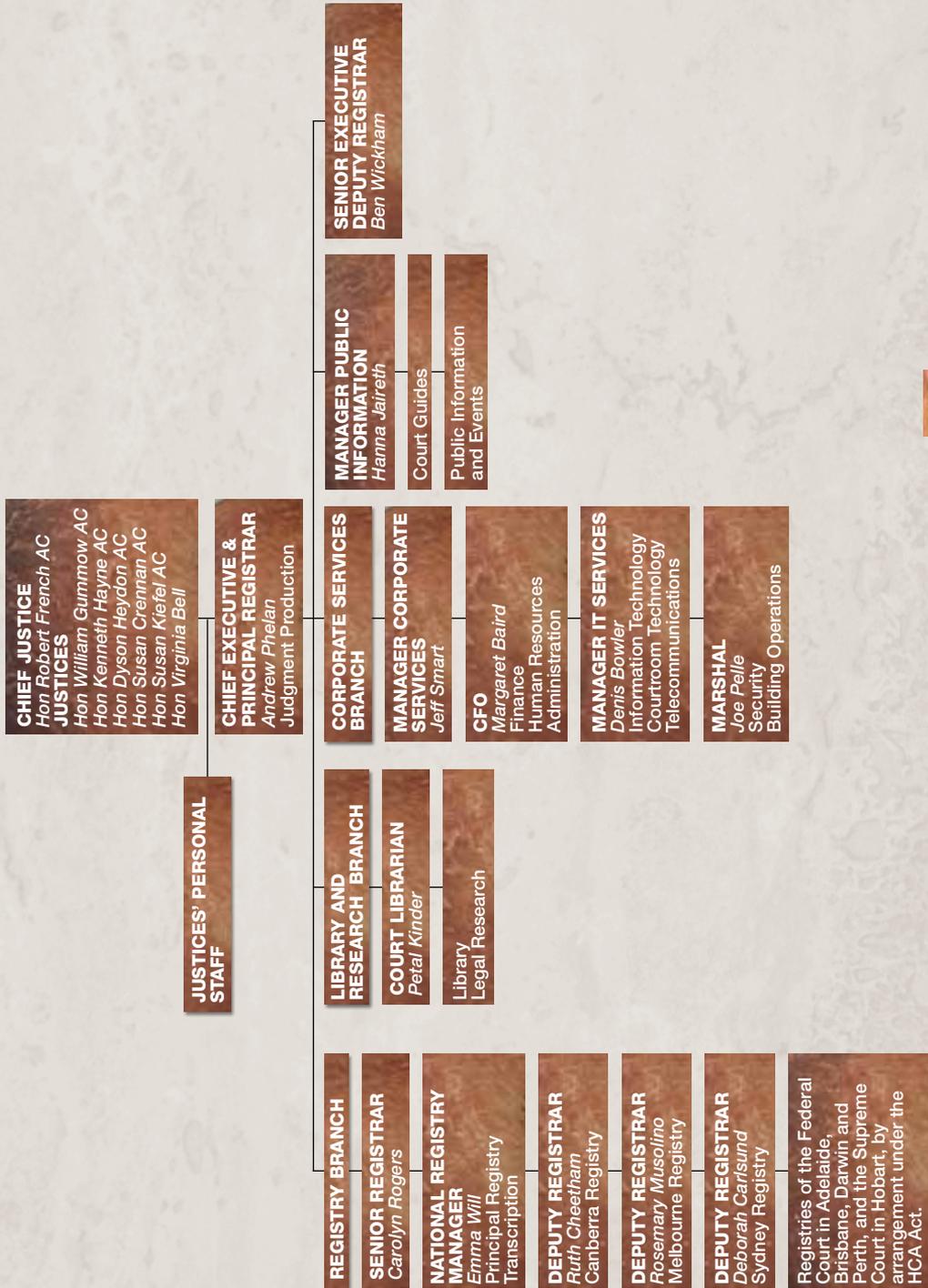
## Officers and employees

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 (s 26(1) and (3)). The Court determines the terms and conditions of employment, including remuneration and allowances (s 26(4)). Employees of the High Court are not covered by the *Public Service Act 1999* (Cth). Further information about officers and employees of the Court is provided in the organisation chart following, in the Human Resources Management section of this Part below, and in [Annexure B](#).



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

# High Court of Australia organisational chart as at 30 June 2011



## 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'.

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. During 2010–11 the Auditor-General did not conduct any performance audits involving the Court. Results of the Auditor-General's audit of the Court's 2010–11 financial statements, which can be found at Part Seven of this report, were reported to the Attorney-General on 6 September 2011. The report was unqualified and there were no significant issues arising from the audit.

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 s 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 *Annual Report 2009–10* was submitted to the Attorney-General on 30 September 2010 and it was presented to the Parliament on 14 October 2010.

## Registry

The Registry provides administrative services for the judicial activities of the Court and coordinates the case-flow management of the judicial workload of the Court.

The Senior Registrar and Deputy Registrars provide information and assistance to practitioners and self-represented persons on the jurisdiction, practice and procedure of the Court as contained in the Constitution, the *Judiciary Act 1903* (Cth) and the *High Court Rules 2004*. They supervise the issue of writs of summons, the filing of applications for constitutional writs in the original jurisdiction, and the filing of applications for leave or special leave to appeal and notices of appeal in the appellate jurisdiction of the Court.

The Principal Registry of the Court is situated 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 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](http://www.hcourt.gov.au).

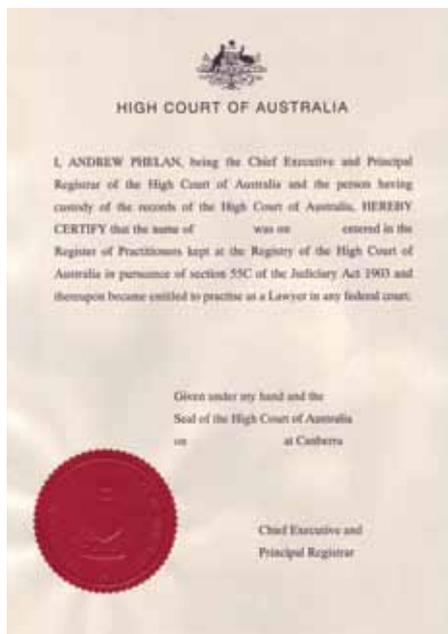
The Court has its own Court reporting service which provides an accurate transcript of the proceedings of the High Court for the use of the Justices. The High Court's transcript is a verbatim record of its proceedings and includes the full text of citations referred to by counsel during the hearings. The transcript is also made available, in paper form and electronically on the AustLII and BarNet websites 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 website within a few days of the hearing. Transcripts dating back to 1994 are available on that site.

A total of 351 individual transcripts, containing 5 409 pages, was produced by the Court reporting service during 2010–11. This is similar to the number of transcripts produced by the Court reporting service during the 2009–10 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 and BarNet websites on the

day they are delivered by the Court and can be viewed and downloaded, worldwide, without cost. The Court published 240 special leave dispositions in 2010–11.

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 & Principal Registrar in Canberra. The Registry provides an information service to practitioners advising them of their entitlement to practise in federal courts and the procedure for having their name entered on the register. If required to, the Registry provides them with certificates to enable them to seek admission in other jurisdictions. The names of 2 646 new practitioners were added to the register in 2010–11.



## Judicial workload

### Cases filed

Comparisons of the number of cases filed in each Registry and the categories of cases filed during 2009–10 and 2010–11 are provided in the following table.

The number of cases filed has increased this year, with a total of 715 cases filed compared with 680 cases filed in 2009–10. The proportion of special leave applications filed by self-represented litigants during 2010–11 was 34% compared with 51% during 2009–10.

In 2010–11, 55% of the cases filed during 2010–11 were filed in the Sydney office of the Registry. The Melbourne office of the

Registry, which processed cases filed in Melbourne, Adelaide and Hobart, accounted for 25% of total filings in 2010–11. The Registry in Canberra processed cases filed in Canberra, Brisbane, Darwin and Perth, accounting for 20% of all filings.

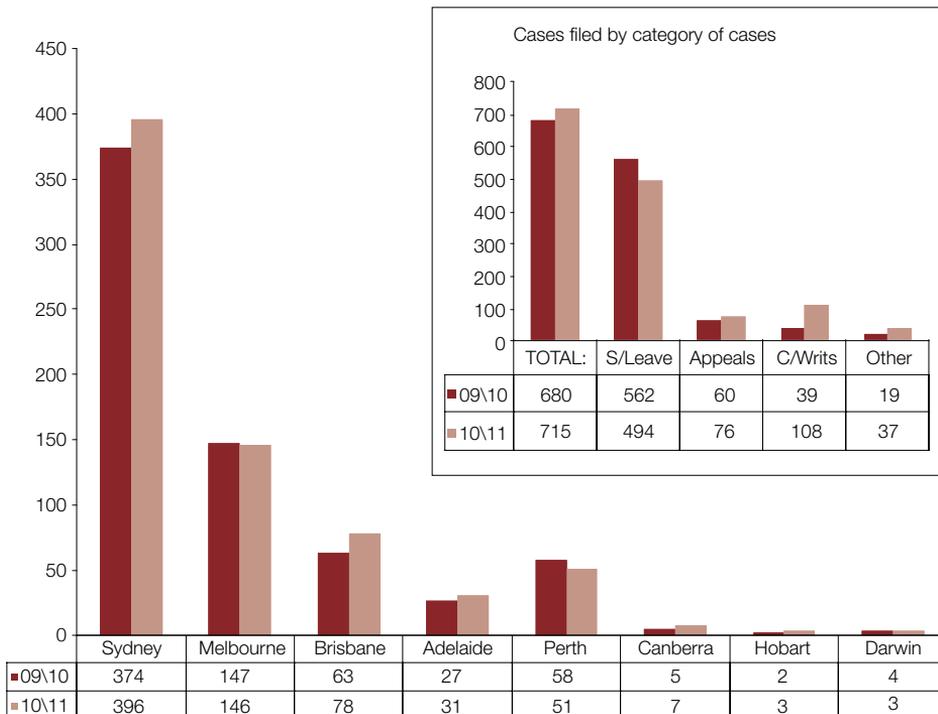
### Cases decided

The top table on page 29 table compares the number of cases and categories of cases decided by the Court during 2009–10 and 2010–11.

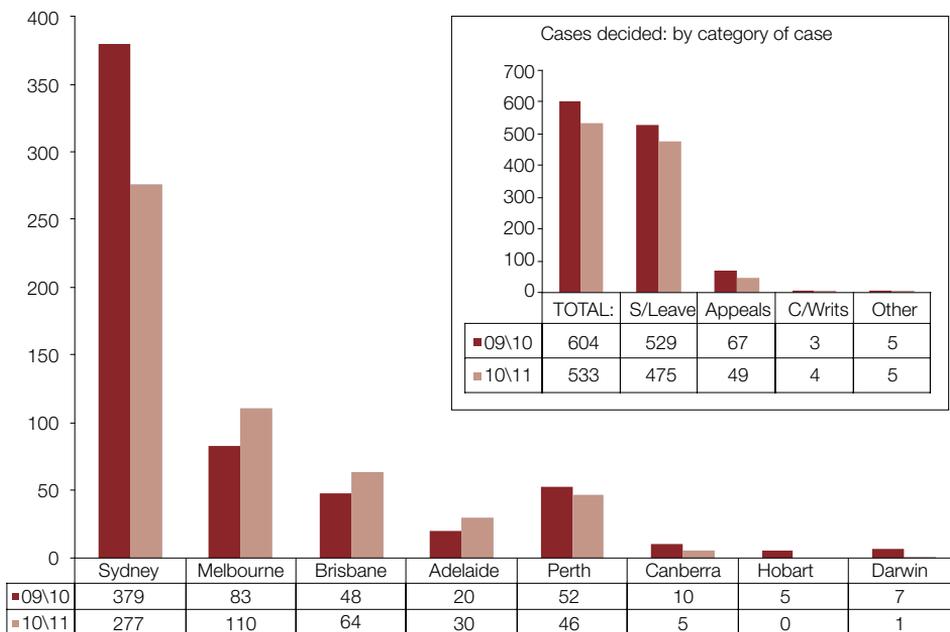
### Pending cases

The number of cases pending in the Court at 30 June 2011 is recorded in the second table on page 29.

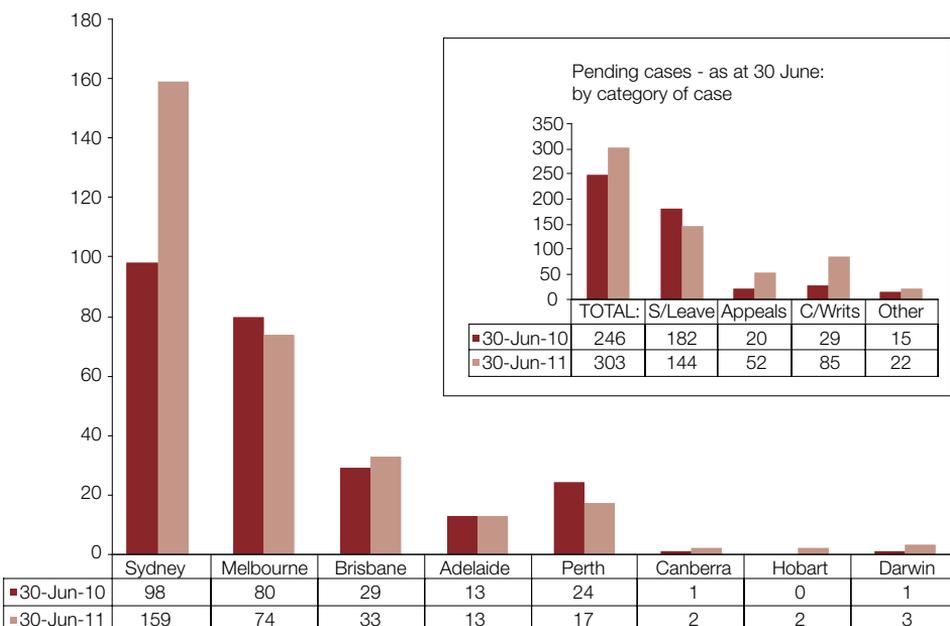
### Cases filed by Registry



### Cases decided: by Registry



### Pending cases as at 30 June: by Registry



## Original jurisdiction

Cases commenced in the original jurisdiction of the Court include applications made under s 75(v) of the Constitution against officers of the Commonwealth, applications for removal from other courts into the High Court pursuant to s 40 of the *Judiciary Act 1903* (Cth), cases stated, and references under s 18 of the *Judiciary Act*. Cases governed by these procedures include cases arising under the Constitution or involving its interpretation.

During the reporting year 145 cases were commenced in the original jurisdiction of the Court, compared with 58 in 2009–10. This increase is a result of the significant increase in the number of constitutional writs. Cases commenced in the original jurisdiction 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 s 44 of the *Judiciary Act*. In 2010–11, the Full Court delivered judgment in six 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. There were 5 election petitions filed during the reporting year. Two of these petitions were withdrawn by the petitioner in this Court and three were remitted to the Federal Court of Australia. Of those three remitted, two were dismissed and one was withdrawn in the Federal Court.

## Appellate cases finalised

The top table on page 31 compares how appellate cases were finalised during 2009–10 and 2010–11.<sup>1</sup>

There were seven applications for special leave referred to the Full Court to be argued as if on appeal in 2010–11. Six of these matters have now been heard. The determination figures have been adjusted to reflect those final outcomes.

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. Of the applications decided in 2010–11, 50% were finalised without an oral hearing, compared with 59% in 2009–10.

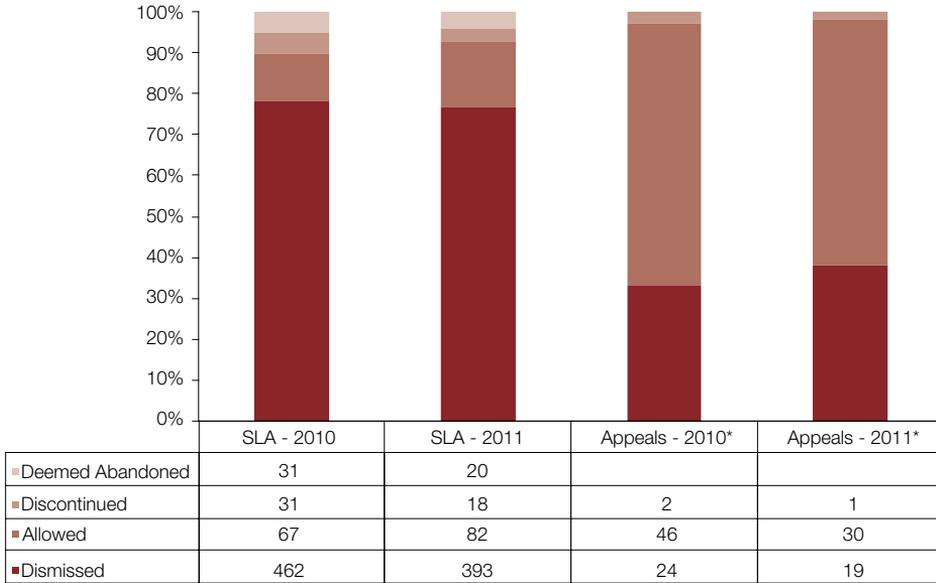
## Appellate cases – time for determination

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. These provisions assist case-flow management by providing time standards for the various stages in the preparation of special leave applications and appeals. The second table on page 31 compares the periods of time taken for cases filed in the appellate jurisdiction of the Court during 2009–10 and 2010–11 to be determined.

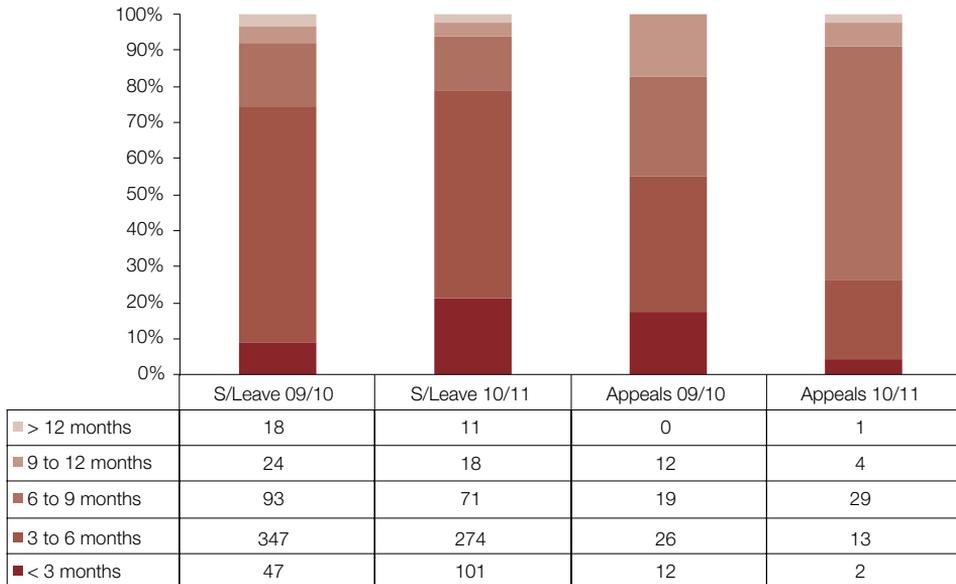
Ninety four per cent of the applications for leave or special leave to appeal, and 90% of the appeals decided by the Court during the reporting year were completed within nine months of filing. The figures for 2009–10 were 92% and 83% respectively.

<sup>1</sup> Deemed abandonment provisions only apply to special leave applications and do not apply to appeals

### Means of determination: by applications and appeals



### Time for determination: by applications and appeals



## 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 Rules Committee consists of Justice Heydon AC (chair), Justice Crennan AC and Justice Kiefel AC. 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 2010–11 the Court made the following Rules of Court:

- Legislative Instrument F2010L02394 on 24 August 2010 – Annual sittings of the High Court
- Select Legislative Instrument No 240 of 2010 on 1 October 2010 – Amendment to change the procedures that govern the steps to be taken before the hearing of appeals and correct, update or clarify other parts of the Rules
- Select Legislative Instrument No 274 of 2010 on 2 November 2010 – Amendment to Schedule 2 (Costs)
- Legislative Instrument F2011L01372 on 23 June 2011 – Annual sittings of the High Court.

## 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 2004* 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.

Until 31 October 2010 Regulation 9 of the *High Court of Australia (Fees) Regulations 2004* provided 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, were exempt from payment of the filing fees and hearing fees associated with the proceedings in the High Court. Since 1 November 2010 these persons are required to pay the reduced fee of \$100 in each matter filed.

A person liable to pay a filing fee or a 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 three refusals to waive a fee in the reporting period.

During the reporting year 703 cases attracting a filing fee and/or hearing fees were filed in the Court. Of these, 172, or 24%, of cases were either fully exempt from payment of the fee (cases filed to

31 October 2010) or eligible for payment of the reduced fee (cases filed since 1 November 2010). The Registrar waived payment of two-thirds of the fee in 218, or approximately 31%, of cases. The filing

fees and hearing fees foregone in these 390 cases amounted to \$580 421. This is an increase from \$379 643 in the previous reporting year. The composition of this total is shown in the following table.

### Record of non-payment of fees 2010–11

Reasons for non-payment	regulation	no.	amount
Legal Aid (exemption)	9(1)(a)	31	\$33 084
Holder of a concession card (exemption)	9(1)(b)(i) & (ii)	89	\$179 038
Prison inmate or person in lawful detention (exemption)	9(1)(b)(iii)	49	\$52 847
Child under the age of 18 years (exemption)	9(1)(b)(iv)	2	\$4 048
Youth allowance or austudy payment recipient (exemption)	9(1)(b)(v)	1	\$1 974
ABSTUDY recipient (exemption)	9(1)(b)(vi)	0	0
Financial hardship (waiver of two-thirds fee)	10	218	\$309 430
<b>TOTAL</b>		<b>390</b>	<b>\$580 421</b>

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P6

ADMINISTRATION

### 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 these 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 undertook 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 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 60 hearings.

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

## Collection development and organisation

### 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	Number of volumes
Level 9	42 877
Level 8	61 207
Bar library	17 305
All Canberra chambers	19 137
Level 7	7 455
<b>Total</b>	<b>147 981</b>
<b>Acquisitions</b>	
Books purchased	307
New online subscriptions	6

### Special projects

During 2010–11 the Library and Research branch undertook special project work. The project continues into the 2011–12 financial year. The Binding of Bills and Explanatory Memoranda project involves the binding of loose Australian bills and explanatory memoranda into bound volumes for each Parliamentary session. This is done to prevent the loss of material and facilitate

retrieval. Thirty-nine volumes were bound during the year. This comprised: three volumes for each of the sessions 1917–1919, 1920–1921 and 1922; five volumes for the session 1923–1924; one volume for 1925; six volumes for the session 1926–1928; one volume for 1929; six volumes for 1932–1934 and 1934–1937; and five volumes for 1937–1939. Work continues concurrently on binding old bills and explanatory memoranda, some of which are very fragile, and more recent bills and explanatory memoranda. When this project has been completed, an important, comprehensive resource on Australian legislation will be available to the Court.

### **Inter-library loans**

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

The library joined the Libraries Australia Document Delivery (LADD) scheme during the year.

### **Unreported judgments 2010–11**

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

### **Library systems and electronic services**

#### **Catalogue upgrades**

In November 2010 the library implemented a book images service. The aim of this service is to add value to catalogue searches through the availability of metadata in the form of tables of contents and book summaries. The Court's licensed

Millennium software was upgraded successfully in December 2010.

The library also implemented a WebPac Pro Refresher service providing for improved accessibility of the library catalogue through intuitive search functionality and relevance ranking.

### **Digitisation of the Legal Research Officers' papers**

The library has a special collection of over 1 300 papers written by the Legal Research Officers to support the work of the Court. Digitisation of these papers commenced in May 2010 and was completed at the end of July 2010. The files are hosted on a digital repository platform and are discoverable via an unrestricted catalogue search (available to Court staff only) with a direct link to the scanned research paper in a pdf format. This collection is now fully digital and will continue to grow as new papers are added to the repository and the catalogue search.

### **Electronic collections via eResources portal**

In February 2011 the library implemented an eResources Search portal enabling easy access and discovery of the library's electronic holdings for Court staff.

The ability to allow seamless discovery of online collections via subscribed databases and Google Scholar search is also part of this resource.

### **Library web publications**

Traditionally, the library makes two of its publications publicly available: the High Court Bulletin with its full archive which is published on the AustLII and BarNet websites, and

the current year's new books notification service which is published on the library section of the Court's web site. As of 2011, the *Bulletin* is available in both PDF and RTF formats on the Court's web site. RSS feeds are published for both of these publications enabling the legal profession and wider public to subscribe to these services.

### Activities of the Court Librarian and senior staff

The Court Librarian, Ms Petal Kinder, was appointed President of the International Association of Law Libraries (IALL) at the 29th Annual Course of Law Librarianship in The Hague in September 2010. The appointment is for a term of three years. In this capacity she attended the IALL Board Strategic Planning meeting in London in April 2011.

Ms Petal Kinder was co-convenor of the joint conference hosted by the Australian Association of Law Librarians (ALLA) and the New Zealand Association of Law Librarians (NZLLA) held at the Law Faculty, University of Melbourne, in September 2010. Ms Rosemary Nicholson, Deputy Court Librarian, attended the conference.

Mrs Renata Dyer, Manager, Systems and Electronic Services presented a paper at the annual conference of the Australasian Innovative Users Group in Perth in November 2010.

The Court Librarian and Ms Margaret Hutchison, Manager, Technical Services and Collection Development attended the 7th Australian Institute of Judicial Administration (AIJA) Court Librarians' Conference in April 2011 in Melbourne. Ms Kinder facilitated sessions on budgets and dealing with major publishers and consortia. Ms Hutchison facilitated a session on handling authorities for courts.



### Corporate services

Corporate Services comprises the financial, 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 Chief Justice French AC and includes Justice Hayne AC, Justice Kiefel AC and the Chief Executive and Principal Registrar. It met regularly during the year.

## Internal audit

The Court's internal audits are performed by a contracted auditor. During 2010–11 the internal auditor completed reviews of:

- financial management information system implementation
- business continuity planning
- financial controls
- IT general controls.

## Risk management

During 2010–11 the Court completed:

- security risk assessments
- an art collection management plan
- a workforce assessment plan
- a review of venue and safety information and procedures for visits by school groups.

In February 2011 the Court tested its business continuity plan.

## Fraud control

During 2010–11 the Court continued to implement mitigation strategies identified in the Fraud Risk Assessment and Fraud Control Plan adopted in July 2009. There were no reported allegations of fraud during 2010–11.

## Financial management

The Court's estimates for 2010–11 (inclusive of a deficit) were approved by the Attorney-General under s 36(1) of the *High Court of Australia Act 1979* (Cth).

Justices' remuneration and allowances are paid out of special appropriations. These are administered by the Attorney-General's Department and do not form part of the Court's financial statements in Part Seven.

In the May 2011 Commonwealth Budget the Government announced additional ongoing operating funding of \$6.1m over four years.

## Financial results

In 2010–11 the Court received an operating appropriation of \$13.017m and incurred an operating deficit, excluding unfunded depreciation expenses, of \$0.412m.

In 2010–11 the Court received an equity injection of \$8.731m including \$4.330m funding to rectify safety and structural issues with the forecourt and precinct.

The audited financial results for 2010–11 are in Part Seven.

## Financial management information system

In July 2010 the Court began using a new financial management system (FMIS) with general ledger, bank reconciliation, accounts payable, accounts receivable and asset modules. This was implemented in less than ten weeks while continuing to meet operating and reporting requirements.

During 2010–11 the Court also implemented a budgeting module to improve the development and monitoring of internal budget allocations. In May 2011 the Court began planning to implement a travel module to improve travel expense approval, expense payments and acquittal processes.

## Consultants

During 2010–11 the Court entered into 23 consultancy contracts with a total value of \$282 801 (including GST).

Contracts with a total value of \$10 000 or more (including GST) were:

Name	Description	Contract Price
Penleigh Boyd	architectural services to rectify structural and safety issues	\$71 750
WorkLogic	code of conduct review	\$36 420
Centre for Public Management	health and safety review	\$35 975
AFP	development of security management plan	\$26 000
Wise Workplace	code of conduct review	\$21 950
Benmax	assessment and report on air conditioning issues	\$13 700
Psarn Security	cyber security threat analysis	\$12 800
Intravision	cabling audit report	\$10 580
Australian Valuation Office	asset valuation report	\$10 000
<b>Total</b>		<b>\$239 175</b>

## Contract management

During 2010–11 the Court entered into a new travel management services contract using the whole of Government travel services panel contract. In April 2011 the Court's outsourced payroll services contractor advised the Court that it would not provide the contracted services from 1 July 2011. The Court has entered into an agreement with another contractor to provide outsourced payroll services from 1 July 2011.

## 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 2010–11.

## Staffing overview

Tables giving an overview of the numbers of employees in full time, part time and casual employment and the composition by gender and salary classification are at [Annexure B](#).

## Occupational health and safety

The Court has a comprehensive occupational health and safety 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 procedures for resolving health and safety issues.

During 2010–11 the Occupational Health and Safety Committee (OH&S Committee) met three 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 2010–11 the Court provided employees with the opportunity to receive influenza vaccinations. The Court also sponsored 21 employees in the Global Corporate Challenge Programme aimed at promoting healthy levels of physical activity.

The Court maintained temporary fencing during 2011–11 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 2010–11 to ensure the health, safety and welfare at work of employees and contractors included:

- a health and safety review
- personal development lunch time seminars
- encouragement for staff to use services provided by the Court's employee assistance provider
- defibrillator training
- the reporting of ongoing road safety concerns to the National Capital Authority.

During 2010–11 the following OH&S incidents occurred:

- one that required the Court to provide information to Comcare under s 68 of the *Occupational Health and Safety Act 1991* (Cth)
- ten minor incidents
- five new workers compensation claims
- three new safety issues that were raised by staff through the OH&S Committee.

As at 30 June 2011 ongoing issues included:

- one continuing workers compensation claim that relates to an injury prior to 1 July 2010
- one continuing workers compensation claim for an injury reported in 2010–11
- three safety issues notified to the OH&S Committee which were unresolved

## Information technology

### Information Technology (IT) Committee

The IT Committee is chaired by Justice Hayne AC and includes Chief Justice French AC and the Chief Executive and Principal Registrar. It met regularly during the year.

#### Initiatives

The Court's IT Services section delivered several significant initiatives during 2010–11.

#### Enterprise backup system

In November 2010 a consolidated enterprise backup system based on CommVault software was implemented. This has allowed the retirement of several disparate backup technologies and greatly simplified the administration and maintenance of the Court's data backup regime. Improved arrangements for the secure, off-site storage of backups were also implemented.

#### Internet site redevelopment

A new internet site for the High Court of Australia [www.hcourt.gov.au](http://www.hcourt.gov.au) was launched in December 2010. The Court's website had for some time been hosted externally by the Australasian Legal Information Institute (AustLII). The new website runs on the Court's own web server allowing greater control not only for matters of day to day maintenance of the site, but also in terms of further developing the site. The fresh look and feel of the new site is designed to enhance usability, making it easier to find information. It has also been designed to comply with modern web standards including, importantly, W3C guidelines for accessibility.

### Electronic document and records management

In January 2011 a major upgrade to the Court's version of the records management software TRIM was implemented. This involved a replacement of server hardware and deployment of TRIM as a full electronic document and records management system.

#### Infrastructure upgrades

Other key upgrades during 2010–11 included replacement of the Court's primary file and print server in addition to replacement of all network switching equipment in interstate offices.

#### Data centre relocation

During 2010–11 the Court began planning to relocate its data centre in its Canberra building. This will address existing climate control issues and provide greater flexibility in locating staff within the building.

#### Courtroom technology replacement

A major project to replace progressively all of the audio visual technology supporting the three Canberra courtrooms has been initiated. The project will also include reviewing and making any necessary improvements to newer courtroom facilities in Melbourne and Sydney. Some initial work has been undertaken in relation to moving to IP (Internet Protocol) based video conferencing which provides improved video quality and reliability but at a significantly lower cost than the Court's existing ISDN (Integrated Services Digital Network) links. The Court has also commenced planning for the replacement of an outdated system used for the internal distribution of vision from the three courtrooms. The replacement will be based on Internet Protocol Television (IPTV) and is expected to improve

significantly the manner in which vision from the courtrooms is distributed throughout the Canberra building and interstate.

### Office 2010

Planning has commenced for an update to the desktop standard operating environment including the migration from Microsoft Office 2002 to Office 2010. An initial step has been to establish appropriate software licensing for Office, utilising the Australian Government's Volume Sourcing Arrangement.

## Building operations

### Conservation Management Plan

During 2010–11 the Court invited public comment on a draft Conservation Management Plan. The Court received five responses.

The Court took into account received comments and provided the final plan to the Department of Sustainability, Environment, Water, Population and Communities in May 2011.

The Department wrote to the Court in June 2011 to advise that the Conservation Management Plan appeared consistent with the *Environmental Protection, Biodiversity and Conservation Act 1999* (Cth), subject to some minor suggested amendments.

### Rectification of safety and structural issues

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.

The projects completed during 2010–11 were:

- stabilisation of soil embankments under the forecourt and cascade waterfall
- repair of paving adjacent to the north-east corner of the building
- repair and upgrade of the amphitheatre and prototype building area to the west of the forecourt.

The Court was unable to find an Australian tile manufacturer to produce paving tiles to match the existing heritage paving tiles. After an extensive search the Court found a small Italian tile factory with the ability to manufacture paving tiles consistent with the existing tiles. The new tiles were ordered and delivered in 2010–11, enabling repairs to commence.

Rectification projects in progress as at 30 June 2011 include:

- repair and refurbishment of the cascade waterfall (including installation of rainwater tanks)
- rectification of the Court forecourt's interface with the National Portrait Gallery, which had been left unfinished when the National Portrait Gallery was constructed.

The Court has submitted works approval requests with the National Capital Authority to rectify the general western forecourt area.

### Removal of asbestos containing material

A non-destructive asbestos survey conducted in 2009 included a recommendation to remove asbestos-containing air conditioning reheat units. Air quality testing confirmed that there was no immediate safety concern.

During 2010–11 the Court removed the identified units from four levels of the Court building. It is anticipated that units on the last two levels will be removed in 2011–12.

Contractors also identified asbestos material when repairing and upgrading the amphitheatre and prototype building areas of the Court's forecourt. A licensed asbestos removalist removed this material consistent with the *Code of Practice for the Safe Removal of Asbestos*.

During 2010–11 the Court also replaced all asbestos-containing external fire doors.

The Court's Asbestos-Containing Material Register has been updated to record these activities.

### Building security

During 2010–11 the Court engaged with the Attorney-General and the Australian Federal Police on strategies to improve Court security. Those efforts were continuing as at 30 June 2011.

### High Court art collection

During 2010–11 the Court engaged a consultant to undertake a condition audit of the Court's art collection and to provide advice on preventative treatment. This advice was used to take immediate remedial action and to prepare a preventative maintenance schedule.

During 2010–11 the Court lent a painting by Euan McLeod to the Tweed River Art Gallery for a touring exhibition.

Based on advice from an art conservation consultant, the Court restored the coats of arms on both the northern and southern glass walls of the Court building.

### Other building projects

Other building projects undertaken in 2010–11 included:

- upgrading the Canberra registry counter
- installing new archival storage facilities
- auditing and improving the documentation for the original building plans
- replacing existing security cameras
- resealing windows on the western wall of the Court building
- repainting Courtrooms 2 and 3.

### Public education and visitor programs

As mentioned in Part Four, the Court has in place a number of public education and visitor programs. Initiatives during 2010–11 comprised:

- developing the Court's approach to civics education and the Australian curriculum
- approving the development of a range of on-line educational resources in partnership with education professionals (for example, a new activity book for primary school students is accessible on the Court website)
- welcoming student artists and others to interpret the architectural features of the building in drawings
- introducing visitor feedback forms for school visits and distributing a range of marketing materials to bus tour companies and schools
- participating in the National Capital Civics Education Group
- hosting and participating in an assessment workshop for ACT college legal and political studies teachers

- hosting a Court guided tour and lunch for the Australasian Court Educators Group
- staffing a stall at a 'Keys to Canberra' market for new ACT primary school educators.

The Court's administration continues to participate in the National Capital Educational Tourism Project and to respond to requests for educational material.

The Court's administration works collaboratively with institutions in the Parliamentary Zone to pursue common interests in civics education. During 2010–11 the Court collaborated on initiatives with the National Archives of Australia (Constitution Day 2010), the National Gallery of Australia (National Heritage Week 2011), and the Museum of Australian Democracy (rule of law theme). Staff also attended bi-monthly meetings of the National Capital Civics Education Group. The latter comprises middle-level managers from cultural institutions and attractions in the Parliamentary Zone who have an interest in civics education and meet to share ideas and information and collaborate on projects as appropriate.

The Court encourages visitors to appreciate the values of the precinct through its educational tours, and by hosting diverse public events. As noted above, the heritage values of the precinct were celebrated during Australian Heritage Week 14–20 April 2011. Program funding of \$7 538.79 was provided by the Department of Sustainable Environment, Water, Population and Communities on a competitive application basis. The Court also hosted exhibitions and concerts in the spectacular public hall during 2010–11 as follows:

- a Flora and the Law exhibition developed in partnership with the CSIRO and Australian National Botanical Gardens for Floriade 2010 (13 September–11 October 2010)
- an AusAID funded exhibition on Women and War (14 October–5 November 2010)
- a Canberra Institute of Technology photography exhibition for graduating and other students (1–9 December 2010)
- an exhibition of drawings of the Court by Ms Karina Edwards, an artist and Court Guide Supervisor (4–29 April 2011)
- an Embassy of Ecuador exhibition of photographs of the Galapagos by Fernando Espinosa Chauvin (3–20 May 2011).

The Court also hosted a series of free public Sunday concerts, including performances by:

- Springtide (10 October 2010)
- String Theory – an ANU quartet (17 October 2010)
- singers from the Fiji Methodist Church Choir (21 November 2010)
- Len Mahemoff and Shirley Politzer OAM, on the History of Jewish Music in Europe (10 April 2011)
- Dirk Zeylmans trio (17 April 2011).

Amazing Space, an ACT Chapter of the Australian Institute of Architects and Canberra International Musical Festival event, was held on 13 May 2011.



## PART SEVEN FINANCIAL STATEMENTS



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## INDEPENDENT AUDITOR'S REPORT

### To the Attorney-General

I have audited the accompanying financial statements of the High Court of Australia for the year ended 30 June 2011, which comprise: the Statement by the Chief Executive and Principal Registrar and Chief Financial Officer; the 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, comprising a Summary of Significant Accounting Policies and other explanatory information.

### *The Chief Executive and Principal Registrar's Responsibility for the Financial Statements*

The Chief Executive and Principal Registrar of the High Court of Australia is responsible for the preparation of the financial statements in accordance with the form required by the Finance Minister under sub-section 47(1) of the *High Court of Australia Act 1979*. The form approved by the Finance Minister is Schedule 1 to the *Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2010)* - the Finance Minister's Orders. Schedule 1 incorporates by reference Australian Accounting Standards. The Chief Executive and Principal Registrar is also responsible for such internal control determined to be necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

### *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 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 about 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 of the financial statements that give a true and fair view in order to design audit procedures that are 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 the accounting policies used and the reasonableness of

accounting estimates made by the Chief Executive and Principal 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 my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

#### **Opinion**

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

- are based on proper accounts and records;
- are in agreement with accounts and records;
- have been prepared in the form of financial statements approved by the Finance Minister under the *High Court of Australia Act 1979* and the Australian Accounting Standards; and
- give a true and fair view of the matters required by the Finance Minister's Orders, including High Court of Australia's financial position as at 30 June 2011 and of its financial performance and cash flows for the year then ended.

Further, in my opinion, the receipt, expenditure and investment of monies, and the acquisition and disposal of assets by the High Court of Australia during the year ended 30 June 2011, have been in accordance with the *High Court of Australia Act 1979*.

Australian National Audit Office



John McCullough  
Executive Director  
Delegate of the Auditor-General

Canberra  
6 September 2011

## Financial statements for the High Court of Australia for the year ended 30 June 2011

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

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The attached financial statements of the High Court of Australia for the year ended 30 June 2011 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;

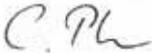
Schedule of Asset Additions;

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 2011 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*, as amended.

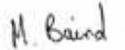
In our opinion, at the date of this statement, there are reasonable grounds to believe that the Court will be able to pay its debts as and when they become due and payable.



Andrew Pbelan  
Chief Executive & Principal Registrar  
High Court of Australia

Date of signing

6 September 2011



Margaret Baird  
Chief Financial Officer  
High Court of Australia

Date of signing

6 September 2011

**STATEMENT OF COMPREHENSIVE INCOME [SHOWING NCOS] for the High Court of Australia**

*for the period ended 30 June 2011*

	Notes	30 June 2011 \$	30 June 2010 \$
<b>EXPENSES</b>			
Employee benefits	3A	7,864,699	7,472,928
Supplier expenses	3B	7,685,178	7,034,134
Depreciation and amortisation	3C	4,411,067	4,061,027
Write-down and impairment of assets	3D	6,868	80,078
Losses from asset sales	3E	2,000	15,033
<b>Total expenses</b>		<u>19,969,812</u>	<u>18,663,200</u>
<b>LESS:</b>			
<b>OWN-SOURCE INCOME</b>			
<b>Own-source revenue</b>			
Sale of goods and rendering of services	4A	160,039	165,673
Interest	4B	570,343	304,337
Other	4C	128,583	93,108
Resources received free of charge	4D	1,271,142	995,658
<b>Total own-source revenue</b>		<u>2,130,107</u>	<u>1,558,776</u>
<b>Gains</b>			
Other	4E	-	53,500
<b>Total gains</b>		<u>-</u>	<u>53,500</u>
<b>Total own-source income</b>		<u>2,130,107</u>	<u>1,612,276</u>
<b>Net cost of services</b>		<u>(17,839,705)</u>	<u>(17,050,924)</u>
Revenue from Government	4F	13,017,000	16,477,000
<b>(Deficit) attributable to the Australian Government</b>		<u>(4,822,705)</u>	<u>(573,924)</u>
<b>OTHER COMPREHENSIVE INCOME</b>			
Changes in asset revaluation reserves		<u>3,701,262</u>	<u>23,638,423</u>
<b>Total other comprehensive income</b>		<u>3,701,262</u>	<u>23,638,423</u>
<b>Total comprehensive income (loss) attributable to the Australian Government</b>		<u>(1,121,443)</u>	<u>23,064,499</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 2011*

	Notes	30 June 2011 \$	30 June 2010 \$
<b>ASSETS</b>			
<b>Financial assets</b>			
Cash and cash equivalents	5A	2,509,414	1,661,808
Trade and other receivables	5B	269,709	178,181
Other investments	5C	<u>8,027,557</u>	<u>4,167,601</u>
<b>Total financial assets</b>		<u><b>10,806,680</b></u>	<u>6,007,590</u>
<b>Non-financial assets</b>			
Land and buildings	6A,D	192,132,802	189,912,370
Infrastructure, plant and equipment	6B,D	4,300,265	4,245,081
Library holdings	6C,D	17,913,756	17,064,621
Intangibles	6E,F	266,977	110,195
Other	6G	<u>148,721</u>	<u>533,996</u>
<b>Total non-financial assets</b>		<u><b>214,762,521</b></u>	<u>211,866,263</u>
<b>Total assets</b>		<u><b>225,569,201</b></u>	<u>217,873,853</u>
<b>LIABILITIES</b>			
<b>Payables</b>			
Suppliers	7A	183,154	-
Other	7B	<u>679,901</u>	<u>735,443</u>
<b>Total payables</b>		<u><b>863,055</b></u>	<u>735,443</u>
<b>Provisions</b>			
Employee provisions	8A	<u>1,885,528</u>	<u>1,927,349</u>
<b>Total provisions</b>		<u><b>1,885,528</b></u>	<u>1,927,349</u>
<b>Total liabilities</b>		<u><b>2,748,583</b></u>	<u>2,662,792</u>
<b>Net assets</b>		<u><b>222,820,618</b></u>	<u>215,211,061</u>
<b>EQUITY</b>			
Contributed equity		66,741,598	58,010,598
Reserves		162,771,469	159,070,207
(Accumulated deficit)		<u>(6,692,449)</u>	<u>(1,869,744)</u>
<b>Total equity</b>		<u><b>222,820,618</b></u>	<u>215,211,061</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 2011

	Retained earnings		Asset revaluation reserve		Contributed equity/capital		Total equity	
	2011	2010	2011	2010	2011	2010	2011	2010
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Opening balance</b>								
Balance carried forward from previous period	(1,869,744)	(1,295,820)	159,070,207	135,431,784	58,010,598	56,678,598	215,211,061	190,814,562
<b>Adjusted opening balance</b>	<b>(1,869,744)</b>	<b>(1,295,820)</b>	<b>159,070,207</b>	<b>135,431,784</b>	<b>58,010,598</b>	<b>56,678,598</b>	<b>215,211,061</b>	<b>190,814,562</b>
<b>Comprehensive income</b>								
Other comprehensive income	-	-	3,701,262	23,638,423	-	-	3,701,262	23,638,423
Surplus (Deficit) for the period	(4,822,705)	(573,924)	-	-	-	-	(4,822,705)	(573,924)
<b>Total comprehensive income</b>	<b>(4,822,705)</b>	<b>(573,924)</b>	<b>3,701,262</b>	<b>23,638,423</b>	<b>-</b>	<b>-</b>	<b>(1,121,443)</b>	<b>23,064,499</b>
<b>Transactions with owners</b>								
Contributions by owners	-	-	-	-	5,728,000	1,332,000	5,728,000	1,332,000
Equity injection - Appropriation	-	-	-	-	(3,003,000)	-	(3,003,000)	-
Departmental capital budget (DCBs)	-	-	-	-	-	-	-	-
<b>Sub-total transactions with owners</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8,731,000</b>	<b>1,332,000</b>	<b>8,731,000</b>	<b>1,332,000</b>
<b>Closing balance as at 30 June</b>	<b>(6,692,449)</b>	<b>(1,869,744)</b>	<b>162,771,469</b>	<b>159,070,207</b>	<b>66,741,598</b>	<b>58,010,598</b>	<b>222,820,618</b>	<b>215,211,061</b>
<b>Closing balance attributable to the Australian Government</b>	<b>(6,692,449)</b>	<b>(1,869,744)</b>	<b>162,771,469</b>	<b>159,070,207</b>	<b>66,741,598</b>	<b>58,010,598</b>	<b>222,820,618</b>	<b>215,211,061</b>

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 2011*

	30 June 2011	30 June 2010
Notes	<u>\$</u>	<u>\$</u>
<b>OPERATING ACTIVITIES</b>		
<b>Cash received</b>		
Appropriations	13,017,000	16,477,000
Goods and services	164,685	197,733
Interest	481,320	319,042
Net GST received	906,308	876,300
Other	128,583	93,108
<b>Total cash received</b>	<u>14,697,896</u>	<u>17,963,183</u>
<b>Cash used</b>		
Employees	7,942,408	7,351,200
Suppliers	6,870,257	7,377,696
<b>Total cash used</b>	<u>14,812,665</u>	<u>14,728,896</u>
<b>Net cash from (used by) operating activities</b>	9 <u>(114,769)</u>	<u>3,234,287</u>
<b>INVESTING ACTIVITIES</b>		
<b>Cash received</b>		
Proceeds from sales of infrastructure, plant and equipment	-	19,727
Investments	2,898,702	4,342,933
<b>Total cash received</b>	<u>2,898,702</u>	<u>4,362,660</u>
<b>Cash used</b>		
Purchase of infrastructure, plant and equipment	3,908,669	3,337,975
Investments	6,758,658	5,221,170
<b>Total cash used</b>	<u>10,667,327</u>	<u>8,559,145</u>
<b>Net cash (used by) investing activities</b>	<u>(7,768,625)</u>	<u>(4,196,485)</u>
<b>FINANCING ACTIVITIES</b>		
<b>Cash received</b>		
Capital injection	8,731,000	1,332,000
<b>Total cash received</b>	<u>8,731,000</u>	<u>1,332,000</u>
<b>Net cash from financing activities</b>	<u>8,731,000</u>	<u>1,332,000</u>
<b>Net increase (decrease) in cash held</b>	<u>847,606</u>	<u>369,802</u>
Cash and cash equivalents at the beginning of the reporting period	1,661,808	1,292,006
<b>Cash and cash equivalents at the end of the reporting period</b>	5A <u>2,509,414</u>	<u>1,661,808</u>

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 2011

	30 June 2011 \$	30 June 2010 \$
<b>BY TYPE</b>		
<b>Commitments receivable</b>		
Sublease rental income	(1,755)	(2,899)
Net GST recoverable on commitments	<u>(899,377)</u>	<u>(1,002,937)</u>
<b>Total commitments receivable</b>	<b><u>(901,132)</u></b>	<b><u>(1,005,836)</u></b>
<b>Commitments payable</b>		
<b>Capital commitments</b>		
Land and buildings <sup>1</sup>	438,959	365,825
Infrastructure, plant and equipment	25,646	148,371
Intangibles	<u>43,327</u>	<u>12,881</u>
<b>Total capital commitments</b>	<b><u>507,932</u></b>	<b><u>527,077</u></b>
<b>Other commitments</b>		
Operating leases	7,787,021	8,319,573
Other <sup>2</sup>	<u>1,598,200</u>	<u>2,185,653</u>
<b>Total other commitments</b>	<b><u>9,385,221</u></b>	<b><u>10,505,226</u></b>
<b>Net commitments by type</b>	<b><u>8,992,021</u></b>	<b><u>10,026,467</u></b>
<b>BY MATURITY</b>		
<b>Commitments receivable</b>		
<b>Operating lease income</b>		
One year or less	<u>(1,755)</u>	<u>(2,899)</u>
<b>Total operating lease income</b>	<b><u>(1,755)</u></b>	<b><u>(2,899)</u></b>
<b>Other commitments receivable</b>		
One year or less	(199,419)	(260,620)
From one to five years	(370,894)	(362,190)
Over five years	<u>(329,064)</u>	<u>(380,127)</u>
<b>Total other commitments receivable</b>	<b><u>(899,377)</u></b>	<b><u>(1,002,937)</u></b>
<b>Commitments payable</b>		
<b>Capital commitments</b>		
One year or less	<u>507,932</u>	<u>527,077</u>
<b>Total capital commitments</b>	<b><u>507,932</u></b>	<b><u>527,077</u></b>
<b>Operating lease commitments</b>		
One year or less	927,368	965,595
From one to five years	3,239,948	3,172,588
Over five years	<u>3,619,705</u>	<u>4,181,390</u>
<b>Total operating lease commitments</b>	<b><u>7,787,021</u></b>	<b><u>8,319,573</u></b>
<b>Other commitments</b>		
One year or less	758,308	1,374,151
From one to five years	<u>839,892</u>	<u>811,502</u>
<b>Total other commitments</b>	<b><u>1,598,200</u></b>	<b><u>2,185,653</u></b>
<b>Net commitments by maturity</b>	<b><u>8,992,021</u></b>	<b><u>10,026,467</u></b>

NB: Commitments are GST inclusive where relevant.

<sup>1</sup> Capital commitments represent contracts for capital works in the Court precinct.

<sup>2</sup> Other commitments include contracts for security, telecommunications and building maintenance.

**SCHEDULE OF COMMITMENTS for the High Court of Australia (continued)**

*as at 30 June 2011*

<b>Nature of lease</b>	<b>General description of leasing arrangement</b>
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 Justices and one office car.	The Court leases motor vehicles under the terms of a contract with various operative dates.

This schedule should be read in conjunction with the accompanying notes.

**SCHEDULE OF ASSET ADDITIONS for the High Court of Australia  
for the period ended 30 June 2011**

The following non-financial non-current assets were added in 2010-11:

	Land	Buildings	Heritage & cultural	Other infrastructure, plant & equipment	Intangibles	Library holdings	Total
	\$	\$	\$	\$	\$	\$	\$
<b>Additions funded in the current year</b>							
By purchase - appropriation ordinary annual services	-	768,693	-	443,833	111,021	-	1,323,547
Departmental capital budget							
By purchase - appropriation other services	-	1,357,584	-	-	104,617	1,210,960	2,673,161
Equity injections							
<b>Total additions</b>	-	2,126,277	-	443,833	215,638	1,210,960	3,996,708

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

	Land	Buildings	Heritage & cultural	Other infrastructure, plant & equipment	Intangibles	Library holdings	Total
	\$	\$	\$	\$	\$	\$	\$
<b>Additions funded in the current year</b>							
By purchase - appropriation ordinary annual services	-	1,360,689	-	397,636	2,904	30,026	1,791,255
Ordinary operating costs							
By purchase - appropriation other services	-	-	-	-	89,675	1,200,000	1,289,675
Equity injections							
By purchase - other	-	-	11,500	12,000	-	-	23,500
Assets received as gifts/donations	-	-	30,000	-	-	-	30,000
<b>Total additions</b>	-	1,360,689	41,500	409,636	92,579	1,230,026	3,134,430

## SCHEDULE OF ADMINISTERED ITEMS for the High Court of Australia

	30 June 2011	30 June 2010
Notes	\$	\$
<b>Income administered on behalf of Government</b>		
<i>for the period ended 30 June 2011</i>		
<b>Revenue</b>		
<b>Non-taxation revenue</b>		
Fees and charges	15A <u>1,430,157</u>	<u>1,042,854</u>
<b>Total non-taxation revenue</b>	<u>1,430,157</u>	<u>1,042,854</u>
<b>Total revenues administered on behalf of Government</b>	<u>1,430,157</u>	<u>1,042,854</u>

	30 June 2011	30 June 2010
Notes	\$	\$
<b>Administered Cash Flows</b>		
<i>for the year ended 30 June 2011</i>		
<b>OPERATING ACTIVITIES</b>		
<b>Cash received</b>		
Fees and charges	<u>1,430,157</u>	<u>1,042,854</u>
<b>Total cash received</b>	<u>1,430,157</u>	<u>1,042,854</u>
<b>Net cash flows from (used by) operating activities</b>	<u>1,430,157</u>	<u>1,042,854</u>
<b>Net Increase (Decrease) in Cash Held</b>	1,430,157	1,042,854
Cash and cash equivalents at the beginning of the reporting period	-	-
Cash to Official Public Account for:		
- Other	<u>(1,430,157)</u>	<u>(1,042,854)</u>
<b>Cash and cash equivalents at the end of the reporting period</b>	<u>-</u>	<u>-</u>

This schedule should be read in conjunction with the accompanying notes.

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FINANCIAL STATEMENTS

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

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### **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.

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, AC

##### ***Justices:***

The Honourable William Gummow, AC

The Honourable Kenneth Hayne, AC

The Honourable Dyson Heydon, AC

The Honourable Susan Crennan, AC

The Honourable Susan Kiefel, AC

The Honourable Virginia Bell

##### ***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 2010-2011 financial year.

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

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### **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 2010; and
- Australian Accounting Standards and Interpretations 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's, 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 executor contracts 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 that were issued prior to the sign-off date and are applicable to the current reporting period did not have a financial impact, and are not expected to have a future financial impact on the Court.

#### *Future Australian Accounting Standards Requirements*

Of the new standards, amendments to standards and interpretations that were issued prior to the sign-off date and are applicable to the future reporting period are not expected to have a future financial impact on the Court.

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

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### 1.6 Revenue

#### Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government 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.

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

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### **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) and Departmental Capital Budgets (DCBs) 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 at the estimated salary rates that will be applied at the time the leave is taken, 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. 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.

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

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### **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 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.

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 is recognised at its nominal amount. Cash and cash equivalents includes:

- cash on hand;
- demand deposits in bank accounts with an original maturity of 2 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value; and
- cash held by outsiders.

### **1.13 Financial Assets**

The Court classifies its financial assets in the following categories:

- 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.

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

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### 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.

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 accounts immediately prior to the restructuring.

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

### 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.

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

	<u>2011</u>	<u>2010</u>
Building assets	4 to 172 years	4 to 170 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 2011. 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.

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

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

### **Heritage and Cultural Assets**

The Court has a small collection of heritage assets which includes rare books, works of art and antique furniture. The aims of the Court's preservation activities are to preserve collection items and to maintain access to them, consistent with their significance to the collection, usage requirements and current condition. The Court's preservation activities include documenting the collection, providing appropriate storage arrangements, adopting adequate security measures and undertaking conservation treatments when material is at risk or damaged.

### **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 (2009-10: 3 years).

All software assets were assessed for indications of impairment as at 30 June 2011.

### **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
- for receivables and payables.

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

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### **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.

#### *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.

### **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**

	<b>30 June 2011</b>	30 June 2010
	<b>\$</b>	\$

**Note 3: Expenses**

**Note 3A: Employee Benefits**

Wages and salaries	6,119,991	5,703,799
Superannuation:		
Defined contribution plans	405,689	365,793
Defined benefit plans	654,537	742,592
Leave and other entitlements	662,421	660,744
Separation and redundancies	<u>22,061</u>	-
<b>Total employee benefits</b>	<b><u>7,864,699</u></b>	<b><u>7,472,928</u></b>

The salaries and allowances paid to the Chief Justice and other Justices of the Court are provided from special appropriations under the control of the Attorney-General's Department. These payments are not included in the Financial Statements of the High Court of Australia.

**Note 3B: Suppliers**

**Goods and services**

Property	3,164,432	2,641,858
Travel	1,006,183	888,218
Information technology and communications	613,691	840,355
Staff related	465,786	415,713
Electronic library subscriptions	167,346	155,548
Other	<u>1,136,500</u>	<u>970,992</u>
<b>Total goods and services</b>	<b><u>6,553,938</u></b>	<b><u>5,912,684</u></b>

Goods and services are made up of:

Provision of goods - related entities	16,214	4,916
Provision of goods - external parties	349,340	212,484
Rendering of services - related entities	1,824,469	1,680,867
Rendering of services - external parties	<u>4,363,915</u>	<u>4,014,417</u>
<b>Total goods and services</b>	<b><u>6,553,938</u></b>	<b><u>5,912,684</u></b>

**Other supplier expenses**

Operating lease rentals - external parties:		
Minimum lease payments	988,405	1,016,606
Workers compensation premiums	<u>142,835</u>	<u>104,844</u>
<b>Total other supplier expenses</b>	<b><u>1,131,240</u></b>	<b><u>1,121,450</u></b>
<b>Total supplier expenses</b>	<b><u>7,685,178</u></b>	<b><u>7,034,134</u></b>

**Note 3C: Depreciation and Amortisation**

Depreciation:

Infrastructure, plant and equipment	383,279	378,974
Buildings	3,607,107	3,334,713
Library holdings	<u>361,825</u>	<u>341,280</u>
<b>Total depreciation</b>	<b><u>4,352,211</u></b>	<b><u>4,054,967</u></b>

Amortisation:

Intangibles:		
Computer software	<u>58,856</u>	<u>6,060</u>
<b>Total amortisation</b>	<b><u>58,856</u></b>	<b><u>6,060</u></b>
<b>Total depreciation and amortisation</b>	<b><u>4,411,067</u></b>	<b><u>4,061,027</u></b>

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

	<b>30 June 2011</b>	30 June 2010
	<u>\$</u>	<u>\$</u>
<b>Note 3D: Write-Down and Impairment of Assets</b>		
Asset write-downs and impairments from:		
<b>Financial assets</b>		
Impairment of trade and other receivables	3,498	2,019
<b>Non-financial assets</b>		
Revaluation decrement - infrastructure, plant and equipment	-	76,071
Impairment of infrastructure, plant and equipment	<u>3,370</u>	<u>1,988</u>
<b>Total write-down and impairment of assets</b>	<u><b>6,868</b></u>	<u><b>80,078</b></u>
<b>Note 3E: Losses from Asset Sales</b>		
Infrastructure, plant and equipment:		
Proceeds from sale	-	(19,728)
Carrying value of assets sold	<u>2,000</u>	<u>34,761</u>
<b>Total losses from asset sales</b>	<u><b>2,000</b></u>	<u><b>15,033</b></u>

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

	30 June 2011 \$	30 June 2010 \$
<b>Note 4: Income</b>		
<b>REVENUE</b>		
<b>Note 4A: Sale of Goods and Rendering of Services</b>		
Provision of goods - external parties	34,920	33,440
Rendering of services - external parties	<u>125,119</u>	<u>132,233</u>
<b>Total sale of goods and rendering of services</b>	<u>160,039</u>	<u>165,673</u>
<b>Note 4B: Interest</b>		
Deposits	<u>570,343</u>	304,337
<b>Total interest</b>	<u>570,343</u>	<u>304,337</u>
<b>Note 4C: Other Revenue</b>		
Practitioner certificates	53,789	63,268
Insurance recoveries	44,596	24,303
Grants	21,058	-
Other	<u>9,140</u>	<u>5,537</u>
<b>Total other revenue</b>	<u>128,583</u>	<u>93,108</u>
<b>Note 4D: Resources Received Free of Charge</b>		
Financial statement audit	30,000	36,000
Property operating cost	<u>1,241,142</u>	<u>959,658</u>
<b>Total resources received free of charge</b>	<u>1,271,142</u>	<u>995,658</u>
<b>GAINS</b>		
<b>Note 4E: Other Gains</b>		
Other	-	53,500
<b>Total other gains</b>	-	<u>53,500</u>
Recognising assets held by the Court in the accounts for the first time.		
<b>REVENUE FROM GOVERNMENT</b>		
<b>Note 4F: Revenue from Government</b>		
Appropriations:		
Departmental appropriation	<u>13,017,000</u>	16,477,000
<b>Total revenue from Government</b>	<u>13,017,000</u>	<u>16,477,000</u>
<b>Note 5: Financial Assets</b>		
<b>Note 5A: Cash and Cash Equivalents</b>		
Cash at bank	2,506,014	1,658,408
Cash on hand	1,900	1,900
Other	<u>1,500</u>	<u>1,500</u>
<b>Total cash and cash equivalents</b>	<u>2,509,414</u>	<u>1,661,808</u>

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

	30 June 2011	30 June 2010
	\$	\$

**Note 5B: Trade and Other Receivables**

**Goods and Services**

Goods and services - related entities	8,239	1,650
Goods and services - external parties	<u>32,951</u>	<u>44,232</u>
<b>Total receivables for goods and services</b>	<u>41,190</u>	<u>45,882</u>

**Other receivables:**

GST receivable from the Australian Taxation Office	130,503	91,499
Interest	101,006	18,303
Other	-	22,497
<b>Total other receivables</b>	<u>231,509</u>	<u>132,299</u>
<b>Total trade and other receivables (gross)</b>	<u>272,699</u>	<u>178,181</u>

Less: impairment allowance account:

Goods and services	<u>2,990</u>	-
<b>Total impairment allowance account</b>	<u>2,990</u>	-
<b>Total trade and other receivables (net)</b>	<u>269,709</u>	<u>178,181</u>

Receivables are expected to be recovered in:

No more than 12 months	<u>269,709</u>	<u>178,181</u>
<b>Total trade and other receivables (net)</b>	<u>269,709</u>	<u>178,181</u>

Receivables are aged as follows:

Not overdue	260,398	174,438
Overdue by:		
0 to 30 days	2,520	21
31 to 60 days	1,750	715
61 to 90 days	-	750
More than 90 days	<u>8,031</u>	<u>2,257</u>
<b>Total receivables (gross)</b>	<u>272,699</u>	<u>178,181</u>

The impairment allowance account is aged as follows:

More than 90 days	<u>2,990</u>	-
<b>Total impairment allowance account</b>	<u>2,990</u>	-

**Reconciliation of the Impairment Allowance Account:**

**Movements in relation to 2011**

	Goods and services \$	Total \$
<b>Opening balance</b>	-	-
Increase/decrease recognised in net surplus	2,990	2,990
<b>Closing balance</b>	<u>2,990</u>	<u>2,990</u>

**Note 5C: Other Investments**

Deposits	<u>8,027,557</u>	4,167,601
<b>Total other investments</b>	<u>8,027,557</u>	<u>4,167,601</u>

Total other investments expected to be recovered in:

No more than 12 months	<u>8,027,557</u>	<u>4,167,601</u>
<b>Total other investments</b>	<u>8,027,557</u>	<u>4,167,601</u>

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

	<b>30 June 2011</b>	30 June 2010
	<u>\$</u>	<u>\$</u>
<b>Note 6: Non-Financial Assets</b>		
<b>Note 6A: Land and Buildings</b>		
Land		
Land at fair value	<u>8,925,000</u>	<u>8,925,000</u>
<b>Total Land</b>	<u>8,925,000</u>	<u>8,925,000</u>
Buildings on freehold land:		
Work in progress - at cost	1,549,903	342,311
Fair value	181,722,659	180,748,042
Accumulated depreciation	<u>(64,760)</u>	<u>(102,983)</u>
<b>Total buildings on freehold land</b>	<u>183,207,802</u>	<u>180,987,370</u>
<b>Total land and buildings</b>	<u>192,132,802</u>	<u>189,912,370</u>

All revaluations are conducted in accordance with the revaluation policy stated at Note 1. The effective date for the land and buildings revaluation was 30 June 2011. The revaluations were conducted by independent valuers from the Australian Valuation Office.

No revaluation increment for land (2010: \$1,407,942), an increment of \$3,701,262 for buildings on freehold land (2010: \$22,230,481) was 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.

**Note 6B: Infrastructure, Plant and Equipment**

Heritage and cultural:		
Artworks - fair value	2,699,800	2,699,800
Rare books - fair value	130,711	130,711
Heritage furniture - fair value	<u>203,300</u>	<u>203,300</u>
<b>Total heritage and cultural</b>	<u>3,033,811</u>	<u>3,033,811</u>
Other infrastructure, plant and equipment:		
Work in progress - at cost	53,152	-
Fair Value	1,599,862	1,220,461
Accumulated depreciation	<u>(386,560)</u>	<u>(9,191)</u>
<b>Total other infrastructure, plant and equipment</b>	<u>1,266,454</u>	<u>1,211,270</u>
<b>Total infrastructure, plant and equipment</b>	<u>4,300,265</u>	<u>4,245,081</u>

All revaluations are conducted in accordance with the revaluation policy stated at Note 1.

The effective date for the heritage and cultural assets revaluation was 30 June 2009. The artwork and heritage furniture revaluation was conducted by an independent valuer, Simon Storey. The rare books revaluation was conducted by independent valuers from the Australian Valuation Office.

The effective date for the revaluation of infrastructure, plant and equipment was 30 June 2010. The infrastructure, plant and equipment revaluation was conducted by independent valuers from Pickles Auction Pty Ltd.

No revaluation increment/decrement for 2011 for infrastructure, plant and equipment was expensed (2010:\$76,071 decrement was expensed for other infrastructure, plant & equipment).

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**

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	<b>30 June 2011</b>	30 June 2010
	<u>\$</u>	<u>\$</u>
<b>Note 6C: Library Holdings</b>		
Library holdings		
Work in progress - at cost	<b>238,131</b>	-
Fair value	<b>18,594,082</b>	17,621,253
Accumulated depreciation	<b>(918,457)</b>	(556,632)
<b>Total library holdings</b>	<b><u>17,913,756</u></b>	<b><u>17,064,621</u></b>

The effective date for the library holdings revaluation was 30 June 2009. The revaluation was conducted by independent valuers from the Australian Valuation Office.

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 (2010-11)**

	Land	Buildings	Total Land and Buildings	Other IP&E	Heritage & Cultural	Library Holdings	Total
	\$	\$	\$	\$	\$	\$	\$
<b>As at 1 July 2010</b>							
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)
<b>Net book value 1 July 2010</b>	<b>8,925,000</b>	<b>180,987,370</b>	<b>189,912,370</b>	<b>1,211,270</b>	<b>3,033,811</b>	<b>17,064,621</b>	<b>211,222,072</b>
Additions*	-	2,126,277	2,126,277	443,833	-	1,210,960	3,781,070
Revaluations and impairments recognised in other comprehensive income	-	3,701,262	3,701,262	-	-	-	3,701,262
Impairments recognised in the operating result	-	-	-	(3,370)	-	-	(3,370)
Depreciation expense	n/a	(3,607,107)	(3,607,107)	(383,279)	-	(361,825)	(4,352,211)
Disposals:							
Other	-	-	-	(2,000)	-	-	(2,000)
<b>Net book value 30 June 2011</b>	<b>8,925,000</b>	<b>183,207,802</b>	<b>192,132,802</b>	<b>1,266,454</b>	<b>3,033,811</b>	<b>17,913,756</b>	<b>214,346,823</b>
<b>Net book value as of 30 June 2011 represented by:</b>							
Gross book value	8,925,000	183,272,562	192,197,562	1,653,014	3,033,811	18,832,213	215,716,600
Accumulated depreciation and impairment	n/a	(64,760)	(64,760)	(386,560)	-	(918,457)	(1,369,777)
	<b>8,925,000</b>	<b>183,207,802</b>	<b>192,132,802</b>	<b>1,266,454</b>	<b>3,033,811</b>	<b>17,913,756</b>	<b>214,346,823</b>

\*Disaggregated additions in information are disclosed in the Schedule of Asset Additions.

**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 (2009-10)**

	Land	Buildings	Total Land and Buildings	Other IP&E	Heritage and Cultural	Library Holdings	Total
	\$	\$	\$	\$	\$	\$	\$
<b>As at 1 July 2009</b>							
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)
<b>Net book value 1 July 2009</b>	<b>7,517,058</b>	<b>160,730,329</b>	<b>168,247,387</b>	<b>1,307,012</b>	<b>2,979,311</b>	<b>16,175,875</b>	<b>188,709,585</b>
Additions*	-	1,360,689	1,360,689	409,636	41,500	1,230,026	3,041,851
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)
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	-	-	-	(34,761)	-	-	(34,761)
<b>Net book value 30 June 2010</b>	<b>8,925,000</b>	<b>180,987,370</b>	<b>189,912,370</b>	<b>1,211,270</b>	<b>3,033,811</b>	<b>17,064,621</b>	<b>211,222,072</b>
<b>Net book value as of 30 June 2010 represented by:</b>							
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)
	<b>8,925,000</b>	<b>180,987,370</b>	<b>189,912,370</b>	<b>1,211,270</b>	<b>3,033,811</b>	<b>17,064,621</b>	<b>211,222,072</b>

\*Disaggregated additions information are disclosed in the Schedule of Asset Additions.

AAASB 116 para. 35 permits the adoption of the gross or net method with respect to accumulated depreciation at the date of the revaluation. The net approach was applied for the revaluation as at 30 June 2010.

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

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	<b>30 June 2011</b>	30 June 2010
	<u>\$</u>	<u>\$</u>
<b>Note 6E: Intangibles</b>		
Computer software:		
Work in progress - at cost	59,445	89,675
Fair value	766,898	521,030
Accumulated amortisation	<u>(559,366)</u>	<u>(500,510)</u>
<b>Total computer software</b>	<u>266,977</u>	<u>110,195</u>
<b>Total intangibles</b>	<u>266,977</u>	<u>110,195</u>

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 (2010 - 11)**

	Computer software purchased \$	Total \$
<b>As at 1 July 2010</b>		
Gross book value	610,705	610,705
Accumulated amortisation and impairment	(500,510)	(500,510)
<b>Net book value 1 July 2010</b>	<b>110,195</b>	<b>110,195</b>
Additions*	215,638	215,638
Amortisation	(58,856)	(58,856)
<b>Net book value 30 June 2011</b>	<b>266,977</b>	<b>266,977</b>

**Net book value as at 30 June 2011 represented by:**

Gross book value	826,343	826,343
Accumulated amortisation and impairment	(559,366)	(559,366)
	<b>266,977</b>	<b>266,977</b>

\* Disaggregated additions information are disclosed in the Schedule of Asset Additions.

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

	Computer software purchased \$	Total \$
<b>As at 1 July 2009</b>		
Gross book value	518,127	518,127
Accumulated amortisation and impairment	(494,451)	(494,451)
<b>Net book value 1 July 2009</b>	<b>23,676</b>	<b>23,676</b>
Additions*	92,579	92,579
Amortisation	(6,060)	(6,060)
<b>Net book value 30 June 2010</b>	<b>110,195</b>	<b>110,195</b>

**Net book value as of 30 June 2010 represented by:**

Gross book value	610,705	610,705
Accumulated amortisation and impairment	(500,510)	(500,510)
	<b>110,195</b>	<b>110,195</b>

\* Disaggregated additions information are disclosed in the Schedule of Asset Additions.

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

	<b>30 June 2011</b>	30 June 2010
	<u>\$</u>	<u>\$</u>

**Note 6G: Other Non-Financial Assets**

Prepaid property rentals	53,026	336,235
Other prepayments	<u>95,695</u>	<u>197,761</u>
<b>Total other non-financial assets</b>	<b><u>148,721</u></b>	<b><u>533,996</u></b>

Total other non-financial assets - are expected to be recovered in:

No more than 12 months	<u>148,721</u>	<u>533,996</u>
<b>Total other non-financial assets</b>	<b><u>148,721</u></b>	<b><u>533,996</u></b>

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

**Note 7: Payables**

**Note 7A: Suppliers**

Trade creditors	<u>183,154</u>	-
<b>Total supplier payables</b>	<b><u>183,154</u></b>	<b><u>-</u></b>

Supplier payables expected to be settled within 12 months:

External parties	<u>183,154</u>	-
<b>Total supplier payables</b>	<b><u>183,154</u></b>	<b><u>-</u></b>

Settlement is usually made within 30 days.

In preparation for the implementation of a new FMIS in July 2010 all trade creditor obligations in June 2010 were paid immediately upon receipt of invoice.

**Note 7B: Other Payables**

Unearned revenue	16,943	16,482
Salaries and wages	220,101	177,597
Accrued expenses	418,762	416,381
Superannuation	<u>24,095</u>	<u>124,983</u>
<b>Total other payables</b>	<b><u>679,901</u></b>	<b><u>735,443</u></b>

Total other payables are expected to be settled in:

No more than 12 months	<u>679,901</u>	<u>735,443</u>
<b>Total other payables</b>	<b><u>679,901</u></b>	<b><u>735,443</u></b>

**Note 8: Provisions**

**Note 8A: Employee Provisions**

Leave	<u>1,885,528</u>	1,927,349
<b>Total employee provisions</b>	<b><u>1,885,528</u></b>	<b><u>1,927,349</u></b>

Employee provisions are expected to be settled in:

No more than 12 months	1,715,950	1,714,705
More than 12 months	<u>169,578</u>	<u>212,644</u>
<b>Total employee provisions</b>	<b><u>1,885,528</u></b>	<b><u>1,927,349</u></b>

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

<b>30 June 2011</b>	<b>30 June 2010</b>
<b>\$</b>	<b>\$</b>

**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	2,509,414	1,661,808
Balance sheet	<u>2,509,414</u>	<u>1,661,808</u>
<b>Difference</b>	<u>-</u>	<u>-</u>

**Reconciliation of net cost of services to net cash from operating activities:**

Net cost of services	(17,839,705)	(17,050,924)
Add revenue from Government	<u>13,017,000</u>	<u>16,477,000</u>

**Adjustment for non-cash items**

Depreciation / amortisation	4,411,067	4,061,027
Net write down of non-financial assets	3,370	78,059
Loss on disposal of assets	2,000	15,033
Other Gains	-	(53,500)

**Changes in assets / liabilities**

(Increase) / decrease in net receivables	(91,528)	50,844
(Increase) / decrease in prepayments	385,274	(57,608)
Increase / (decrease) in employee provisions	(41,821)	117,015
Increase / (decrease) in supplier payables	183,154	(401,111)
Increase / (decrease) in accrued expenses	(85,657)	(18,785)
Increase / (decrease) in other payables	<u>(57,923)</u>	<u>17,237</u>
<b>Net cash from / (used by) operating activities</b>	<u>(114,769)</u>	<u>3,234,287</u>

**Note 10: Contingent Liabilities and Assets**

**Quantifiable Contingencies**

As at 30 June 2011, the Court had no quantifiable contingencies (2010: nil).

**Unquantifiable Contingencies**

As at 30 June 2011, the Court had no unquantifiable contingencies (2010: nil).

**Significant Remote Contingencies**

As at 30 June 2011, the Court has no significant remote contingencies (2010: nil).

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

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### **Note 11: Senior Executive Remuneration**

#### **Note 11A: Senior Executive Remuneration Expense for the Reporting Period**

	2011	2010
Short-term employee benefits:		
Salary	1,073,412	1,029,756
Annual leave accrued	<u>92,241</u>	<u>82,313</u>
Total short-term employee benefits	<u>1,165,653</u>	<u>1,112,069</u>
Post-employment benefits:		
Superannuation (post-employment benefits)	<u>159,452</u>	<u>258,348</u>
Total post-employment benefits	<u>159,452</u>	<u>258,348</u>
Other long-term benefits:		
Long service leave accrued	<u>50,654</u>	<u>32,205</u>
Total other long-term benefits	<u>50,654</u>	<u>32,205</u>
<b>Total</b>	<u>1,375,759</u>	<u>1,402,622</u>

Note 11A excludes acting arrangements and part-year service where remuneration expensed was less than \$150,000.



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

### **Note 11: Senior Executive Remuneration (continued)**

Personal Leave (PL): entitled to 18 days (2010:18 days) or part-time equivalent; and

Long Service Leave (LSL): in accordance with *Long Service Leave (Commonwealth Employees) Act 1976*.

(c) Senior executives are members of one of the following superannuation funds:

Commonwealth Superannuation Scheme (CSS): this scheme is closed to new members, employer contributions were averaged 28.3 per cent (2010:24 per cent) (including productivity component). More information on CSS can be found at <http://www.css.gov.au>;

Public Sector Superannuation Scheme (PSS): this scheme is closed to new members, current employer contributions were set at 15.4 per cent (2010: 15.4 per cent) (including productivity component). More information on PSS can be found at <http://www.pss.gov.au>.

(d) Various salary sacrifice arrangements were available to senior executives including super and motor vehicle.

### **Note 11C: Other Highly Paid Staff**

During the reporting period, there were no (2010: nil) employees whose salary plus performance bonus were \$150,000 or more. 11A and Note 11B.

### **Note 12: Remuneration of Auditors**

	2011	2010
	\$	\$
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>30,000</u>	<u>36,000</u>
	<u>30,000</u>	<u>36,000</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	15,250	17,000
Amounts received	2,236,948	-
Amounts deducted/paid out	<u>(1,736,448)</u>	<u>(1,750)</u>
Total description	<u>515,750</u>	<u>15,250</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**

<b>30 June</b>	30 June
<b>2011</b>	2010
<b>\$</b>	<b>\$</b>

**Note 14: Financial Instruments**

**Note 14A: Categories of Financial Instruments**

**Financial Assets**

Held-to-maturity:

Term deposits	8,027,557	4,167,601
<b>Total</b>	<b>8,027,557</b>	<b>4,167,601</b>

Loans and receivables:

Cash at bank	2,509,414	1,661,808
Receivable for goods and services	41,190	68,379
<b>Total</b>	<b>2,550,604</b>	<b>1,730,187</b>

<b>Carrying amount of financial assets</b>	<b>10,578,161</b>	<b>5,897,788</b>
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**Financial Liabilities**

At amortised cost:

Supplier payables	183,154	-
Accrued expenses	418,762	416,381
<b>Total</b>	<b>601,916</b>	<b>416,381</b>

<b>Carrying amount of financial liabilities</b>	<b>601,916</b>	<b>416,381</b>
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**Note 14B: Net Income and Expense from Financial Assets**

**Held-to-maturity**

Interest revenue	437,070	201,765
<b>Net gain/(loss) held-to-maturity</b>	<b>437,070</b>	<b>201,765</b>

**Loans and receivables**

Interest revenue	126,954	97,877
<b>Net gain/(loss) loans and receivables</b>	<b>126,954</b>	<b>97,877</b>

<b>Net gain/(loss) from financial assets</b>	<b>564,024</b>	<b>299,642</b>
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**Note 14C: Fair Value of Financial Instruments**

	Carrying amount 2011 \$'000	Fair Value 2011 \$'000	Carrying amount 2010 \$'000	Fair value 2010 \$'000
<b>Financial Assets</b>				
Cash at bank	2,509,414	2,509,414	1,661,808	1,661,808
Held-to-maturity	8,027,557	8,027,557	4,167,601	4,167,601
Receivables for goods and services	41,190	41,190	68,379	68,379
<b>Total</b>	<b>10,578,161</b>	<b>10,578,161</b>	5,897,788	5,897,788
<b>Financial Liabilities</b>				
Suppliers payable at amortised cost	183,154	183,154	-	-
Accrued expenses at amortised cost	418,762	418,762	416,381	416,381
<b>Total</b>	<b>601,916</b>	<b>601,916</b>	416,381	416,381

## 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 Court assessed the risk of the default on payment and has allocated \$2,990 in 2011 (2010: nil) to an impairment allowance account. The Court had policies and procedures that guided employees debt recovery techniques that were to be applied.

The Court held no collateral to mitigate against credit risk.

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

	2011 \$	2010 \$
<b>Financial assets</b>		
Loans and receivables	41,190	68,379
<b>Total</b>	<b>41,190</b>	<b>68,379</b>

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

	Not past due nor impaired 2011 \$	Not past due nor impaired 2010 \$	Past due or impaired 2011 \$	Past due or impaired 2010 \$
<b>Financial assets</b>				
Loans and receivables	28,889	64,636	12,301	3,743
<b>Total</b>	<b>28,889</b>	<b>64,636</b>	<b>12,301</b>	<b>3,743</b>

### Ageing of financial assets that are past due but not impaired for 2011

	0 to 30 days \$	31 to 60 days \$	61 to 90 days \$	90+ days \$	Total \$
Loans and receivables	2,520	1,750	-	5,041	9,311
<b>Total</b>	<b>2,520</b>	<b>1,750</b>	<b>-</b>	<b>5,041</b>	<b>9,311</b>

### 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
<b>Total</b>	<b>21</b>	<b>715</b>	<b>750</b>	<b>2,257</b>	<b>3,743</b>

## 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 2011

	On demand \$	within 1 year				Total \$
		1 to 2 years \$	2 to 5 years \$	> 5 years \$		
Supplier payables	-	183,154	-	-	-	183,154
Accrued expenses	-	418,762	-	-	-	418,762
<b>Total</b>	-	601,916	-	-	-	601,916

#### Maturities for non-derivative financial liabilities 2010

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

High Court of Australia has no derivative financial liabilities in both the current and prior year.

### 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 2010/2011 financial year was 4.325%. 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 +/- 1.75%.

The weighted average interest rate received on investments during the 2010/2011 financial year was 5.786%. 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 +/- 1.75%.

#### Sensitivity analysis of the risk that the Court is exposed to for 2011

Risk variable	Change in risk variable %	Effect on		
		Profit and loss \$	Equity \$	
Interest rate risk - cash at bank	4.325	1.75	43,855	-
Interest rate risk - cash at bank	4.325	-1.75	(43,855)	-
Interest rate risk - investments	5.786	1.75	140,482	-
Interest rate risk - investments	5.786	-1.75	(140,482)	-

#### Sensitivity analysis of the risk that High Court of Australia 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	1.50	24,876	-
Interest rate risk - cash at bank	3.150	-1.50	(24,876)	-
Interest rate risk - investments	3.977	1.50	62,514	-
Interest rate risk - investments	3.977	-1.50	(62,514)	-

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

	30 June 2011 \$	30 June 2010 \$
<b>Note 15: Income Administered on Behalf of Government</b>		
<b>REVENUE</b>		
<b>Non-Taxation Revenue</b>		
<b>Note 15A: Sale of Goods and Rendering of Services</b>		
Filing and other hearing fees	1,375,974	998,095
Other	54,183	44,759
<b>Total sale of goods and rendering of services</b>	<b>1,430,157</b>	<b>1,042,854</b>
<b>Note 16: Administered Reconciliation Table</b>		
<b>Opening administered assets less administered liabilities as at 1 July</b>	-	-
Plus: Administered income	1,430,157	1,042,854
Administered transfers to/from Australian Government:		
Transfers to OPA	(1,430,157)	(1,042,854)
<b>Closing administered assets less administered liabilities as at 30 June</b>	<b>-</b>	<b>-</b>
<b>Note 17: Compensation and Debt Relief</b>		
<b>Administered</b>	<b>2011</b>	<b>2010</b>
	\$	\$
218 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) (2010: 182 waivers)	<b>309,430</b>	181,071
31 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. (2010:9).	<b>33,084</b>	7,621
89 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 9(1)(b)(i) and (ii) 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. (2010:98).	<b>179,038</b>	139,541
49 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 prison inmate or person in lawful detention. (2010:70).	<b>52,847</b>	50,046
2 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 9(1)(b)(iv) of the High Court of Australia (Fees) Regulations 2004, for persons being a child under the age of 18 years. (2010:1).	<b>4,048</b>	1,364
1 exemptions of amounts owing to the Australian Government were made pursuant to Regulation 9(1)(b)(v) of the High Court of Australia (Fees) Regulations 2004, for persons in receipt Austudy. (2010:0).	<b>1,974</b>	-

**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.

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**

	Outcome 1		Total	
	2011	2010	2011	2010
	\$	\$	\$	\$
<b>Expenses</b>				
Administered	-	-	-	-
Departmental	19,969,812	18,663,200	19,969,812	18,663,200
<b>Total</b>	19,969,812	18,663,200	19,969,812	18,663,200
<b>Income from non-government sector</b>				
Administered	-	-	-	-
Other	1,430,157	1,042,854	1,430,157	1,042,854
<b>Total administered</b>	1,430,157	1,042,854	1,430,157	1,042,854
Departmental				
Other	160,039	165,673	160,039	165,673
<b>Total departmental</b>	160,039	165,673	160,039	165,673
<b>Total</b>	1,590,196	1,208,527	1,590,196	1,208,527
<b>Other own-source income</b>				
Departmental	1,970,068	1,446,603	1,970,068	1,446,603
<b>Total</b>	1,970,068	1,446,603	1,970,068	1,446,603
<b>Net cost/(contribution) of outcome delivery</b>	<b>16,409,548</b>	<b>16,008,070</b>	<b>16,409,548</b>	<b>16,008,070</b>

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 Outcome**

	Outcome 1		Total	
	2011	2010	2011	2010
	\$	\$	\$	\$
<b>Departmental Expenses:</b>				
Employees	7,864,699	7,472,928	7,864,699	7,472,928
Suppliers	7,685,178	7,034,134	7,685,178	7,034,134
Depreciation and amortisation	4,411,067	4,061,027	4,411,067	4,061,027
Write down of assets	6,868	80,078	6,868	80,078
Loss on disposal of assets	2,000	15,033	2,000	15,033
<b>Total</b>	<b>19,969,812</b>	<b>18,663,200</b>	<b>19,969,812</b>	<b>18,663,200</b>
<b>Departmental Income:</b>				
Income from Government	13,017,000	16,477,000	13,017,000	16,477,000
Sale of goods and services	160,039	165,673	160,039	165,673
Interest	570,343	304,337	570,343	304,337
Other revenue	1,299,725	1,088,766	1,399,725	1,088,766
Other gains	-	53,500	-	53,500
<b>Total</b>	<b>15,147,107</b>	<b>18,089,276</b>	<b>15,147,107</b>	<b>18,089,276</b>
<b>Departmental Assets:</b>				
Financial assets	10,806,680	6,007,590	10,806,680	6,007,590
Non-financial assets	214,762,521	211,866,263	214,762,521	211,866,263
<b>Total</b>	<b>225,569,201</b>	<b>217,873,853</b>	<b>225,569,201</b>	<b>217,873,853</b>
<b>Departmental Liabilities:</b>				
Payables	863,055	735,443	863,055	735,443
Provisions	1,885,528	1,927,349	1,885,528	1,927,349
<b>Total</b>	<b>2,748,583</b>	<b>2,662,792</b>	<b>2,748,583</b>	<b>2,662,792</b>

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

	Outcome 1		Total	
	2011	2010	2011	2010
	\$	\$	\$	\$
<b>Administered Income:</b>				
Fees and charges	1,430,157	1,042,854	1,430,157	1,042,854
<b>Total</b>	<b>1,430,157</b>	<b>1,042,854</b>	<b>1,430,157</b>	<b>1,042,854</b>

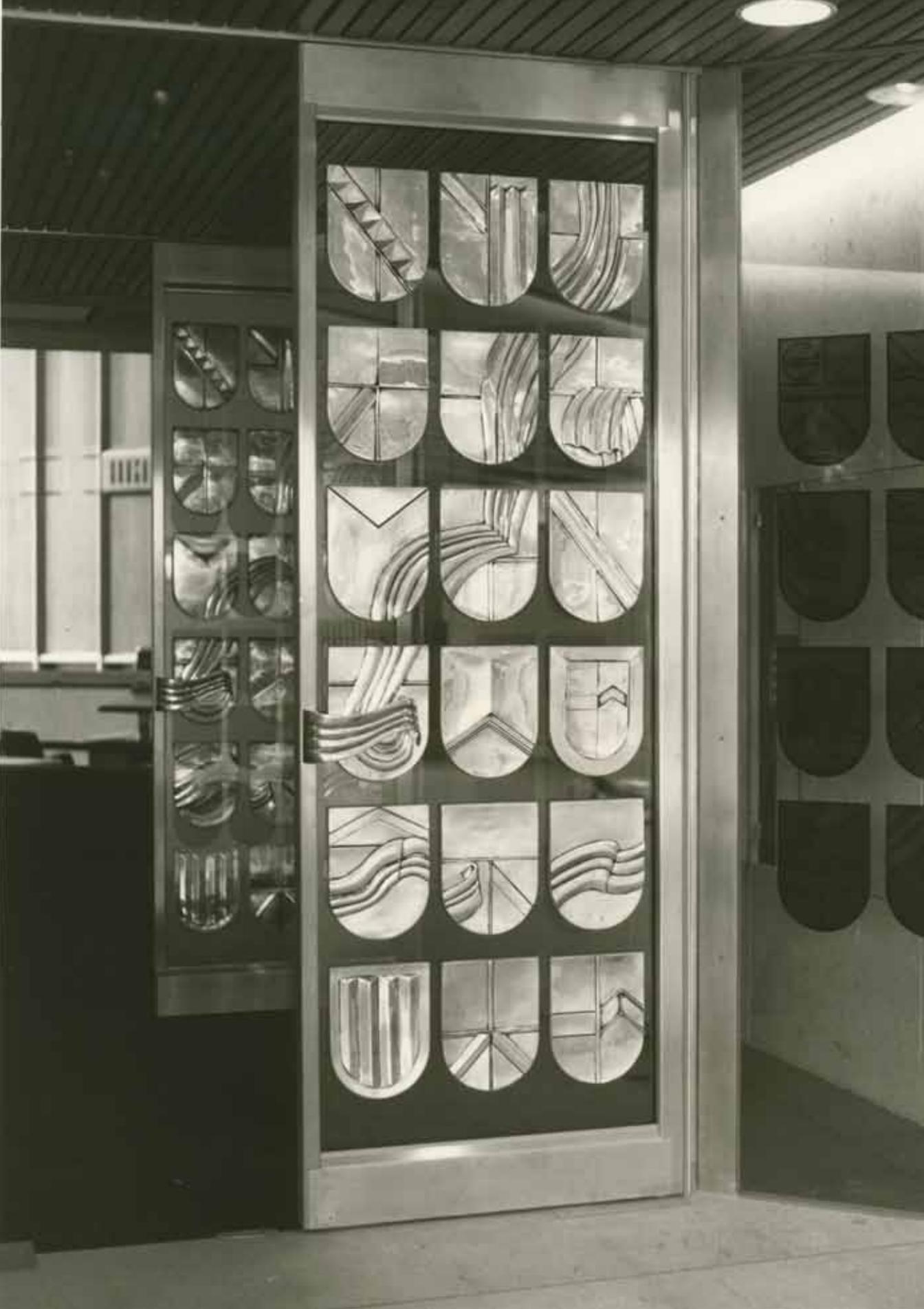
**Notes to and forming part of the Financial Statements for the High Court of Australia**

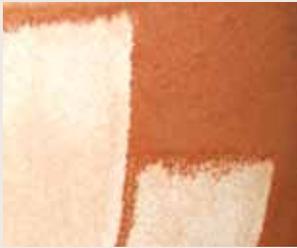
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**Note 19: Comprehensive Income (Loss) Attributable to the entity**

	<b>30 June 2011</b>	30 June 2010
	<b>\$</b>	\$
<b>Total Comprehensive Income (Loss) Attributable to the entity</b>		
Total comprehensive income (loss) attributable to the Australian Government <sup>1</sup>	<b>(1,121,443)</b>	23,064,499
Plus: non-appropriated expenses		
Depreciation and amortisation expenses	<b>4,411,067</b>	-
Total comprehensive income (loss) attributable to the entity	<b>3,289,624</b>	23,064,499

1. As per the Statement of Comprehensive Income.





## PART EIGHT ANNEXURE A





## FREEDOM OF INFORMATION

*The High Court administration routinely includes information in its annual and financial reports consistent with the reporting requirements of the Freedom of Information Act 1982 (Cth) (FoI Act).*

The Act applies only to administrative, non-judicial documents held by the Court, and does not apply to the holder of a judicial office or other office pertaining to the Court. The officers of the Court who are exempt under the Act include:

- the Chief Executive and Principal Registrar of the High Court
- the officers performing the duties of Senior Registrar, Senior Executive Deputy Registrar, Deputy Registrars, and the Court Marshal.

As noted above, the Act does not apply to Registry documents that are not of an administrative nature.

In 2011 the primary source of public information made available to the public was the Court website. It provides a wide range of information related to the core business of the Court, an overview of which is provided in the annual and financial reports accessible on the website, and in hardcopy on request. These reports include organisation charts.

The website provides access to documents related to legal matters filed or lodged at the High Court Registry, such as parties' submissions; the High Court Registry Service Charter; and information about cases before the Court; special leave short particulars; the results of applications for

special leave; appeal short particulars; judgments and judgment summaries. Some of these documents are published on the Court, AustLII and BarNet websites and are also distributed through subscription email lists. Transcripts of both special leave hearings and final hearings are also accessible on the website. The website provides links to relevant legislation, Court rules, forms, the library catalogue, and the library's current year's new books notification service. The website also provides information about fees for filing, issuing or sealing a document or obtaining a service, pursuant to Schedule 1 of the *High Court of Australia (Fees) Regulations*, and the Scale of Professional Costs, pursuant to Schedule 2 of the *High Court of Australia (Fees) Regulations*.

The website provides access to many of the speeches delivered by the Justices of the Court, and to speeches of former Chief Justices and Justices.

The website also provides information about the history, role and function of the Court and the Court building in Canberra – the competition for its design, the materials used in its construction, its heritage listing and the features of each courtroom. It also provides information about visiting the Court.

The website also includes a site map and search function to assist individuals to access information from the site, and includes a 'contact us' webpage and dedicated email address for inquiries, including a link for making FoI inquiries and lodging requests for information.

Other information that the Court makes available includes:

- the *High Court Bulletin* is produced by the High Court library. It provides a record of recent High Court cases: decided, reserved for judgment, awaiting hearing in the Court's original jurisdiction, granted special leave to appeal, and refused special leave to appeal. It is published in hard copy and is also available via the Court's website, and the AustLII and BarNet websites.
- the Conservation Management Plan for the Court under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- two brochures, including a general overview titled 'High Court of Australia', and a more specialised 'Visitors' Guide to Oral Argument' which explains what happens in the courtroom during a hearing. These brochures were made available in the Mandarin language in March 2011
- the Court sitting calendar business lists and daily court lists
- venue and safety information for school excursions
- information transmitted orally by Court Guides stationed in the Public Hall and courtrooms to pre-booked school groups, other groups and visitors at large. Visitors are given an overview of the history, role and powers of the High Court and an explanation of the workings of each courtroom they visit. If the court is sitting, school groups watch proceedings for a short time and debrief in another courtroom about what they have observed
- tailored guided tours for official visitors
- information about functions such as Sunday concerts, moots and public lectures.

- some documents that are open to public access under the High Court Rules subject to the payment of a fee or other charge. The categories of documents available for purchase by the public from the Court registry include:

- 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.

The Court works with other institutions in the Parliamentary Zone to facilitate public access to information about the Court. For example, the Court has an established partnership with the National Archives of Australia (NAA). The NAA includes in its permanent exhibitions and on its website information about the Court, as do other national institutions, including the Australian Parliament. As noted earlier in the report, the Manager, Public Information also maintains appropriate channels of communication with the media, relevant agencies and the public about the operations of the Court.

## FOI procedures and initial contact points

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

The 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](mailto: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 offices of the Court Registry.

The Principal Registry of the High Court of Australia is located at the seat of the Court in Canberra. There are offices of the Registry at the capital city of each State and in Darwin.

The Registry services in Adelaide, Brisbane, Darwin and Perth are provided by staff of the Federal Court of Australia. Registry services in Hobart are provided by the Supreme Court of Tasmania.

### Canberra

Parkes Place, Parkes, ACT, 2600  
Postal Address: PO Box 6309, Kingston,  
ACT 2604

Registry telephone: (02) 6270 6857  
Registry facsimile: (02) 6273 3025

## Registries around Australia



### Sydney

Level 23, Law Courts Building,  
Queens Square, Sydney, NSW, 2000

Registry telephone: (02) 9230 8369

Registry facsimile: (02) 9230 8376



### Melbourne

Level 17, Law Courts Building,  
305 William Street, Melbourne, VIC, 3000

Registry telephone: (03) 8600 3001

Registry facsimile: (03) 8600 3007

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ANNEXURE A



### Brisbane

Federal Court of Australia  
Level 6, Commonwealth Law  
Courts Building  
119 North Quay, Brisbane, QLD, 4000

Registry telephone: (07) 3248 1100

Registry facsimile: (07) 3248 1260



### Perth

Federal Court of Australia  
Level 6, Commonwealth Law  
Courts Building  
1 Victoria Avenue, Perth, WA, 6000

Registry telephone: (08) 9268 7100

Registry facsimile: (08) 9221 3261



### **Adelaide**

Federal Court of Australia  
Level 5, Commonwealth Law Courts  
3 Angas Street, Adelaide, SA, 5000

Registry telephone: (08) 8219 1000  
Registry facsimile: (08) 8219 1001



### **Hobart**

Supreme Court of Tasmania  
Salamanca Place, Hobart, TAS, 7000

Registry telephone: (03) 6233 6245  
Registry facsimile: (03) 6223 7816



### **Darwin**

Federal Court of Australia  
Level 3, Supreme Court Building  
State Square, Darwin, NT, 0800

Registry telephone: (08) 8941 2333  
Registry facsimile: (08) 8941 4941



## PART NINE ANNEXURE B



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### Staffing overview

*This Annexure comprises two tables which provide a profile of the Court administration's staff as at 30 June 2011.*

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 section 26(4) of that Act, the Terms and Conditions of Employment of Employees and, where applicable, the High Court Administration Collective Agreement 2006–09.

As at 30 June 2011 the High Court had 59 full-time and part-time ongoing staff, 20 full-time and part-time non-ongoing staff, and 24 casual staff.

## Staff distribution

Staff distribution by branch/section, as at 30 June 2011

Branch/ section	Ongoing		Non-ongoing		Casual	Total 2011	Total 2010
	full time	part time	full time	part time			
CE&PR	4	0	0	0	0	4	5
Chambers	7	0	14	0	0	21	23
Corporate Services	11	5	3	1	3	23	22
Library	9	2	1	0	1	13	12
Public Information	2	1	0	0	10	13	16
Registry	13	5	0	1	10	29	27
Total	46	13	18	2	24	103	105

## Staff classification

Ongoing and non-ongoing full-time, part-time and casual staff by classification and gender, as at 30 June 2011

Classification	Ongoing				Non-ongoing				Casual		Total 2011		Total 2010	
	full time		part time		full time		part time							
	F	M	F	M	F	M	F	M	F	M	F	M	F	M
HCE1	-	1	1	1	-	-	1	-	-	3	2	5	4	4
HCE2	-	1	-	1	-	1	-	-	5	6	5	9	3	13
HCE3	2	-	4	-	-	-	1	-	7	2	14	2	18	2
HCE4	6	3	2	-	-	1	-	-	1	-	9	4	3	5
HCE5	1	3	1	-	9	5	-	-	-	-	11	8	10	7
HCE6	10	1	-	-	-	1	-	-	-	-	10	2	12	2
EL1	5	4	2	-	-	-	-	-	-	-	7	4	7	3
EL2	3	1	1	-	1	-	-	-	-	-	5	1	5	1
SES	2	2	-	-	-	-	-	-	-	-	2	2	2	2
Office Holder	-	1	-	-	-	-	-	-	-	-	0	1	-	1
Total	29	17	11	2	10	8	2	-	13	11	65	38	65	40
Grand total	46		13		18		2		24		103		105	

