



High Court of Australia

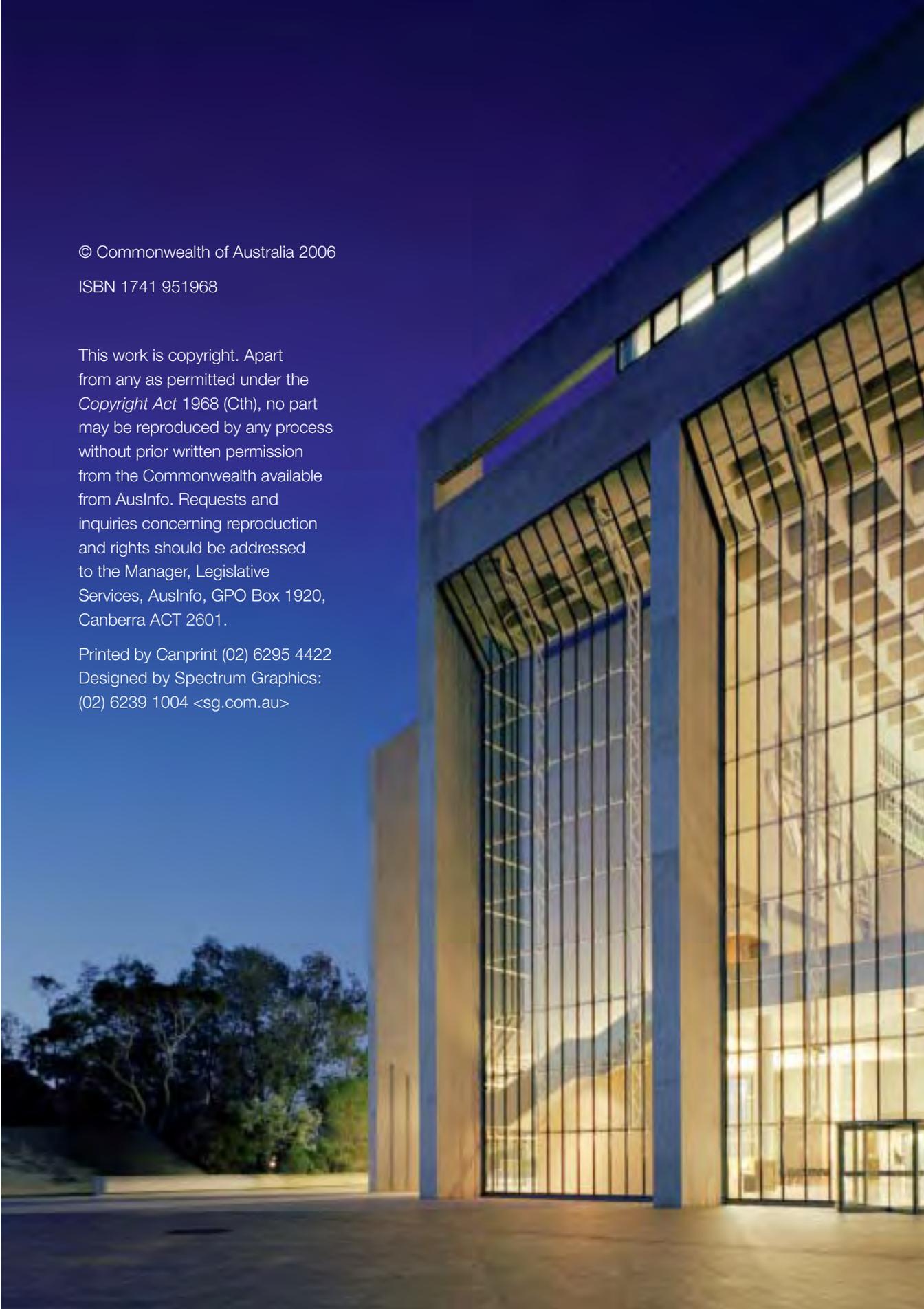
Annual Report 2005–06

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High Court of Australia

Canberra ACT 2600

23 November 2006

Dear Attorney,

In accordance with section 47 of the *High Court of Australia Act 1979* (Cth), I submit on behalf of the Court and with its approval a report relating to the administration of the affairs of the High Court of Australia under section 17 of the Act for the year ended 30 June 2006, 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,



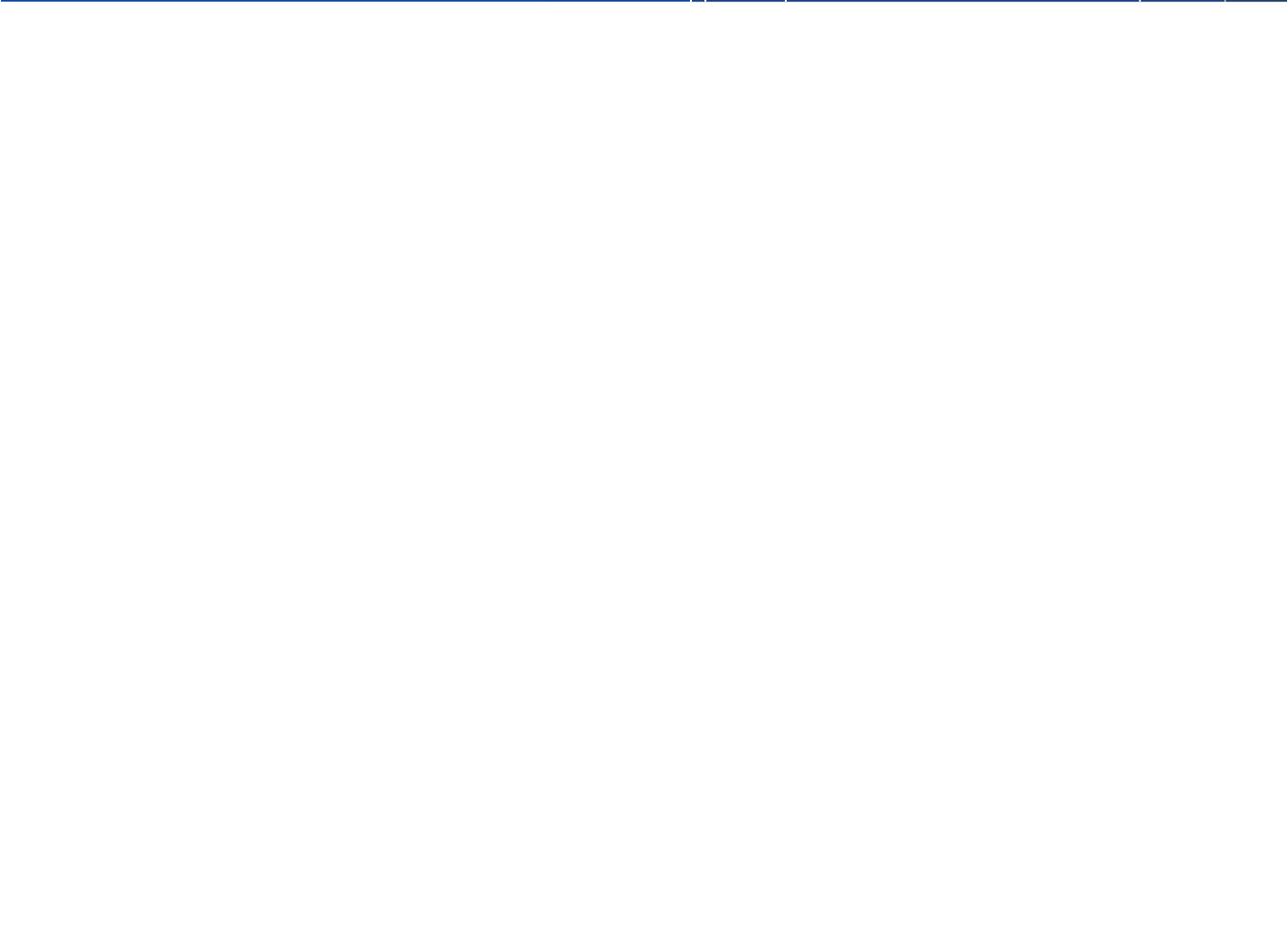
Christopher M. Doogan
Chief Executive & Principal Registrar
of the High Court of Australia

The Honourable Philip Ruddock MP
Attorney-General
Parliament House
Canberra ACT 2600

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High Court of Australia

Part I—Preamble

Part I – Preamble

This is the 27th 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:

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Freedom of Information

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

Electronic Publication

This report is published in Portable Document Format (PDF) on the High Court's website, www.hcourt.gov.au. It may be downloaded from the site free of charge.



High Court of Australia

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Part 2 – Introduction

The High Court of Australia is the nation's highest court. It is established by the Constitution for the resolution of constitutional disputes. It is also the nation's final court of appeal. The Court sits in Canberra and, if there is sufficient business, it sits for one week each year in Brisbane, Adelaide, Perth and Hobart.

There are seven Justices of the Court. Ordinarily, constitutional cases are heard by all seven Justices. Appeals are usually heard by either five or seven Justices. Before an appeal is heard the Court must have granted leave or special leave to appeal. Special leave applications are usually heard by two or three Justices and are heard in Sydney and Melbourne and by video-link from Canberra to other capital cities. Chamber applications are heard by a single Justice, usually in the capital city in which they reside or by video-link from Canberra.

At 30 June 2006, the seven Justices of the High Court were:



Chief Justice Murray Gleeson

Anthony Murray Gleeson was appointed Chief Justice of the High Court of Australia in May 1998. At the time of his appointment he was Chief Justice of the Supreme Court of New South Wales, having been appointed to that office in November 1988.

He graduated in arts and law from the University of Sydney and was admitted to the NSW Bar in 1963. He was appointed a Queen's Counsel in 1974. He was president of the NSW Bar Association in 1985-85 and was Lieutenant Governor of NSW from 1989 to 1998. Chief Justice Gleeson was appointed a Companion in the General Division of the Order of Australia in 1992.



Justice William Gummow

William Charles Montague 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 Michael Kirby

Michael Donald Kirby was appointed to the Court in February 1996. He had been President of the New South Wales Court of Appeal from September 1984. He graduated from the University of Sydney as a Bachelor of Arts and Economics and a Master of Laws. He was admitted to the NSW Bar in 1967. He was appointed a Deputy President of the Australian Conciliation and Arbitration Commission in 1975. He served as the first chairman of the Australian Law Reform Commission from 1975 to 1984 and was a judge of the Federal Court of Australia in 1983-84.

Justice Kirby has held numerous national and international posts, including on the board of CSIRO, as President of the Court of Appeal of Solomon Islands, as UN Special Representative in Cambodia and as President of the International Commission of Jurists. He has published several books, including *The Judges* (1984), *Through the World's Eye* (2000) and *Judicial Activism* (Hamlyn Lectures, 2004). Justice Kirby was appointed a Companion in the General Division of the Order of Australia in 1991 and a Companion of the Order of St Michael and St George in 1983.



Justice Kenneth Hayne

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 Ian Callinan

Ian David Francis Callinan was appointed to the Court in February 1998. At the time of his appointment he was a practising barrister. He graduated a Bachelor of Laws from the University of Queensland. After spending five years as a solicitor he was admitted to the Queensland Bar in 1965 and was appointed a Queen's Counsel in 1978. He was president of the Australian Bar Association in 1984-85.

Justice Callinan is a playwright and novelist. He has served as chairman of trustees of the Queensland Art Gallery, chairman of the Brisbane Community Arts Centre and director of several public companies as well as the Australian Broadcasting Corporation. Justice Callinan was appointed a Companion in the General Division of the Order of Australia in 2003.



Justice Dyson Heydon

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 NSW in 1964, graduated as Master of Arts and Bachelor of Civil Law from Oxford University.

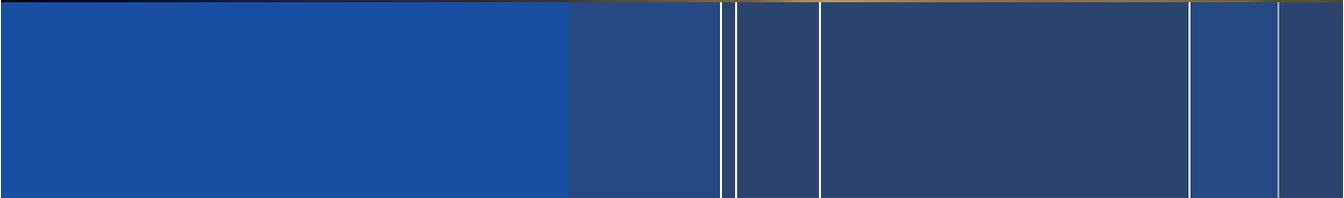
He was admitted to the NSW Bar in 1973 and was appointed a Queen's Counsel in 1987. At age 34, he was elected dean of the University of Sydney Law School for 1978-79. He practised at the Bar from 1979 until his appointment to the Court of Appeal. He has published a number of legal texts, including his 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

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.

Justice Crennan was admitted to the Victorian Bar in 1979 and the New South Wales Bar in 1980 after originally working as a high school English teacher. She was appointed a Queen's Counsel for Victoria in 1989 and for New South Wales in 1990. Justice Crennan was President of the Australian Bar Association in 1994-95, Chairman of the Victorian Bar Council in 1993-94, and the Commissioner for Human Rights in 1992.



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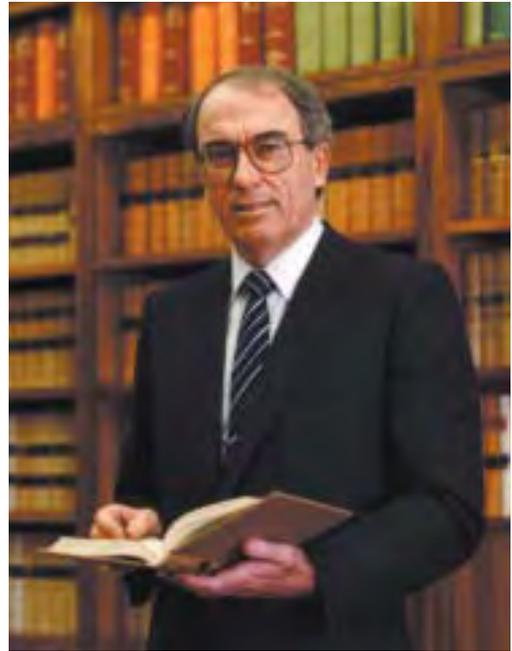
Part 3 – The Year In Review

Retirement of Justice Michael McHugh

Justice Michael McHugh retired when he reached the mandatory retirement age of 70 on 1 November 2005. He is the first puisne Justice to serve on the Court until age 70 since the mandatory retirement age was added to the Constitution by the 1977 referendum.

Justice McHugh was appointed to the Court in February 1989. Before then he was a judge of the New South Wales Court of Appeal, having been appointed to that office in October 1984. He was admitted to the NSW Bar in 1961 and was appointed a Queen's Counsel in 1973. He was president of the NSW Bar Association in 1981-83 and president of the Australian Bar Association in 1983-84. He is the co-

author of *The Liability of Employers*. Justice McHugh was appointed a Companion in the General Division of the Order of Australia in 1989.



Justice Michael McHugh



Justice Susan Crennan is sworn in by Chief Justice Murray Gleeson, watched by, from left, Western Australian Chief Justice David Malcolm, High Court Chief Executive & Principal Registrar Christopher Doogan, associate to the Chief Justice Greg O'Mahoney, Chief Justice of the Federal Court Michael Black (obscured), and High Court Justice Michael Kirby.

Appointment of Justice Susan Crennan

On 20 September 2005, Commonwealth Attorney-General Philip Ruddock announced that Justice Susan Crennan, a Justice of the Federal Court of Australia, would fill the vacancy on the Court created by the retirement of Justice McHugh. She was sworn in on 8 November.

Painting of the High Court in Session

The painting commissioned by the Court to mark its centenary in 2003 was hung in the Court building opposite the painting of the Court in 1903. The painting is by Robert Hannaford, who painted the ceremony in Melbourne's Exhibition Building to mark the



From left to right, Chief Justice Murray Gleeson, Chief Executive & Principal Registrar Christopher Doogan, and Justices Michael Kirby, Ian Callinan and Kenneth Hayne inspect the painting of the Court in session prior to its hanging.



This picture was taken in Courtroom 1 of the High Court in Canberra on Thursday, 4 May 2006, at the beginning of the six-day

centenary of federation. He won the Doug Moran Portrait Prize in 1990 for a portrait of bushman Bill Hogan and the Archibald People's Choice Prize three times: in 1992 for a portrait of economist Hugh Stretton, in 1996 for a self-portrait and in 1998 for a portrait of chemical engineering professor Rolf Prince. Mr Hannaford has been frequently selected as a finalist in the Archibald Prize. He has also painted the official portraits for the High Court of Chief Justice Murray Gleeson and former Chief Justice Sir Gerard Brennan.

The painting, of the *Purvis v State of New South Wales and the Human Rights and Equal Opportunity Commission* appeal

hearing in April 2003, depicts the lawyers who appeared, including Stephen Gageler SC (at the lectern), John Basten QC, NSW Solicitor-General Michael Sexton SC, and Commonwealth Solicitor-General David Bennett QC. Associates Philip Sharp, Ben Doyle and Eloise Scotford also appear in the painting, along with court crier Fred Slater.

Work Choices Hearing

This picture was taken in Courtroom 1 of the High Court in Canberra on Thursday, 4 May 2006, at the beginning of the six-day hearing of the Work Choices case (*State of New South Wales v*



hearing of the Work Choices case.

Commonwealth of Australia, State of Western Australia v Commonwealth of Australia, State of South Australia v Commonwealth of Australia, State of Queensland v Commonwealth of Australia, Australian Workers Union & Another v Commonwealth of Australia, Unions NSW & Others v Commonwealth of Australia, State of Victoria v Commonwealth of Australia). It is noteworthy in that it involved a record number of counsel (39, including 16 senior counsel) to appear before the High Court. The previous record was set in the Wik native title case in 1996 with 36 counsel. Judgment in the Work Choices case is reserved at the time of this report.

Adelaide Sittings

On 9 August 2005, the Court held a ceremony to mark its final sitting in the Supreme Court of South Australia in Adelaide. Future circuit sittings will be held in the new Commonwealth Law Courts building on Angas Street, Adelaide. At the ceremony, Chief Justice Murray Gleeson expressed the thanks of the Court to both the judges and the registry and other administrative staff of the Supreme Court for the hospitality and assistance provided on each occasion of the High Court sittings in Adelaide during the past 102 years.



Bret Walker SC, counsel for New South Wales, addresses the Court during the Work Choices hearing.

Workload Changes

The tables of judicial workload annexed to the report record the number of matters filed, heard and determined during the reporting year.

It has been an extremely busy year for the Court. As will be seen from Table 6 in Annexure B, the Court disposed of 872 matters during 2005-06, this number being 180 more than in the previous year and only one short of the number of matters filed during the year (873).

In the past few years the immigration workload has been most obvious in the number of applications for constitutional writs filed in the Court, peaking at more

than 2,000 applications in 2002-03. The number of applications for constitutional writs filed during the reporting period was 50, of which 34 (or 68 per cent) were immigration matters. This number of applications is more in line with the number of immigration applications filed prior to the large influx recorded in 2002-03. Fifty-eight per cent of all civil special leave applications filed during 2005-06 involved immigration matters.

The most significant element in the workload carried by the Justices of the Court is the preparation of reasons for decision in matters heard by the Full Court. In 2005-06, the decision was given in 86 per cent of the civil matters within six months of the hearing of argument, and

for criminal appeals the percentage was 95 per cent. This represents a marked reduction in the period between hearing and decision from that in 2004-05. Further details are given under the heading Case-flow Management on pages 32-34.

Self-Represented Litigants

The number of self-represented litigants commencing or seeking to commence proceedings in the Court remained high in 2005-06. In particular, 63 per cent of the civil applications for leave or special leave to appeal and 74 per cent of the applications for constitutional writs filed in the Court during the reporting period were filed by self-represented litigants. Of the 389 civil special leave applications filed during 2005-06 by self-represented litigants, 314 involved immigration matters. Forty-one per cent of the matters heard by a single Justice involved self-represented litigants. The demand on the Registry staff in assisting the increasing number of self-represented litigants coming to the Court remains very high.

As outlined in last year's Annual Report, the *High Court Rules 2004* commenced on 1 January 2005. The new Rules introduced changes to the procedures governing applications for leave or special leave to appeal by self-represented applicants.

As a result of adopting this procedure, the Court has been able to determine more applications during the reporting period than was the case under the former Rules when all applications were listed for oral hearing. Of the 767 applications for special leave decided in 2005-06, 386 (or approximately 50 per cent) were

determined on the papers without the respondent being called on to answer.

The new procedure has significantly reduced the time between the filing and determination of applications for special leave. Details are given under the heading Case-flow Management on pages 32-34.

High Court of Australia (Fees) Amendment Regulations 2005 (No. 1)

Fees and charges in the High Court are set by the *High Court of Australia (Fees) Regulations* on the initiative of the Attorney-General. The Regulations provide that in specified cases filing and hearing fees may be waived. One instance is where a Registrar is satisfied that payment of the relevant fee would cause financial hardship. If satisfied that financial hardship was established, a Registrar was previously able to waive the entire amount of the applicable fee. However, as a consequence of the *High Court of Australia (Fees) Amendment Regulations 2005 (No. 1)*, which came into operation on 1 July 2005, only two-thirds of the fee may now be waived in cases where financial hardship is established. This means that one-third of the applicable fee must now be paid. However the introduction of the requirement to pay one-third of the fee has had no noticeable effect on the number of filings, including in the case of self-represented litigants.

Links and Visits

During 2005-06, the Court maintained its many links with courts, judges and legal organisations in the region and around the world. The Court welcomed a number of international visitors, including delegations of judges, senior lawyers and court administrators from the Bahamas, Canada, China, Indonesia, Japan, Kenya, Laos, New Zealand, Nigeria, the Niger Republic, Norway, Solomon Islands, Swaziland, Trinidad and Tobago, the United Kingdom and the United States; diplomats from Argentina, Canada, Great Britain and Turkey; parliamentarians and parliamentary and government officials from the Czech

Republic, Indonesia, Laos, Papua New Guinea, Thailand, the United States and Vietnam; and law students from the United States.

The number of visitors to the building during the year totalled 86,014, a decrease of 4.7 per cent from the previous year. Four cultural exhibitions and nine other functions were held in the building in accordance with the Court's guidelines on public use of the building. The cultural exhibitions comprised displays sponsored by the Embassy of Mexico, the Embassy of Japan, the Australia-China Friendship Society and the Canberra Institute of Technology.



The High Court hosted the Commonwealth Meeting of Justices and Registrars of Final/Regional Appellate Courts. The 12 visiting judges and court officials met with six of the High Court Justices, Chief Executive & Principal Registrar Christopher Doogan, and High Court Librarian Petal Kinder. The visiting judges then joined the High Court Justices on the Bench for a short period.





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Part 4 – Background Information

Establishment

In 1901 the High Court of Australia was established by section 71 of the Constitution and, to the extent that legislative provision was necessary, was given the power to administer its own affairs by the *High Court of Australia* 1979 (Cth), which was proclaimed on 21 April 1980. The minister responsible for the Court's administration is the Commonwealth Attorney-General.

Section 71 of the Constitution provides:

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

Functions and Powers

The Constitution confers both 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 pursuant to special leave being granted. The Family Court has power to grant special leave to appeal to the High Court but this is rarely exercised. Under the Constitution, the High Court is also the final arbiter upon constitutional questions. Such questions may come on appeal from a lower court or may be initiated by an application to the High Court itself. Appeals may also, exceptionally, be brought to the

High Court from the Supreme Court of the Republic of Nauru. During the year under report, the Court upheld the constitutionality of such appeals. The challenge and subsequent appeal were both dismissed, by majority. See *Ruhani v Director of Police* (2005) 222 CLR 489; *Ruhani v Director of Police [No 2]* (2005) 222 CLR 580.

Sittings of the Court

The Court conducts its sittings in Canberra and such other places as are determined by a Rule of Court made by the Justices in the preceding year. Approximately two-thirds of all sitting days are scheduled in Canberra. In addition, applications for special leave to appeal to the Court are heard regularly in Sydney and Melbourne, and the Court continues the practice, established on its inauguration, of sitting in Brisbane, Adelaide, Perth and Hobart once each year if warranted by the amount of business. When sitting in Sydney, Melbourne, Brisbane, Adelaide and Perth, the Court uses Commonwealth Law Courts buildings. In Hobart, facilities are provided with the kind cooperation and assistance of the Tasmanian Supreme Court. The 2005 and 2006 sittings are shown below:

2005

CANBERRA	31 January – 10 February
CANBERRA	1 March – 10 March
CANBERRA	5 April – 8 April
CANBERRA	19 April – 28 April
CANBERRA	17 May – 26 May
CANBERRA	14 June – 16 June
BRISBANE	20 June – 23 June
CANBERRA	2 August – 4 August
ADELAIDE	8 August – 11 August

CANBERRA	29 August – 8 September
CANBERRA	27 September – 6 October
CANBERRA	21 October (judgments only)
PERTH	24 October – 27 October
CANBERRA	8 November – 17 November
CANBERRA	6 December – 15 December

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

CANBERRA	4 February (by video-link to Perth)
SYDNEY	4 February
SYDNEY	11 February
MELBOURNE	11 February
CANBERRA	4 March (by video-link to Adelaide)
SYDNEY	4 March
SYDNEY	11 March
MELBOURNE	11 March
BRISBANE	21 March
CANBERRA	22 April (by video-link to Darwin and Perth)
SYDNEY	22 April
SYDNEY	29 April
MELBOURNE	29 April
SYDNEY	27 May
CANBERRA	17 June (by video-link to Hobart and Adelaide)
SYDNEY	17 June
BRISBANE	23 June
CANBERRA	5 August (by video-link to Perth)
SYDNEY	5 August
ADELAIDE	11 August
SYDNEY	2 September
SYDNEY	9 September

MELBOURNE	9 September
SYDNEY	13 September (by video- link to Melbourne)
CANBERRA	30 September (by video- link to Brisbane)
SYDNEY	30 September
SYDNEY	7 October
PERTH	27 October
SYDNEY	18 November
MELBOURNE	18 November
CANBERRA	16 December
MELBOURNE	16 December

2006

CANBERRA	30 January – 9 February
CANBERRA	29 February – 9 March
HOBART	21 March – 23 March
CANBERRA	4 April – 13 April
CANBERRA	4 May – 18 May
CANBERRA	13 June – 15 June
BRISBANE	19 June – 22 June
CANBERRA	20 July (judgments only)
CANBERRA	1 August – 3 August
ADELAIDE	7 August – 10 August
CANBERRA	29 August – 7 September
CANBERRA	26 September – 5 October
PERTH	23 October – 26 October
CANBERRA	7 November – 16 November
CANBERRA	5 December – 15 December

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

SYDNEY	3 February
CANBERRA	10 February (by video-link to Adelaide)
SYDNEY	10 February

CANBERRA	10 March (by video-link to Brisbane)
SYDNEY	10 March
CANBERRA	19 May (by video-link to Perth)
SYDNEY	19 May
MELBOURNE	2 June (by video-link to Adelaide)
SYDNEY	16 June
MELBOURNE	16 June
BRISBANE	22 June
CANBERRA	4 August (by video-link to Perth, Melbourne, Adelaide)
SYDNEY	4 August
CANBERRA	1 September (by video-link to Perth)
SYDNEY	1 September
SYDNEY	29 September
MELBOURNE	29 September
PERTH	26 October (two panels)
SYDNEY	10 November
MELBOURNE	10 November
CANBERRA	8 December (by video-link to Brisbane)
SYDNEY	8 December

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, within the Parliamentary Triangle. It is one of Australia's national buildings and a major tourist attraction. It was designed by architectural firm Edwards Madigan Torzillo and Briggs Pty Ltd, the winners of a national architectural design competition held in 1972 and 1973. The builder

was PDC Constructions (ACT) Pty Ltd. Construction costs totalled \$46.5 million. The building was opened by Her Majesty Queen Elizabeth II on 26 May 1980.

Forty metres tall, it consists of three courtrooms, judges' chambers, the Court's Principal Registry, library, administrative wing and large public hall. Total floor area is approximately 18,500 square metres.

Appointment of Justices of the High Court

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

- are appointed by the Governor-General in Council;
- cannot be removed except by the Governor-General in Council on an address from both House of Parliament in the same session, praying for such removal on the grounds of proved misbehaviour or incapacity;
- receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office; and
- must retire on attaining the age of 70 years.

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

- The Attorney-General shall, before an appointment is made to a vacant office, consult with the attorneys-general of the States in relation to the appointment;
- A person shall not be appointed as a Justice unless:
 - he or she has been a judge of a court created by the parliament or of a court of a State or Territory; or



– 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; and
- The Chief Justice and the other Justices shall receive salary and other allowances at such rates as are fixed from time to time by Parliament.

Composition of the Court

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

Chief Justice Gleeson	22 May 1998
Justice McHugh	14 February 1989
<i>(retired 31 October 2005)</i>	
Justice Gummow	21 April 1995
Justice Kirby	6 February 1996
Justice Hayne	22 September 1997
Justice Callinan	3 February 1998
Justice Heydon	11 February 2003
Justice Crennan	8 November 2005

Chief Justices and Justices of the Court

Including the current members of the Court, there have been 11 Chief Justices and 40 Justices since the Court was established in 1903. Six Chief Justices had already been Justices, and four Chief Justices, in addition to the first, Sir Samuel Griffith, were appointed from outside the Court.

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

The name and years of service of each Chief Justice and Justice are listed below.

Chief Justices

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

Justices

Sir Edmund Barton	1903-1920
Richard Edward O'Connor	1903-1912
Sir Isaac Alfred Isaacs	1906-1930
Henry Bournes Higgins	1906-1929
Sir Frank Gavan Duffy	1913-1931
Sir Charles Powers	1913-1929
Albert Bathurst Piddington	1913-1913
Sir George Edward Rich	1913-1950
Sir Hayden Erskine Starke	1920-1950
Sir Owen Dixon	1929-1952
Herbert Vere Evatt	1930-1940
Sir Edward Aloysius McTiernan	1930-1976
Sir Dudley Williams	1940-1958
Sir William Flood Webb	1946-1958
Sir Wilfred Kelsham Fullagar	1950-1961
Sir Frank Walters Kitto	1950-1970
Sir Alan Russell Taylor	1952-1969
Sir Douglas Ian Menzies	1958-1974
Sir (William John) Victor Windeyer	1958-1972
Sir William Francis Langer Owen	1961-1972
Sir Cyril Ambrose Walsh	1969-1973
Sir Harry Talbot Gibbs	1970-1981
Sir Ninian Martin Stephen	1972-1982
Sir Anthony Frank Mason	1972-1987
Sir Kenneth Sydney Jacobs	1974-1979
Lionel Keith Murphy	1975-1986
Sir Keith Arthur Aicken	1976-1982
Sir Ronald Darling Wilson	1979-1989
Sir (Francis) Gerard Brennan	1981-1995
Sir William Patrick Deane	1982-1995
Sir Daryl Michael Dawson	1982-1997
John Leslie Toohey	1987-1998
Mary Genevieve Gaudron	1987-2003
Michael Hudson McHugh	1989-2005
William Montague Charles Gummow	1995-
Michael Donald Kirby	1996-
Kenneth Madison Hayne	1997-
Ian David Francis Callinan	1998-
(John) Dyson Heydon	2003-
Susan Maree Crennan	2005-



High Court of Australia

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Part 5 – Administration

General

Section 17 of the *High Court of Australia Act 1979* (Cth) makes provision for the High Court to administer its own affairs subject to and in accordance with the Act. Section 46 of the Act provides for the Justices (or a majority of them) to exercise the powers of the High Court and allows the Court to delegate one or more of the Justices any or all of the powers of the Court set out in the Act.

The administrative functions of the Court are in general discharged by the Chief

Executive & Principal Registrar who is appointed by the Governor-General, upon the nomination of the Court, under section 18 of the Act. The occupant of this position holds office for up to five years (but is eligible for reappointment) and has the function of acting on behalf of and assisting the Justices in the administration of the affairs of the Court.

The Court's administration is divided into three branches: the Registry, Library and Research, and Marshal's Branch. Figure 1 overleaf shows the Court's organisational structure and gives the names of the senior executives of the Court.



External Scrutiny

2004-05 Annual Report

The Court's 2004-05 Annual Report was submitted to the Attorney-General on 22 November 2005 and tabled in Parliament on 8 February 2006.

Auditor-General's Report

Results of the Auditor-General's audit of the Court's 2004-05 financial statements were reported in Auditor-General's Audit Report No. 21 of 2005-06, and tabled in Parliament on 21 December 2005. The results of the audit of the High Court's financial statements were satisfactory, with no significant agency or administrative issues arising from the audit.

Ecologically Sustainable Development

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

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

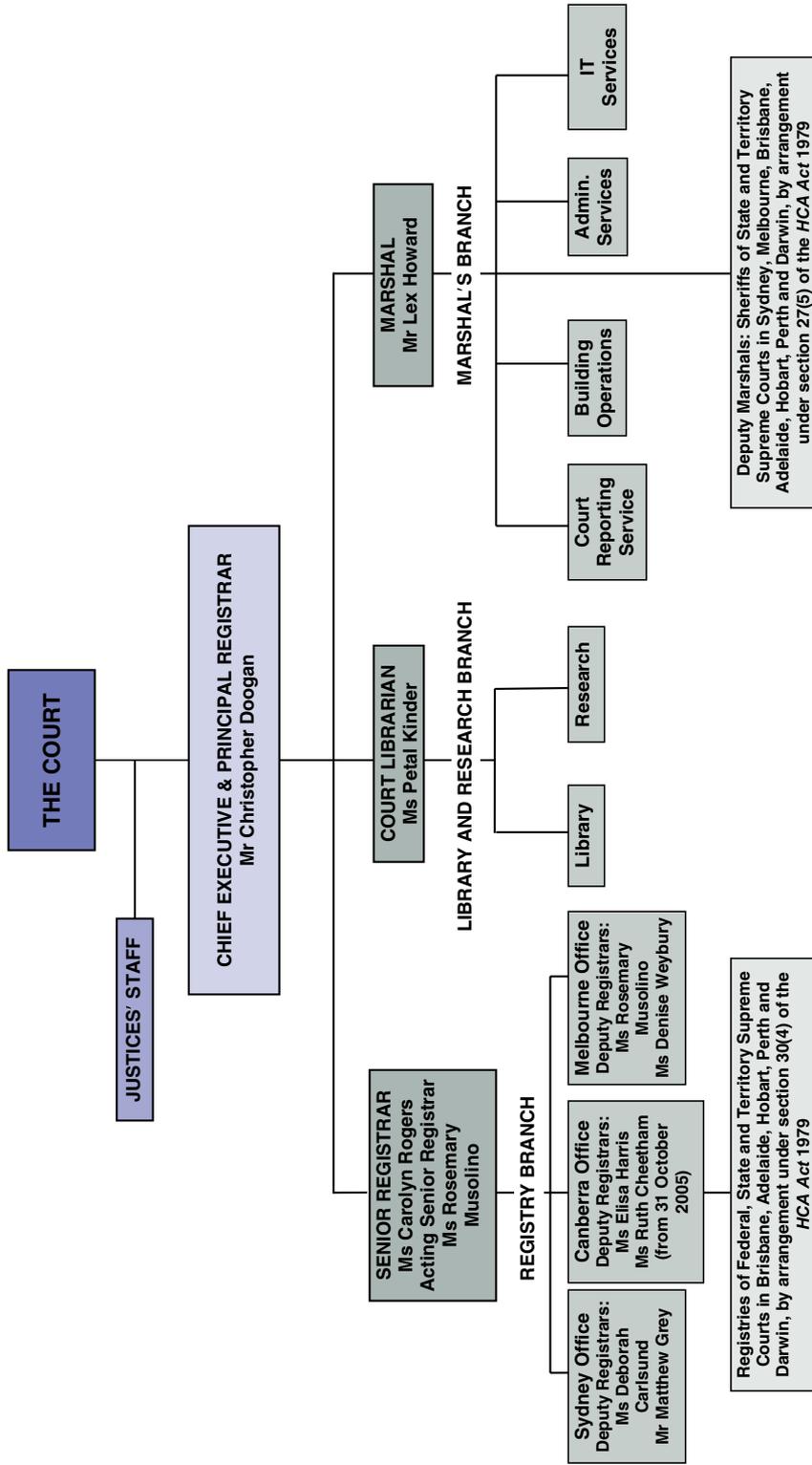
Fraud Control

The High Court of Australia is not subject to the *Financial Management and Accountability Act* 1997 (Cth) or the *Commonwealth Authorities and Companies Act* 1997 (Cth). Consequently, it is not subject to the requirements of the Commonwealth Fraud Control Guidelines. However, in recognition that the Commonwealth Guidelines represents best practice in the public sector, the Court has voluntarily adopted a fraud control policy in accordance with those Guidelines, including the definition of fraud contained in Guideline No. 2.

During 2005-06 the Court, through independent consultants, conducted another of its biennial fraud risk assessments and updated its Fraud Control Plan. The risk assessment noted the successful implementation of the Court's 2004-06 Fraud Control Plan and identified no major residual fraud risks. Overall, the Court's internal controls were assessed to have reduced 94 per cent of all inherent fraud risks to a low or negligible rating.

A Fraud Control Plan for 2006-08 has been approved by Court management and is now in operation. All action items in that Plan are expected to be fully implemented by December 2006.

Figure 1 HIGH COURT OF AUSTRALIA ORGANISATIONAL CHART



Registry Branch

Functions

The Registry provides administrative services for the judicial activities of the Court. Under the direction of the Principal Registrar the Registry in Canberra coordinates the case-flow management of the judicial workload of the Court.

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

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

Australia have, as of 1 January 2006, been performed by officers of the Federal Court.

Registry Goals

The goals of the Registry are to:

- provide and maintain registry services to the Court, the profession and the public;
- develop and maintain a case-flow management program to facilitate the disposition of matters by the Court;
- provide the Chief Justice and Justices with all necessary information relating to matters which are instituted or filed in the Court;
- provide information to the profession and the public about the practice of the Court; and
- carry out all its tasks at the highest attainable levels of professional competence and efficiency.

Registry Services

The Registry in Canberra and the offices of the Registry in Sydney and Melbourne provide a variety of services to the profession, the public and other institutions. Registry staff respond to counter, telephone and written inquiries concerning the status and disposition of cases.

The Registry Service Charter describes the function of the Registry and the standards of service that can be expected from the Registry staff. The Service Charter also provides a system for the resolution of complaints regarding the provision of Registry services. In accordance with the Service Charter the Chief Executive & Principal Registrar dealt, when necessary, with complaints received during the reporting year. The Service Charter is

available at the Registry in each capital city and on the Court's website, www.hcourt.gov.au.

The Court has its own Court Reporting Service and is therefore able to provide a fast efficient service for parties and other interested persons who may wish to purchase copies of transcripts of cases heard by the Court. In addition, transcripts of cases heard can be accessed from the Court's website. Paper copies of transcripts of recent cases are kept in the Canberra, Sydney and Melbourne offices, and transcripts of past cases may be ordered through those offices. The cost of transcripts is provided in the *High Court of Australia (Fees) Regulations 2004*.

When the Court delivers judgments, copies are immediately available from the Canberra, Sydney and Melbourne offices, and are provided to the parties and media free-of-charge. Additional copies can be purchased, at the fee prescribed in the Regulations, by the parties and the public in the Canberra, Sydney and Melbourne offices of the Registry. This service is also provided if the Court delivers judgments when sitting in other cities. The Court's website also provides free access to judgments on the day they are delivered by the Court.

All legal practitioners in Australia who wish to practise in federal courts or State or Territory courts exercising federal jurisdiction are required to have their names entered in the Register of Practitioners maintained by the Principal Registrar in Canberra. The Registry provides an information service to practitioners advising them of their entitlement to practise in federal courts, the procedure for having their name

entered on the register and, if required, providing them with certificates of good standing to enable them to seek admission in other jurisdictions. The names of 1,893 new practitioners were added to the register in 2005-06, which is one less than the number of practitioners added to the register in 2004-05.

The demand for Registry services, such as the purchase of judgments and transcripts, remained at a high level during 2005-06, as did inquiries concerning the registration of practitioners and the status of matters pending before the Court.

Registry Workload

A comparison of the number of matters filed in each Registry during 2004-05 and 2005-06 is provided in Table 1. (Reference is made throughout this section to numbered tables located in Annexure B to Part VII of this report.)

Fifty-seven per cent of the matters filed during the year were filed in the Sydney office of the Registry. Eleven special leave hearing days were held in Sydney during 2005-06 and 48 per cent of the single-Justice hearings were conducted in Sydney.

The Melbourne office of the Registry, which processed matters filed in Melbourne, Adelaide and Hobart, accounted for 26 per cent of total filings in 2005-06. Five special leave hearing days were held in Melbourne and the Melbourne Registry supervised 24 per cent of the single-Justice hearings.

The Registry in Canberra processed matters filed in Canberra, Brisbane, Darwin and Perth (accounting for 17 per cent of all filings). The Registry in Canberra supervised 12 sittings of the Full Court

in Canberra, circuit sittings in Adelaide, Perth, Hobart and Brisbane and video-link hearings of special leave applications from Adelaide, Brisbane, Darwin, Hobart, Melbourne and Perth. The Registry in Canberra supervised 28 per cent of the single-Justice hearings.

Judicial Workload of the Court

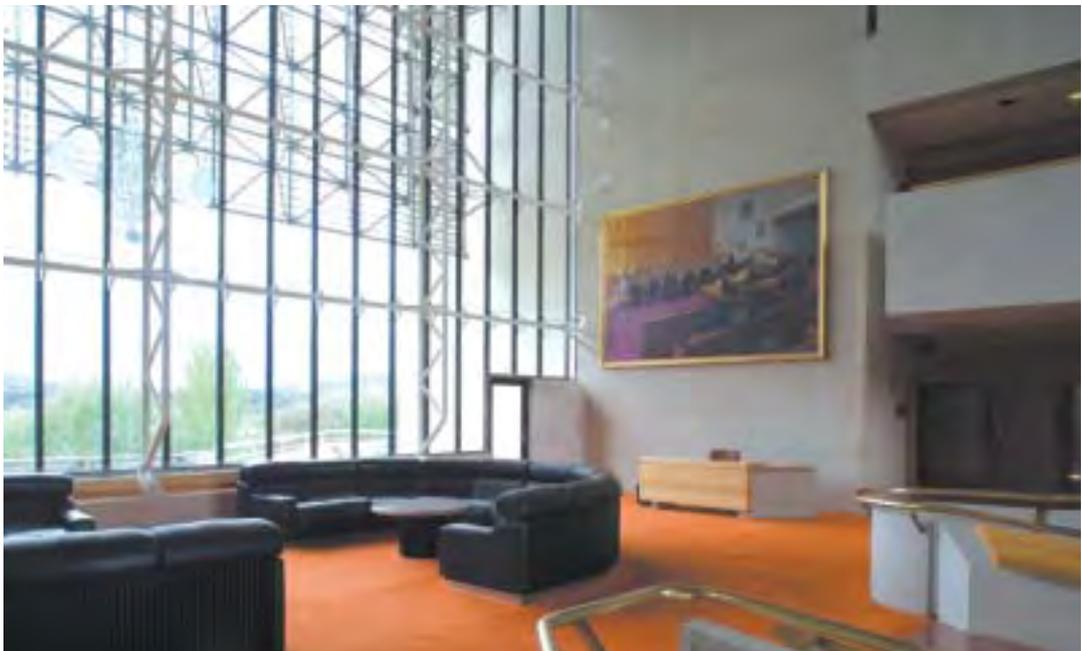
Tables 3 and 4 provide details of the total matters heard by the Full Court during 2004-05 and 2005-06, together with a breakdown of the categories of those matters. Tables 5 and 6 provide details of the total number of Full Court decisions delivered during 2004-05 and 2005-06 together with a breakdown of those decisions by type of matter.

Tables 9 to 13 provide a comparison by Registry and by court appealed from of all **civil special leave applications** filed, heard and decided during 2004-05

and 2005-06. Tables 17 to 21 provide a comparison by Registry and by court appealed from of all **criminal special leave applications** filed, heard and decided during 2004-05 and 2005-06. Tables 25 to 29 provide a comparison by Registry and by court appealed from of all **civil appeals** filed, heard and decided during 2004-05 and 2005-06. Tables 33 to 37 provide a comparison by Registry and by court appealed from of all **criminal appeals** filed, heard and decided during 2004-05 and 2005-06.

The Court sits as the Court of Disputed Returns to try petitions disputing the validity of elections or returns of persons to the House of Representatives or the Senate. These matters are usually determined by a single Justice. No election petitions were filed during the reporting year.

A comparison of the number of matters heard by a single Justice during 2004-05



and the reporting year is recorded in Table 7. A breakdown of the categories of matters heard by a single Justice during 2005-06 is provided in Table 8. Forty-one per cent of applications heard by a single Justice during the reporting period involved self-represented persons.

Once again, considerable assistance was provided to the Court throughout the year by counsel acting on a pro bono basis.

Case-flow Management

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.

Applications for special leave to appeal and appeals constitute only part of the

High Court's workload. Many cases involve other procedures such as applications under section 75(v) of the Constitution against officers of the Commonwealth, removals from other courts into the High Court under section 40 of the *Judiciary Act 1903* (Cth), cases stated, references under section 18 of the *Judiciary Act*, and election petitions. Cases governed by these procedures include cases arising under the Constitution or involving its interpretation. Table 2 provides a breakdown of the categories of matters filed during 2004-05 and 2005-06.

The conduct of the case by the parties, the need to give priority to those cases which require urgent disposition, and the resources available in the Registry may all affect the time between the filing and hearing of matters. In addition, a special leave application or an appeal may be filed and no further steps taken pending a grant of legal aid or the pronouncement



of judgment by a lower court in a related case. The period between filing and the time when a matter is ready for hearing influences, but does not necessarily determine, the time at which matters are heard. The listing of matters for hearing is influenced by the volume of cases filed and the need to accord priority to those matters requiring urgent resolution.

Furthermore the *High Court Rules* now provide that the Court may determine 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. The Court convened on 26 occasions for this purpose in 2005-06, finalising more than 50 per cent of special leave applications decided in 2005-06 in this way. As a consequence of this procedure overall waiting times have been reduced.

Tables 14 to 16 provide a comparison of the elapsed period between the date of filing of **civil special leave applications** to the date they were ready for hearing, the elapsed time between applications being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. In particular, Table 15 shows that for 2005-06, in respect of civil special leave applications in which the parties had legal representation, 86 per cent were heard within three months of the parties having completed the steps necessary for applications to be ready. For 2004-05 the percentage was 49 per cent. This improvement has greatly reduced the occasion for the making of applications to expedite the hearing of special leave applications. Tables 22 to 24 provide a comparison of the elapsed period between

the date of filing of **criminal special leave applications** to the date they were ready for hearing, the elapsed time between applications being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. In particular, Table 23 shows that for 2005-06 94 per cent of criminal special leave applications in which the parties had legal representation were heard within three months of their being ready for hearing. For 2004-05 this percentage was 47 per cent.

Tables 30 to 32 provide a comparison of the elapsed period between the date of filing of **civil appeals** to the date they were ready for hearing, the elapsed time between appeals being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. Tables 38 to 40 provide a comparison of the elapsed period between the date of filing of **criminal appeals** to the date they were ready for hearing, the elapsed time between appeals being ready for hearing and the date of hearing, and the elapsed time between the date of hearing and the date of decision. These tables also show a breakdown of cases between those where the applicant/appellant was legally represented and those where the applicant/appellant was self-represented. The total elapsed time from the date of filing to the date of decision is provided in the final column of each table. Tables 30 and 38 respectively show for civil and criminal appeals the shortened period over 2005-06 between oral hearing and delivery of reasons for decision in civil and criminal appeals. Reference to this change has been made earlier in this Report, under the heading Workload Changes on pages 9-10.



Tables 16A to 16C are new tables included to show **civil special leave applications by self-represented litigants** decided under the changed procedures. (The Tables do not include those applications filed and determined in accordance with the previous procedures.) Table 16A shows civil special leave applications by self-represented litigants determined on the papers; Table 16B shows applications where the respondent was called upon to answer and the Court subsequently determined the applications on the papers; and Table 16C shows applications where the respondent was called upon to answer and the Court subsequently directed that the applications be determined with an oral hearing. Tables 16A to 16C show the elapsed period between the date of filing of **civil special leave applications by self-represented litigants** to the date they were ready for consideration on the papers in the first instance, the elapsed time between applications being ready for consideration and the date of determination, and the elapsed time between the date of determination and the date of decision. The total elapsed time from the date of filing to the date of decision is provided in the final column of each table.

Tables 24A to 24C are new Tables included to show **criminal special leave applications by self-represented litigants** decided under the changed procedures. (The Tables do not include those applications filed and determined in accordance with the previous procedures.) Table 24A shows criminal special leave applications by self-represented litigants determined on the papers; Table 24B shows applications where the respondent was called upon to answer and the Court subsequently determined the applications on the papers; and Table 24C shows applications where the respondent was called upon to answer and the Court subsequently directed that the applications be determined with an oral hearing. Tables 24A to 24C show the elapsed period between the date of filing of **criminal special leave applications by self-represented litigants** to the date they were ready for consideration on the papers in the first instance, the elapsed time between applications being ready for consideration and the date of determination, and the elapsed time between the date of determination and the date of decision. The total elapsed time from the date of filing to the date of decision is provided in the final column of each table.

Rules of Court

The Justices have responsibility for making Rules of Court which prescribe the annual sittings of the Court, regulate all matters of practice and procedure in the Court, and prescribe the various forms to be used for proceedings of the Court. The Justices also consider the recommendations of the Federal Costs Advisory Committee in respect of the fees to be recovered by practitioners practising in the High Court for the work done by them in relation to proceedings in the Court. A Rule adopting the recommendations of the Committee is introduced when such recommendations are accepted.

The *High Court Rules 2004*, which govern the practice and procedure of the Court, are kept under review by the Rules Committee with the assistance of the Registry. The Court consults with interested persons and 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.

The Court made the following Rules of Court in 2005-06:

Legislative Instrument F2005LO2536

– Annual Sittings of the High Court.

Select Legislative Instrument 2006

No. 105 – *High Court Amendment Rules 2006 (No. 1)*

No Practice Directions were issued by the Court during 2005-06 (No. 1).

Cost of Litigation

Court Fees and Charges

Fees and charges in the High Court form an integral part of litigation costs and, since 1 April 1992, have been set by the *High Court of Australia (Fees) Regulations 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 set out in Schedule 1 of the Regulations. The schedule of fees payable as at 30 June 2006 is included in Annexure C to Part VII of this report.

Waiver of Fees

The person liable to pay a filing or hearing fee may apply to a Registrar to have the fee waived upon grounds specified in the Regulations. The grounds include financial hardship, grant of legal aid and entitlements as a social security law concession cardholder or Veterans' Affairs cardholder. A refusal by a Registrar to waive a fee may be reviewed by the Administrative Appeals Tribunal. There were two refusals to waive a fee in the reporting period.

On 1 July 2005 the *High Court of Australia (Fees) Amendment Regulations 2005 (No. 1)* came into operation. The effect of the amended Regulations is that where a Registrar waives a filing or hearing fee on the ground of financial hardship, only two-thirds of the fee is waived, with the consequence that one-third of the fee must be paid. Prior to 1 July 2005, where the fee was waived on this ground, payment of the whole fee was waived.

During the reporting year 861 matters attracting a filing fee and/or hearing fees



were filed in the Court. Of these, 183 matters, or approximately 21 per cent, were fully exempt from payment of fees; 299 matters or approximately 35 per cent were partially exempt from payment of fees. This resulted in a total of \$431,759 being foregone for the payment of filing and hearing fees. This is a reduction from \$714,349 in the previous reporting year and is, in part, a consequence of the requirement that one-third of the relevant fee be paid in cases where financial hardship is established. The composition of this total is shown in Annexure C to Part VII of this report.

Professional Costs

The allowable professional costs of, and incidental to, the steps in proceedings in the High Court are contained in the Second Schedule to the *High Court Rules 2004* and are approved by the Court on the recommendation of the Federal Costs Advisory Committee. The Schedule in operation as at 30 June 2006 is included in Annexure C to Part VII of this report.

The Court has limited access to information about the actual costs involved in litigation. The information that it has is confined to costs which have been the subject of an estimate made, or costs taxed and allowed on a party-and-party basis by taxing officers pursuant to an order of the Court. However costs orders do not necessarily reflect the total cost to the litigant and are not made in all cases. Bills of costs are not lodged for taxation in all matters that come before the Court as the parties may agree on the costs to be paid by the unsuccessful party. In some cases there are statutory provisions to the effect that costs should not be ordered, costs are not usually awarded in criminal cases, and in constitutional cases costs are sometimes the subject of agreement between governments.

Taxation of Costs

Bills of costs presented for taxation typically include filing and hearing fees, barristers' fees, travelling and accommodation expenses incurred by barristers and their instructing solicitors, and solicitors' charges for work done in connection with proceedings in the Court.

The *High Court Rules 2004* introduced a new procedure whereby a party filing a bill of costs may request that a taxing officer



make an estimate of the approximate total which, if the bill were taxed, would be the amount for which a Certificate of Taxation would be likely to issue. 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 then 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. This estimate procedure has been widely accepted; in all bills of costs filed in the reporting period there has been a request for an estimate. There has been a noticeable increase in the number of bills being filed since the introduction of the estimate procedure.

There is a considerable spread of fees charged. Not all fees and charges are subsequently allowed on estimate and/or taxation. During the reporting period a bill of costs in an unsuccessful application for special leave to appeal

filed in Brisbane by the respondent claimed \$47,298.95. The estimate made was for \$25,419. After objections were filed, the bill then proceeded to taxation where \$19,520.49 only was allowed on taxation. A bill of costs filed in Sydney in a matter commenced in the original jurisdiction of the Court (under section 75(v) of the Constitution against an officer of the Commonwealth), and referred to the Full Court by way of an order to show cause, claimed \$42,617.39. An estimate was requested and the estimate made was \$31,407. This estimate was not objected to and a Certificate of Taxation subsequently issued for this amount. In Melbourne a bill of costs filed in an unsuccessful special leave application claimed \$25,660.07 and requested an estimate. The estimate made was \$14,024.68. As there was no objection to the estimate, a Certificate of Taxation subsequently issued for this amount.

Library and Research Branch

Functions

The functions of the Library and Research Branch are to:

- assemble and maintain collections to assist the Court in its work;
- provide a reference and research service of a high standard to the Justices of the Court;
- provide library facilities to legal practitioners appearing before the Court;
- keep itself informed and to maintain contact with other libraries and information sources which can supplement the reference and research material in the Library's own collection; and
- devise and implement retrieval systems which will improve the reference and research service.

Corporate Goals

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

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

Reference and Research

Retrospective Copying of High Court Unreported Judgments

The binding of the unreported judgments has been completed from 1920 to 1940. The judgments from 1941 to 1948 are still being checked before binding. This is

an ongoing project and will be continued until all unreported reasons for judgment are bound and available for public and professional access.

Legal Research Officer

During the past 12 months the Legal Research Officer has undertaken research and analysis on a variety of legal issues at the direction of the Justices. The Legal Research Officer has also been responsible for producing the High Court Bulletin, which provides information to the public about cases currently before the Court, and the Overseas Decisions Bulletin, which provides information to the Justices about relevant decisions from overseas jurisdictions.

Online Subscriptions

In 2005-2006 the Court increased its license subscription to allow wider access to Lexis International and Westlaw International databases. A subscription was commenced to LAWLEX Alert and Premium Research Service.

Collection Development and Organisation

Millennium Library System

An upgrade was completed allowing for continued utilisation of the improved acquisitions and serials functions.

Radio Frequency Identification (RFID) Project

A major project implementing RFID technology in the Library was completed. The project involved placing RFID tags in each item in the collection and the subsequent linking of the tag number to the individual item in the library database. As a result of this project it is estimated

there will be a reduction of 75 per cent in time taken for the biennial stocktake of the monograph collections.

Circulation System

On completion of the RFID project the circulation module of the Innovative Library system was enabled. The introduction of the automated circulation module will allow the tracking of books. The resulting statistics will provide useful information for evaluation and management of the collection.

Relocation of Material in the Main Collection

Material on levels 7, 8 and 9 continues to be relocated in order to allow for growth in the collection.

Sydney and Melbourne Libraries

The Court Librarian visited the Sydney Library and Melbourne Chambers in October for relocation of Chambers following the retirement of Justice Michael McHugh, who was based in Sydney, and the appointment to the Court of Justice Susan Crennan, based in Melbourne. Sets of discontinued loose-leaf services, together with duplicates of superseded editions, were sent to the Melbourne Library throughout the year.

Pacific Libraries' Scholarship

The Court Librarian and Deputy Court Librarian were on the selection panel for the Pacific Libraries' Scholarship in July. Two scholarships were offered to assist our colleagues in the Pacific to attend the 2005 Australian Law Librarians' Group (ALLG) Symposium in Hobart, Tasmania. The 2005 ALLG Pacific Scholarship was awarded to Ms Katerina Mary Lesatele, Law Librarian, Office of the Attorney-General, Samoa. The Australian Law Librarian (ALL) Scholarship

was awarded to Mr Yule Wambe, Branch Law Librarian, National & Supreme Court of Papua New Guinea.

Conferences

The Court Librarian, in her capacity as a board member of the International Association of Law Libraries (IALL), attended the IALL 24th Annual Course on International Law Librarianship in Fiesole, Italy, in September. The Court Librarian, Deputy Court Librarian and Collection Management Librarian attended sessions at the ALLG Symposium held in Hobart, Tasmania, in September. In November, the Court Librarian, Deputy Court Librarian and Legal Research Officer attended the Public Law Weekend "A Working Constitution?" sponsored by the Gilbert & Tobin Centre of Public Law in Canberra. The 2006 Constitutional Law Conference, held in Sydney, was attended by the Court Librarian, Deputy Court Librarian and Legal Research Officer. The Australasian Innovative Users Group meeting, held at the University of Melbourne in November, was attended by the Collection Management Librarian.

Staff

Vicki Dwyer was seconded to the Attorney-General's Department from July to the end of August 2005. She has since resigned from the Library to take up a position in the Department of Immigration and Multicultural Affairs.

Fiona Spooner returned from extended overseas leave in November and resumed her former position as part-time Legislation Officer.

Semra Roache was appointed as a Librarian in the Acquisitions section in April.

Joann McAlister was appointed as Personal Assistant to the Court Librarian in May.

Marshal's Branch

Functions

The Marshal's Branch provides financial, personnel and corporate management services to the Court. It also provides court reporting services and is responsible for the operation, security and maintenance of the High Court building and its precincts.

In addition to corporate management responsibilities, the Marshal is responsible under section 27 of the *High Court of Australia Act 1979 (Cth)* for:

- the service and execution of all writs, summonses, orders, warrants, precepts, process and commands of the Court that are directed to him; and
- taking, receiving and detaining all persons who are committed to his custody by the Court, and for discharging all such persons when directed by the Court or otherwise required by law.

A Deputy Marshal may, subject to any direction of the Marshal, exercise any power or perform any function of the Marshal.

Marshal's Branch Goals

The goals of the Marshal's Branch are to:

- provide high-quality and responsive financial, human resources, technical and general administrative services to the Court;
- manage and maintain a national building;
- ensure the safety and well-being of persons employed in or visiting premises under the control of the High Court; and

- provide, in a timely and economic manner, an accurate transcript of the proceedings of the High Court to the Justices, legal practitioners, litigants and other interested parties.

Financial Management

Resources

The table opposite details the 2005-06 financial and staffing resources applied to the Court's outputs and outcomes, together with the budgeted resources for 2006-07. The Court has a single output, High Court business, contributing toward the overall outcome which is "interpreting and upholding the Australian Constitution and performing the functions of the ultimate appellate Court in Australia".

Audit of Accounts and Procedures

The Court maintains procedures for both internal and external scrutiny of accounts and administrative procedures. An internal auditor, reporting directly to the Chief Executive & Principal Registrar, systematically reviews compliance with the Court's approved operating procedures, the efficiency of administrative systems and the adequacy of accounting controls throughout the year in accordance with an agreed program. In addition, the internal auditor provides specialist advice on financial management matters, as required, to the Chief Executive & Principal Registrar.

In accordance with section 47(2) of the *High Court of Australia Act 1979 (Cth)*, the Auditor-General annually conducts an independent audit of the Court's financial statements in order to express an opinion on them to the Attorney-General. The Auditor-General's certificate on the Court's 2005-06 financial statements can be found at Part VI of this report.

	(1)	(2)	(3)	(4)
	Budget	Actual	Variation	Budget
	2005-06	2005-06	(2) - (1)	2006-07
	\$'000	\$'000	\$'000	\$'000
Administered Items				
Court fees and charges collected	920	990	70	920
LESS: fees and charges remitted to Official Public Account	920	990	70	920
Net contribution or cost to outcome	-	-	-	-
High Court Output				
Output 1.1:				
High Court Business:				
- Justices' remuneration and allowances*	2,554	3,042	488	2,554
- High Court administration	13,799	13,776	(23)	13,684
Revenue from government appropriations	16,353	16,818	465	16,238
Revenue from other sources:				
- High Court administration	256	308	52	256
Total price of output	16,609	17,126	517	16,494
TOTAL PRICE OF OUTCOME	16,609	17,126	517	16,494
Staff years (in full-time equivalent positions)	93.0	93.0	-	93.0

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

Consultants

During the year, 10 consultancy contracts, with a total value of \$390,260, were entered into by the Court. Contracts with a total value of \$10,000 or more (including GST) were:

Name	Description	\$
Integrated Media Pty Ltd	Technology project management services	73,408
DW Consulting	Quality assurance testing	22,297
HBO+EMTB Architects	Investigation and design services	101,211

Human Resource Management

Terms and Conditions of Employment

Staff of the High Court 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 itself. These terms and conditions are generally similar to those applying in the Australian Public Service.

The Court's eighth Certified Agreement, under section 170LK of the *Workplace Relations Act 1996* (Cth), expired on 30 June 2006. As at that date, negotiations between management and staff on a Collective Agreement, pursuant to the Work Choices legislation, were well-advanced. It is expected that the new agreement will take effect in October 2006.

Senior executive staff of the Court continue to be covered by Australian Workplace Agreements. No High Court staff member received performance pay during the year under review.

Workplace Diversity

The Court recognises and encourages the contribution that people with diverse backgrounds, experience and skills can make to the workplace. The Court's aim is to ensure that this diversity is used in effective decision making and delivery of services.

Staffing Overview

At Annexure D of this report are tables giving an overview of the numbers of men

and women in full-time and part-time employment in the Court's administration, and the composition of staff by salary classification.

Industrial Democracy

The Court is committed to the principles and practices of industrial democracy which results in participatory management practices throughout all areas of the Court. A Joint Consultative Committee serves as the formal mechanism for consultation on a broad range of industrial democracy issues. For many years now the Committee has formed the basis of the negotiation team to work with management in developing Certified Agreements.

Occupational Health and Safety (OH&S)

The Court has developed a comprehensive OH&S policy that meets the requirements of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (Cth). The policy outlines the mechanisms required for a healthy and safe working environment with an emphasis on OH&S issue resolution procedures. There were no accidents but there was one dangerous occurrence requiring notice under section 68 of the above Act. An investigation into that occurrence, pursuant to section 41 of the Act, was subsequently undertaken by Comcare. As at 30 June 2006, the investigator's report was still in preparation.

Human Resource Management

During the year, much effort was expended on fully implementing the Court's new Human Resource Management Information System, Chris21. This system has proved less than satisfactory, with a number of



programming errors requiring Court staff to revert to manual calculation of several terms and conditions of employment which had previously been automatically calculated. An ACT Chris21 Users Group, comprising representatives of agencies within the ACT who use Chris21, was formed during the year. This group is attempting to put pressure on the developers, Frontier Software Pty Ltd, to allocate sufficient resources to these ongoing problems in order to bring the system up to full effectiveness. To date, the developers have proven unresponsive to these efforts, but it is hoped that continuing publicity about the disappointing aspects of the system will lead to a change in attitude.

Information Technology (IT)

During the year significant IT resources were directed to asset replacement. All desktop and portable computers were replaced as part of the Court's IT asset replacement plan, and the Court's telephone PABX, which was originally installed in 1986, was also replaced in January 2006.

In addition, the IT section undertook the following initiatives:

- completion of the IT security framework with the implementation of a spam email firewall;
- development of an intranet site for the Court, which at 30 June 2006 was at prototype stage;
- continued improvement in the Court's wide-area network links; and
- ongoing IT training for users to improve efficiency and effectiveness.

Court Reporting Service (CRS)

Operation

The goal of the CRS is to provide, in a timely and efficient manner, an accurate transcript of the proceedings of the High Court to the Justices. Copies are available for sale to legal practitioners, litigants and other interested parties. The transcript is usually available for distribution in paper form within two hours of the Court rising each sitting day, and transcripts from appeal hearings are available each evening on the Court's website. Transcripts of other matters are available on the website within a few days. Transcripts dating back to 1994 are available on that site.

The High Court's transcript is a verbatim record of its proceedings and includes the full text of citations referred to by counsel during the hearings.

Staffing

The CRS comprises one full-time and two part-time reporters (for staff supervision, training and transcription verification), up to nine sessional court reporting officers (for word-processing and transcription monitoring duties), and the part-time services of a technical officer (for equipment maintenance duties).

A total of 940 individual transcripts, containing 10,541 pages, were produced during the year. This represents a 22 per cent increase from last year in the number of transcripts produced, and a six per cent increase in the number of pages.

Building Operations

Water Leaks in Trafficable Roofs

Last year's Annual Report advised that an engineering and architectural study had been completed into persistent water leaks from several balconies and the roof garden of the High Court building. The resultant report contained three options for rectifying the problem, and in August 2005 the Court decided to proceed with one of those options. Design work was completed in early 2006, and as at 30 June full documentation ready for public tender was nearing completion.

Elevator Upgrade

As reported last year, a program to upgrade the High Court Building's elevators was begun in 2003. The program involved increasing the speed of travel, refurbishing the lift interiors and upgrading the controls to comply with current OH&S standards. The entire program was completed in August 2005.

Refurbishment of Office Areas

Refurbishment of an area on level 5 of the High Court building was undertaken during the year at a cost of \$186,000. This included the construction of three new staff offices, and a meeting room with associated breakout area and kitchenette.



High Court of Australia

Part 6 **Financial Statements**

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INDEPENDENT AUDIT REPORT

To the Attorney-General

Scope

The financial statements and the Chief Executive and Principal Registrar's responsibility

The financial statements comprise:

- Report by the Chief Executive and Principal Registrar of the High Court of Australia and the Court's Accountant;
- Income Statement, Balance Sheet and Statement of Cash Flows;
- Statement of Changes in Equity;
- Schedules of Commitments and Contingencies;
- Schedule of Administered Items; and
- Notes to and forming part of the Financial Statements

for the High Court of Australia for the year ended 30 June 2006.

The Chief Executive and Principal Registrar of the High Court of Australia is responsible for preparing the financial statements that give a true and fair view of the financial position and performance of the High Court of Australia, and that comply with accounting standards, other mandatory financial reporting requirements in Australia, and in the form required by the Minister for Finance. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial statements.

Audit Approach

I have conducted an independent audit of the financial statements in order to express an opinion on them to you. My audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing and Assurance Standards, in order to provide reasonable assurance as to whether the financial statements are free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive, rather than conclusive, evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

While the effectiveness of management's internal controls over financial reporting was considered when determining the nature and extent of audit procedures, the audit was not designed to provide assurance on internal controls.

I have performed procedures to assess whether, in all material respects, the financial statements present fairly, in accordance with the requirements of the Finance Minister, including accounting standards and other mandatory financial reporting requirements in Australia, a view which is consistent with my understanding of the High Court of Australia's financial position, and of its financial performance and cash flows.

The audit opinion is formed on the basis of those procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial statements; and
- assessing the appropriateness of the accounting policies and disclosures used, and the reasonableness of significant accounting estimates made by the Chief Executive and Principal Registrar.

Independence

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

Audit Opinion

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

- (a) are based on proper accounts and records;
- (b) are in agreement with the accounts and records; and
- (c) give a true and fair view of the financial position of the High Court of Australia as at 30 June 2006 and of its performance and cash flows for the year then ended, in accordance with:
 - (i) the form of financial statements approved by the Finance Minister under the *High Court of Australia Act 1979*; and
 - (ii) applicable accounting standards and other mandatory financial reporting requirements in Australia.

In my opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets during the year ended 30 June 2006, have been made in accordance with the *High Court of Australia Act 1979*.

Australian National Audit Office



Brandon Jarrett
Executive Director

Deputy of the Auditor-General

Canberra
9 October 2006

HIGH COURT OF AUSTRALIA

Report by the Chief Executive & Principal Registrar of the High Court of Australia and the Court's Accountant on the Financial Statements for the year ended 30 June 2006.

The accompanying financial statements of the High Court of Australia for the year ended 30 June 2006 have been prepared as required by section 47(1) of the *High Court of Australia Act 1979* (Cth) and include:

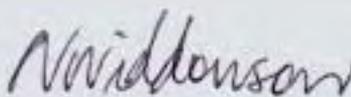
- Income Statement;
- Balance Sheet;
- Statement of Cash Flows;
- Statement of Changes in Equity
- Schedule of Commitments;
- Schedule of Contingencies;
- Schedule of Administered Items; and
- Notes to and forming part of the Financial Statements.

In our opinion, the attached financial statements for the year ended 30 June 2006 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made in accordance with the *Commonwealth Authorities and Companies Act 1997* (Cth).

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.



Christopher M. Doogan
Chief Executive & Principal Registrar
9 October 2006



Naomi Widdowson
Accountant
9 October 2006

HIGH COURT OF AUSTRALIA INCOME STATEMENT

for the year ended 30 June 2006

	Notes	2006	2005
		\$	\$
Revenue			
Revenues from Government	4A	13,799,000	12,044,000
Sales of goods and services	4B	112,404	84,339
Interest	4C	190,287	165,645
Other	4D	5,794	7,932
Total revenue		14,107,485	12,301,916
Expenses			
Employees	5A	6,544,759	5,714,878
Suppliers	5B	5,136,838	4,484,982
Depreciation and amortisation	5C	2,209,809	2,021,900
Write-down and impairment of assets	5D	479	-
Net losses from sale of assets	5E	1,275	24,948
Total expenses		13,893,160	12,246,708
Operating result		214,325	55,208

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

HIGH COURT OF AUSTRALIA BALANCE SHEET

as at 30 June 2006

	Notes	2006	2005
		\$	\$
ASSETS			
Financial assets			
Cash and cash equivalents	7A	1,911,688	1,718,189
Receivables	7B	149,227	73,156
Total financial assets		2,060,915	1,791,345
Non-financial assets			
Land and buildings	8A	159,182,560	160,468,890
Infrastructure, plant and equipment	8B	3,268,043	2,800,172
Heritage and cultural assets	8C	1,613,426	1,549,489
Library holdings	8D	13,232,729	11,939,846
Intangibles	8F	161,895	259,021
Inventories	9	3,285	1,977
Other	10	248,253	322,924
Total non-financial assets		177,710,191	177,342,319
Total assets		179,771,106	179,133,664
LIABILITIES			
Provisions			
Employees	11	1,744,460	1,523,915
Total provisions		1,744,460	1,523,915
Payables			
Suppliers	12A	257,629	207,573
Other	12B	239,101	246,585
Total payables		496,730	454,158
Total liabilities		2,241,190	1,978,073
NET ASSETS		177,529,916	177,155,591
EQUITY			
Contributed equity		53,985,540	53,825,540
Reserves		121,783,828	121,783,828
Accumulated surpluses/(deficits)		1,760,548	1,546,223
Total equity		177,529,916	177,155,591
Current assets		2,312,453	2,116,246
Non-current assets		177,458,653	177,017,418
Current liabilities		2,037,546	1,870,601
Non-current liabilities		203,644	107,472

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

HIGH COURT OF AUSTRALIA STATEMENT OF CASH FLOWS

for the year ended 30 June 2006

	Notes	2006	2005
		\$	\$
OPERATING ACTIVITIES			
Cash received			
Sales of goods and services		98,736	86,256
Appropriations		13,799,000	12,044,000
Interest		186,923	171,356
Other		5,794	7,932
Net GST receipts from ATO		669,170	861,016
Total cash received		14,759,623	13,170,560
Cash used			
Employees		(6,324,214)	(5,654,341)
Suppliers		(5,749,113)	(5,670,451)
Total cash used		(12,073,327)	(11,324,792)
Net cash from operating activities	13A	2,686,296	1,845,768
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of property, plant, equipment		-	1,240
Total cash received		-	1,240
Cash used			
Purchase of property, plant, equipment		(2,652,797)	(3,271,498)
Total cash used		(2,652,797)	(3,271,498)
Net cash used in investing activities		(2,652,797)	(3,270,258)
FINANCING ACTIVITIES			
Cash received			
Appropriation – contributed equity		160,000	349,000
Total cash received		160,000	349,000
Net cash from financing activities		160,000	349,000
Net increase/(decrease) in cash held		193,499	(1,075,490)
Cash at the beginning of the reporting period		1,718,189	2,793,679
Cash at the end of the reporting period	13B	1,911,688	1,718,189

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

HIGH COURT OF AUSTRALIA
STATEMENT OF CHANGES IN EQUITY
for the year ended 30 June 2006

	Accumulated Results		Asset Revaluation Reserve		Contributed Equity/Capital		Total Equity	
	2006 \$	2005 \$	2006 \$	2005 \$	2006 \$	2005 \$	2006 \$	2005 \$
Opening balance	1,546,223	1,491,015	21,783,828	20,590,633	53,825,540	53,476,540	177,155,591	175,558,188
Adjustment for errors	-	-	-	-	-	-	-	-
Adjustment for changes in accounting policies	-	-	-	-	-	-	-	-
Adjusted opening balance	1,546,223	1,491,015	21,783,828	20,590,633	53,825,540	53,476,540	177,155,591	175,558,188
Income and expense	-	-	-	-	-	-	-	-
Revaluation adjustment	-	-	-	1,193,195	-	-	-	1,193,195
Subtotal income and expenses recognised directly in equity	-	-	-	1,193,195	-	-	-	1,193,195
Net operating result	214,325	55,208	-	-	-	-	214,325	55,208
Total income and expenses	214,325	55,208	-	1,193,195	-	-	214,325	1,248,403
Transactions with owners	-	-	-	-	-	-	-	-
<i>Distribution to owners</i>	-	-	-	-	-	-	-	-
Returns on capital dividends	-	-	-	-	-	-	-	-
Contributions by owners	-	-	-	-	160,000	349,000	160,000	349,000
Appropriation (equity injection)	-	-	-	-	-	-	-	-
Restructuring	-	-	-	-	-	-	-	-
Subtotal transactions with owners	-	-	-	-	160,000	349,000	160,000	349,000
Transfers between equity components	-	-	-	-	-	-	-	-
Closing balance at 30 June	1,760,548	1,546,223	21,783,828	21,783,828	53,985,540	53,825,540	177,529,916	177,155,591

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

HIGH COURT OF AUSTRALIA SCHEDULE OF COMMITMENTS

as at 30 June 2006

Notes	2006	2005
	\$	\$
BY TYPE		
Capital commitments		
Infrastructure, plant and equipment ¹	98,471	379,290
Total capital commitments	98,471	379,290
Other commitments		
Operating leases ²	11,232,031	503,051
Other commitments	143,904	32,044
Total other commitments	11,375,935	535,095
Commitments receivable	(1,043,128)	(83,126)
Net commitments by type	10,431,278	831,259
BY MATURITY		
Capital commitments		
One year or less	98,471	379,290
From one to five years	-	-
More than five years	-	-
Total capital commitments	98,471	379,290
Operating lease commitments		
One year or less	1,049,017	243,787
From one to five years	3,183,639	259,264
More than five years	6,999,375	-
Total operating lease commitments	11,232,031	503,051
Other commitments		
One year or less	143,904	32,044
From one to five years	-	-
More than five years	-	-
Total other commitments	143,904	32,044
Commitments receivable	(1,043,128)	(83,126)
Net commitments by maturity	10,431,278	831,259

Note 1: This represents outstanding commitments for computer equipment and building improvements.

Note 2: Operating leases are effectively non-cancellable and comprise:

Nature of lease	General description of leasing arrangement
Leases for office accommodation	The majority of these commitments are leases for accommodation within Commonwealth Law Courts buildings, which are owned by the Commonwealth of Australia. As at 30 June 2006, formal lease agreements between the High Court and the Commonwealth had not yet been executed. The projected rentals to be paid have been reliably measured by the providers of property management services for the High Court, United Group Services Ltd.
Agreement for the provision of motor vehicles to senior executive officers	The Court leases motor vehicles under the terms of a contract with various operative dates.

NB: commitments are GST-inclusive where relevant.

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

**HIGH COURT OF AUSTRALIA
SCHEDULE OF CONTINGENCIES**

as at 30 June 2006

As at 30 June 2006 there are no contingencies which create uncertainty as to possible gain or loss for the High Court of Australia.

HIGH COURT OF AUSTRALIA SCHEDULE OF ADMINISTERED ITEMS

	Notes	2006 \$	2005 \$
Income administered on behalf of Government <i>for the year ended 30 June 2006</i>			
Revenue			
Non-taxation			
Goods and services	20	990,406	975,771
Total income administered on behalf of Government		990,406	975,771
Assets administered on behalf of Government <i>as at 30 June 2006</i>			
Financial assets	21	-	-
Total assets administered on behalf of Government		-	-
Administered cash flow <i>for the year ended 30 June 2006</i>			
Operating activities			
Cash received			
Other taxes, fines and fees		990,406	975,771
Total cash received		990,406	975,771
Net cash from operating activities		990,406	975,771
Net increase in cash held		990,406	975,771
Cash at the beginning of the reporting period		-	-
Cash to the Official Public Account: for transfers		(990,406)	(975,771)
Cash at the end of the reporting period		-	-

The Court administers the collection of Court fees and charges on behalf of the Australian Government. Pursuant to the *High Court of Australia (Fees) Regulations* 2004, these fees and charges are adjusted biennially by the Executive Government.

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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2006

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

1.1: Basis of Preparation of the Financial Statements

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

Under section 47(1) the financial statements are required to be in such a form as the Minister for Finance approves. On that basis the financial statements of the High Court of Australia (the Court) have been prepared in accordance with:

- Finance Minister's Orders;
- Australian Accounting Standards issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period; and
- interpretations issued by the AASB and the Urgent Issues Group that apply for the reporting period.

This is the first financial report to be prepared under Australian Equivalents to International Financial Reporting Standards (AEIFRS). The impact of adopting AEIFRS is disclosed below in Note 2.

The Court's Income Statement, Balance Sheet and Statement of Changes in Equity have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted, are at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or on the financial position.

The financial report is presented in Australian dollars and values are rounded to the nearest dollar.

Unless alternative treatment is specifically required by an accounting standard, assets and liabilities are recognised in the Balance Sheet when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements which are equally and proportionally incomplete are, however, not recognised unless required by an Accounting Standard. Liabilities and assets that are unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies.

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

Administered revenues, expenses, assets, 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 the Court's items, except where stated in Note 1.18.

1.2: Significant Accounting Judgments and Estimates

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.

1.3: Statement of Compliance

The financial report complies with Australian Accounting Standards, which include AEIFRS.

Australian Accounting Standards require the Court to disclose any Standards which have been issued but are not yet effective, and thus have not been applied.

The AASB has issued amendments to existing standards. These amendments are denoted by year and then number, for example 2005-1 indicates amendment 1 issued in 2005.

The table below illustrates standards and amendments that will become effective for the Court in future. The nature of the impending change within the table has been, out of necessity, abbreviated, and users should consult the full version available on the AASB's website to identify the full impact of the change. The expected impact on the financial report of adoption of these standards is based on the Court's initial assessment at this date, but may change. The Court intends to adopt all standards upon their application date.

Title	Standard affected	Application date*	Nature of impending change	Impact expected on financial report
2005-1	AASB 139	1 January 2006	Amends hedging requirements for foreign currency risk of a highly probable intra-group transaction.	No expected impact.
2005-4	AASB 139, AASB 132, AASB 1, AASB 1023 & AASB 1038	1 January 2006	Amends AASB 139, AASB 1023 and AASB 1038 to restrict the option to fair value through profit or loss and makes consequential amendments to AASB 1 and AASB 132.	No expected impact.
2005-5	AASB 1 and AASB 139	1 January 2006	Amends AASB 1 to allow an entity to determine whether an arrangement is, or contains, a lease. Amends AASB 139 to scope out a contractual right to receive reimbursement (in accordance with AASB 137) in the form of cash.	No expected impact.
2005-6	AASB 3	1 January 2006	Amends the scope to exclude business combinations involving entities or businesses under common control.	No expected impact.

Title	Standard affected	Application date*	Nature of impending change	Impact expected on financial report
2005-9	AASB 4, AASB 1023, AASB 139 & AASB 132	1 January 2006	Amended standards in regards to financial guarantee contracts.	No expected impact.
2005-10	AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038	1 January 2007	Amended requirements subsequent to the issuing of AASB 7.	AASB requires disclosure of contingent rentals.
2006-1	AASB 121	31 December 2006	Changes in requirements for net investments in foreign subsidiaries depending on denominated currency.	No expected impact.
	AASB7 Financial Instruments: Disclosures	1 January 2007	Revise the disclosure requirements for financial instruments from AASB132 requirements.	No expected impact.

* Application date is for annual reporting periods beginning on or after the date shown.

1.4: Revenue

The revenues described in this Note are revenues relating to the core activities of the Court.

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the seller maintains 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 with 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 entity.

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 provision for bad and doubtful debts. Recovery of debts is reviewed at balance date. Provisions are made when recovery of the debt is no longer probable.

Interest revenue is recognised using the effective interest rate method as set out in AASB 139.

Revenues from Government

Amounts appropriated for Departmental outputs appropriations for the year (adjusted for any formal additions and reductions) are recognised as revenue.

Resources Received Free of Charge

Services 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.

1.5: Transactions with the Government as Owner

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year are recognised directly in Contributed Equity in that year.

1.6: Employee Benefits

As required by the Finance Minister's Orders, the Court has early adopted AASB 119 Employee Benefits as issued in December 2004.

Liabilities for services rendered by employees are recognised at the reporting date to the extent that they have not been settled.

Liabilities for "short-term employee benefits" (as defined in AASB 119) and termination benefits due within 12 months 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.

All other employee benefit liabilities are measured as the present value of the estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

Leave

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

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

The liability for long service leave has been determined by reference to the Department of Finance and Administration short-hand method as revised in June 2006. The probability rates have been applied individually and discounted for an estimated wages growth of four per cent per annum average over 10 years and the current 10-year bond rate as at 30 June 2006.

Superannuation

Employees of the Court are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), the PSS accumulation plan (PSSap) or the Australian Government Employees Superannuation Trust (AGEST). The CSS and PSS are defined benefit schemes for the Commonwealth. The PSSap is a defined contribution scheme. AGEST is a non-profit superannuation fund which is neither a defined benefit scheme nor 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.

The Court makes employer contributions to the Australian Government at rates determined by an actuary sufficient to meet the cost to the Australian Government of the superannuation entitlements of the Court's employees. Throughout the 2005-06 financial year contributions were fixed at the following rates:

- 23.8 per cent for the Commonwealth Superannuation Scheme;
- 10.5 per cent for the Public Sector Superannuation Scheme; and
- 15.4 per cent for the PSS accumulation plan.

In addition, contributions for employer productivity benefits average three per cent across all staff.

From 1 July 2005, new employees are eligible to join the PSSap scheme.

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

1.7: Leases

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

Where a non-current 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 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. All leases held by the Court in 2005-06 were operating leases.

Operating lease payments, excluding contingent rentals, are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

1.8: Cash

Cash means notes and coins held and any deposits held at call with a bank or financial institution. Cash is recognised at its nominal amount.

1.9: Financial Risk Management

The Court's activities expose it to normal commercial financial risk. As a result of the nature of the Court's business and internal and Australian Government policies dealing with the management of financial risk, the Court's exposure to market, credit, liquidity, cash-flow and fair-value interest rate risk is considered to be low.

1.10: Impairment of Financial Assets

As prescribed in the Finance Minister's Orders, the High Court has applied the option available under AASB 1 of adopting AASB 132 and 139 from 1 July 2005 rather than 1 July 2004.

Financial assets are assessed for impairment at each balance date.

Financial Assets Held at Cost

If there is objective evidence that an impairment loss has been incurred on an unquoted equity instrument that is not carried at fair value because it cannot be reliably measured, or a derivative asset that is linked to and must be settled by delivery of such an unquoted equity instrument, the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

1.11: Trade Creditors

Trade creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.12: Contingent Liabilities and Contingent Assets

Contingent liabilities and assets are not recognised in the Balance Sheet but are discussed in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset, or represent an existing liability or asset in respect of which settlement is not probable or the amount cannot be reliably measured. Remote contingencies are part of this disclosure. Where settlement becomes probable, a liability or asset is recognised. A liability or asset is recognised when its existence is confirmed by a future event, settlement becomes probable (virtually certain for assets) or reliable measurement becomes possible.

1.13: 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 revenues 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 recognized in the transferor authority's accounts immediately prior to the restructuring.

1.14: Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, 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 expenses in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

Revaluations

Basis

Land, buildings, plant and equipment are carried at fair value, being revalued with sufficient frequency such that the carrying amount of each asset is not materially different, at reporting date, from its fair value. Valuations undertaken in each year are as at 30 June.

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 asset to be disposed of due to legislation or government policy.
Building	Depreciated replacement cost recognising that the High Court Building is a special-purpose heritage building.
Plant and equipment	Current market selling price.

Assets that are surplus to requirements are measured at net realisable value. At 30 June 2006, the High Court held no surplus assets.

Following initial recognition at cost, valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not materially differ with 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 through profit and loss. Revaluation decrements for a class of assets are recognised directly through profit and loss 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 and amortisation

Depreciable property, plant and equipment assets are written off to their estimated residual values over their estimated useful lives using, in all cases, the straight-line method of depreciation. Leasehold improvements are depreciated on a straight-line basis over the lesser of the estimated useful life of the improvements or the unexpired period of the lease.

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

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

Asset class	2005-06	2004-05
Land	Nil	Nil
Art, prints and artefacts	Nil	Nil
Library Collection – heritage items	Nil	Nil
Library Collection – non-heritage items	200 years	200 years
Building	100 years	100 years
Plant and equipment	10 years	10 years
Computer equipment	3 years	3 years
Intangibles	3 years	3 years

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 5C.

Impairment

All assets were assessed for impairment at 30 June 2006. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

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

No indicators of impairment were found for assets at fair value.

1.15: Intangibles

Internally-developed and externally-acquired computer software for internal use is initially recognised and capitalised at the cost of development or acquisition. These costs of development or acquisition are amortised on a straight-line basis over the useful life of the asset. All software assets were assessed for impairment as at 30 June 2006 (refer to "Impairment" above).

1.16: Inventories

Inventories held for distribution are measured at the lower of cost and current replacement cost.

1.17: Taxation

The High Court of Australia is exempt from all forms of taxation except fringe benefits tax 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.

1.18: 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 Court items, including the application of Australian Accounting Standards.

Administered Cash Transfers to and from the Official Public Account

Revenue collected by the Court for use by the Australian Government rather than the Court is administered revenue.

Administered revenues transferred or transferable to the Official Public Account are not reported as administered expenses or payables. These transactions or balances are internal to the administered activity.

These transfers of cash are reported as administered cash flows and in the administered reconciliation table in Note 22.

Revenue

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

NOTE 2: THE IMPACT OF THE TRANSITION TO AEIFRS FROM PREVIOUS AUSTRALIAN GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (AGAAP)

There was no AEIFRS impact on the Court's departmental and administered accounts.

NOTE 3: AFTER-BALANCE-DATE EVENTS

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

NOTE 4: INCOME**4A: Revenues from government**

	2006	2005
	\$	\$
Appropriation for outputs	13,799,000	12,044,000
Total revenues from government	13,799,000	12,044,000

4B: Goods and services

	2006	2005
	\$	\$
Food service operator's licence fee	6,348	6,793
Subscriptions for Court transcripts and judgments	28,842	28,500
Room hire	69,209	39,027
Other revenue	8,005	10,019
Total	112,404	84,339
Provision of goods to:		
External entities	36,847	38,519
Total sales of goods	36,847	38,519
Rendering of services to:		
External entities	75,557	45,820
Total rendering of services	75,557	45,820

4C: Interest

	2006	2005
	\$	\$
Interest on deposits	190,287	165,645
Total interest revenue	190,287	165,645

4D: Other

	2006	2005
	\$	\$
Sale of commemorative items	393	1,086
Sale of minor items at tender	-	5,957
Other minor items	5,401	889
Total other revenues	5,794	7,932

NOTE 5: OPERATING EXPENSES

5A: Employee Expenses

	2006	2005
	\$	\$
Wages and salaries	5,189,519	4,680,630
Superannuation	896,087	833,911
Leave and other entitlements	343,130	81,219
Separation and redundancies	116,023	119,118
Total employee expenses	6,544,759	5,714,878

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

5B: Supplier Expenses

	2006	2005
	\$	\$
Goods from external entities	515,836	444,565
Services from external entities	4,287,337*	3,632,486
Workers' compensation premiums	52,588	47,771
Operating lease rentals	281,077	360,160
Total supplier expenses	5,136,838	4,484,982

* Includes \$396,503 courtroom technology assets purchased for the Commonwealth Law Courts Building in Adelaide and transferred to the Federal Court. Refer to Table A at Note 8E.

5C: Depreciation and Amortisation

	2006	2005
	\$	\$
<i>Depreciation</i>		
Building	1,563,709	1,705,969
Infrastructure, plant and equipment	473,502	182,958
Library holdings	63,240	54,890
Total depreciation	2,100,451	1,943,817
<i>Amortisation</i>		
Intangibles – computer software	109,358	78,083
Total depreciation and amortisation	2,209,809	2,021,900

5D: Write-Down and Impairment of Assets

	2006	2005
	\$	\$
Intangibles – write-down	479	-
Total write-down of assets	479	-

5E Loss from Disposal of Assets

	2006	2005
	\$	\$
Infrastructure, plant and equipment :		
Proceeds from disposal	-	(1,240)
Net book value of assets disposed	1,275	26,188
Net loss from disposal of infrastructure, plant and equipment	1,275	24,948

NOTE 6: RESOURCES PROVIDED FREE OF CHARGE

The High Court building in Canberra, completed in 1980 at a cost of \$46.5 million, was transferred free of charge to the control of the Court. The current value of the building, the land on which it is situated, and building improvements made since April 1980 are shown in the Balance Sheet.

The Federal Court of Australia and State Supreme Courts provide the Court with hearing rooms and chambers in various States as required, primarily while the Court is on circuit. In addition, the National Capital Authority provides ground maintenance services to the Court in Canberra. The value of this assistance is not shown in the accounts.

NOTE 7: FINANCIAL ASSETS**7A: Cash and Cash Equivalents**

	2006	2005
	\$	\$
Cash at bank	1,908,338	1,714,839
Cash on hand	3,350	3,350
Total cash and cash equivalents	1,911,688	1,718,189

7B: Receivables

	2006	2005
	\$	\$
Goods and Services	29,080	6,051
Interest receivable	12,737	9,373
GST receivable	107,410	57,732
Total receivables	149,227	73,156

Receivables are aged as follows:

Not overdue	127,901	70,836
Overdue by:		
- less than 30 days	6,462	1,655
- 30 to 60 days	11,909	415
- 60 to 90 days	1,755	250
- more than 90 days	1,200	-
Total receivables	149,227	73,156

All receivables are current assets.

NOTE 8: NON-FINANCIAL ASSETS

8A: Land and Buildings

	2006	2005
	\$	\$
Freehold land		
- fair value	7,500,000	7,500,000
Total freehold land	7,500,000	7,500,000
Buildings on freehold land		
- fair value	210,495,993	210,218,613
- accumulated depreciation	(58,813,433)	(57,249,723)
Total buildings on freehold land	151,682,560	152,968,890
Total land and buildings	159,182,560	160,468,890

8B: Infrastructure, Plant and Equipment

	2006	2005
	\$	\$
- in progress	136,160	7,425
- fair value	3,811,453	3,005,341*
- accumulated depreciation	(679,570)	(212,594)
Total infrastructure, plant and equipment	3,268,043	2,800,172

* The difference in the comparative total from 2004-05, amounting to \$1,438,977, is due to the reclassification of artworks into heritage and cultural assets in Note 8C.

8C: Heritage and Cultural Assets

	2006	2005
	\$	\$
Artworks		
- fair value	1,502,614	1,438,977
Rare books		
- fair value	110,812	110,512
Total heritage and cultural assets	<u>1,613,426</u>	<u>1,549,489</u>

8D: Library Holdings

	2006	2005
	\$	\$
- fair value	13,298,643	11,942,521*
- accumulated depreciation	(65,914)	(2,675)
Total library holdings	<u>13,232,729</u>	<u>11,939,846</u>

* The difference in the comparatives total from 2004-05, amounting to \$110,512, is due to the reclassification of rare books into heritage and cultural assets in Note 8C.

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

8E: Analysis of Property, Plant and Equipment

TABLE A – Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment

Item	Land	Buildings on freehold land	Land and buildings total	Infrastructure, plant and equipment	Heritage and cultural	Library holdings
As at 1 July 2005	\$	\$	\$	\$	\$	\$
Gross book value	7,500,000	210,218,613	217,718,613	3,012,766	1,549,489	11,942,521
Accumulated depreciation/amortisation	-	(57,249,723)	(57,249,723)	(212,594)	-	(2,675)
Opening book value	7,500,000	152,968,890	160,468,890	2,800,172	1,549,489	11,939,846
<i>Additions:</i>						
by purchase	-	277,380	277,380	1,339,150	63,937	1,356,122
Depreciation/amortisation expense	-	(1,563,710)	(1,563,710)	(473,501)	-	(63,239)
Disposals	-	-	-	(7,800)	-	-
Depreciation on disposals	-	-	-	6,525	-	-
Write-downs	-	-	-	-	-	-
Depreciation on write-downs	-	-	-	-	-	-
Transfer of assets	-	-	-	(396,503)*	-	-
As at 30 June 2006						
Gross book value	7,500,000	210,495,993	217,995,993	3,947,613	1,613,426	13,298,643
Accumulated depreciation/amortisation	-	(58,813,433)	(58,813,433)	(679,570)	-	(65,914)
Closing net book value	7,500,000	151,682,560	159,182,560	3,268,043	1,613,426	13,232,729

* Courtroom technology assets purchased by the High Court and transferred to the Federal Court. Refer to Note 5B.

TABLE B – Property, Plant and Equipment under Construction

Item	Infrastructure, plant and equipment	Total
	\$	\$
Carrying amount as at 30 June 2006	136,160	136,160
Carrying amount as at 30 June 2005	7,425	7,425

8F: Intangibles

	2006	2005
	\$	\$
Computer software:		
- in progress	11,160	71,526
- in use	568,507	696,095
- accumulated amortisation	(417,772)	(508,600)
Total intangibles	161,895	259,021

TABLE – Reconciliation of the Opening and Closing Balances of Intangibles

Item	Computer software
As at 1 July 2005	\$
Gross book value	767,621
Accumulated depreciation/amortisation	(508,600)
Opening book value	259,021
Additions:	
Purchase/Internally developed	12,710
Depreciation/amortisation expense	(109,358)
Disposals	(132,320)
Depreciation on disposals	132,320
Write-downs/write-off	(68,344)
Depreciation on write-downs/write-off	67,866
As at 30 June 2006	
Gross book value	579,667
Accumulated depreciation/amortisation	(417,772)
Closing net book value	161,895

NOTE 9: INVENTORIES

	2006	2005
	\$	\$
Inventories held for distribution	3,285	1,977
Total inventory	3,285	1,977

All inventories are current assets.

NOTE 10: OTHER NON-FINANCIAL ASSETS

	2006	2005
	\$	\$
Prepaid property rentals	181,603	240,629
Other prepayments	66,650	82,295
Total other non-financial assets	248,253	322,924

All prepayments are current assets.

NOTE 11: PROVISIONS

	2006	2005
	\$	\$
Salaries and wages	97,796	17,711
Leave	1,642,504	1,504,197
Superannuation	4,160	2,007
Total employee provisions	1,744,460	1,523,915
Current	1,540,816	1,416,443
Non-current	203,644	107,472
Total employee provision	1,744,460	1,523,915

NOTE 12: PAYABLES**12A: Supplier Payables**

	2006	2005
	\$	\$
Trade creditors	257,629	207,573
Total supplier payables	257,629	207,573

12B: Other Payables

	2006	2005
	\$	\$
Accrued expenses	223,216	231,085
Unearned income	15,885	15,500
Total other payables	239,101	246,585

All payables are current.

NOTE 13: CASH-FLOW RECONCILIATION**13A: Reconciliation of Operating Surplus to Net Cash provided by Operating Activities**

	2006	2005
	\$	\$
Operating surplus	214,325	55,208
Non-cash items:		
Depreciation/amortisation	2,209,809	2,021,900
Net write-down of non-financial assets	479	-
Loss on disposal of assets	1,275	24,948
Changes in assets and liabilities:		
Increase/(decrease) in employees provisions	220,544	(74,549)
Increase/(decrease) in supplier payables	42,187	(554,700)
(Increase)/decrease in prepayments	74,671	249,864
(Increase)/decrease in inventories	(1,308)	(1,145)
(Increase)/decrease in other provisions	385	-
(Increase)/decrease in receivables	(76,071)	124,242
Net cash from/(used by) operating activities	2,686,296	1,845,768

13B: Reconciliation of Cash

	2006	2005
	\$	\$
Cash balance comprises:		
Cash on hand	3,350	3,350
Cash at bank	1,908,338	1,714,839
Total cash	1,911,688	1,718,189
Balance of cash as at 30 June shown in the Statement of Cash Flows	1,911,688	1,718,189

NOTE 14: REMUNERATION OF AUDITORS

	2006	2005
	\$	\$
The cost of financial statement audit services provided to the Court::	33,207	31,400

No other services were provided by the Auditor-General.

NOTE 15: AVERAGE STAFFING LEVELS

	2006	2005
The average staffing levels for the Court during the year were:	93	90

NOTE 16: PUBLIC MONEY IN THE CUSTODY OF THE COURT

Suitors' funds:

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

	2006	2005
	\$	\$
Balance as at 1 July	49,434	48,965
Amount received	5,000	2,000
Amount deducted/paid out	(48,139)	(1,530)
Balance as at 30 June	6,295	49,435

NOTE 17: EXECUTIVE REMUNERATION

The number of officers who received or were due to receive total remuneration of \$130,000 or more:

Income Band	2006	2005
\$130,000 - \$144,999	1	1
\$175,000 - \$189,999	2	-
\$190,000 - \$204,999	-	2
\$310,000 - \$319,999	-	1
\$350,000 - \$364,999	1	-
	4	4
The aggregate amount of total remuneration of officers shown above:	850,694	842,437
The aggregate amount of separation and redundancy/termination benefit payments during the year to executives shown above.	Nil	Nil

NOTE 18: ADMINISTRATION OF THE COURT

The Court is administered by the Justices, who are assisted by the Chief Executive and Principal Registrar of the Court.

Chief Justice:

The Honourable Murray Gleeson, AC

Justices:

The Honourable William Gummow, AC

The Honourable Michael Kirby, AC, CMG

The Honourable Kenneth Hayne, AC

The Honourable Ian Callinan, AC

The Honourable Dyson Heydon, AC

The Honourable Susan Crennan

Chief Executive and Principal Registrar:

Christopher Doogan, AM

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 2005-06 financial year.

NOTE 19: FINANCIAL INSTRUMENTS

19A: Interest Rate Risk

Financial instrument	Notes	Floating interest rate		Fixed interest rate maturing in						Non-interest bearing		Total		Weighted average effective interest rate		
		2006	2005	One year or less		One to five years		More than five years		2006	2005	2006	2005	2006	2005	
				2006	2005	2006	2005	2006	2005							
Financial assets																
Cash at bank	7A	1,908,338	1,714,839	-	-	-	-	-	-	-	-	-	1,908,338	1,714,839	5.15	4.90
Cash on hand	7A	-	-	-	-	-	-	-	-	3,350	3,350	-	3,350	3,350		
Receivables	7B	-	-	-	-	-	-	-	-	29,080	6,051	-	29,080	6,051		
Interest receivable	7B	12,737	9,373	-	-	-	-	-	-	-	-	-	12,737	9,373	5.15	4.90
GST receivable	7B	-	-	-	-	-	-	-	-	107,410	57,732	-	107,410	57,732		
Total financial assets		1,921,075	1,724,212	-	-	-	-	-	-	139,840	67,133	-	2,060,915	1,791,345		
Financial liabilities																
Trade creditors and accruals	12	-	-	-	-	-	-	-	-	480,845	438,658	-	480,845	438,658		
Total financial liabilities		-	-	-	-	-	-	-	-	480,845	438,658	-	480,845	438,658		

19B: Net Fair Values of Financial Assets and Liabilities

	Notes	Total carrying amount		Aggregate net fair value	
		2005-06	2004-05	2005-06	2004-05
Financial assets:		\$	\$	\$	\$
Cash at bank	7A	1,908,338	1,714,839	1,908,338	1,714,839
Cash on hand	7A	3,350	3,350	3,350	3,350
Receivables	7B	29,080	6,051	29,080	6,051
Interest receivable	7B	12,737	9,373	12,737	9,373
GST receivable	7B	107,410	57,732	107,410	57,732
Total financial assets		2,060,915	1,791,345	2,060,915	1,791,345
Financial liabilities:					
Trade creditors and accruals	12	480,845	438,658	480,845	438,658
Total financial liabilities		480,845	438,658	480,845	438,658

19C: Credit Risk Exposures

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

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

NOTE 20: INCOME ADMINISTERED ON BEHALF OF GOVERNMENT

	2006	2005
	\$	\$
Filing and hearing fees	906,282	865,048
Sales of judgments and transcripts	10,790	22,535
Practitioners' certificates	43,835	44,539
Taxing of costs	12,237	32,771
Other	17,262	10,878
Total revenues administered on behalf of government	990,406	975,771

NOTE 21: ASSETS ADMINISTERED ON BEHALF OF GOVERNMENT

	2006	2005
	\$	\$
Financial assets		
Receivables	-	-

NOTE 22: ADMINISTERED RECONCILIATION TABLE

	2006	2005
	\$	\$
Opening administered assets less administered liabilities at 1 July	-	-
Plus: Administered revenues	990,406	975,771
Less: Administered expenses	-	-
Administered transfers to/from Australian Government		
Transfer to Official Public Account	(990,406)	(975,771)
Closing administered assets administered liabilities at 30 June	-	-

NOTE 23: APPROPRIATIONS

Particulars	Departmental Outputs		Equity		Total	
	2006 \$	2005 \$	2006 \$	2005 \$	2006 \$	2005 \$
Year ended 30 June						
Balance carried forward from previous year	-	-	-	-	-	-
Appropriation Acts 1 and 3	13,799,000	12,044,000	-	-	13,799,000	12,044,000
Appropriation Acts 2 and 4	-	-	160,000	349,000	160,000	349,000
Available for payment out of CRF	13,799,000	12,044,000	160,000	349,000	13,959,000	12,393,000
Cash payments made out of CRF	13,799,000	12,044,000	160,000	349,000	13,959,000	12,393,000
Balance carried forward to next year	-	-	-	-	-	-
<i>Represented by:</i>						
Appropriations receivable	-	-	-	-	-	-

This table reports on appropriations made by the Parliament out of the Consolidated Revenue Fund (CRF) for payment to the Court. It includes an amount of \$23,000 which has also been raised as a provision pending finalisation of budget-related processes. When received by the Court, the payments made are legally the money of the Court and do not represent any balance remaining in the CRF.

NOTE 24: REPORTING OF OUTCOMES

24A: Outcomes of the Court

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

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

24B: Net Cost of Outcome Delivery

	Outcome 1		Total	
	2006 \$	2005 \$	2006 \$	2005 \$
Expenses				
Departmental expenses	13,893,160	12,247,948	13,893,160	12,247,948
Total expenses	13,893,160	12,247,948	13,893,160	12,247,948
Costs recovered from provision of goods and services to the non-government sector				
Departmental	112,404	84,339	112,404	84,339
Administered	990,406	975,771	990,406	975,771
Total costs recovered	1,102,810	1,060,110	1,102,810	1,060,110
Other external revenues				
Departmental:				
Interest	190,287	165,645	190,287	165,645
Other	5,794	7,932	5,794	7,932
Total departmental	196,081	173,577	196,081	173,577
Total other external revenues	196,081	173,577	196,081	173,577
Net costs/(contribution) of outcome	12,594,269	11,014,261	12,594,269	11,014,261

The net costs shown include intra-government costs that would be eliminated in calculating the actual Budget outcome.

24C: Departmental Revenues and Expenses by Outputs

	Outcome 1 Output 1	
	2006 \$	2005 \$
Operating expenses		
Employees	6,544,759	5,714,878
Suppliers	5,136,838	4,484,982
Depreciation	2,209,809	2,021,900
Write down & impairment of assets	479	-
Net loss from disposal of assets	1,275	24,948
Total operating expenses	13,893,160	12,246,708
Funded by:		
Revenues from Government	13,799,000	12,044,000
Sales of goods and services	112,404	84,339
Interest	190,287	165,645
Other	5,794	7,932
Total operating revenues	14,107,485	12,301,916

The Court's outcome and output is described at Note 24A. The net costs shown include intra-government costs that would be eliminated in calculating the actual Budget outcome.

24D: Administered Revenues and Expenses by Outputs

	Outcome 1 Output 1		Total	
	2006 \$	2005 \$	2006 \$	2005 \$
Operating revenues				
Fees and charges	990,406	975,771	990,406	975,771
Total operating revenues	990,406	975,771	990,406	975,771

No administered expenses were incurred.

The Court's outcome and output is described at Note 24A. The net costs shown include intra-government costs that would be eliminated in calculating the actual Budget outcome.



High Court of Australia

Part 8 Annexures

Annexure A: <i>Freedom of Information Act 1982 (Cth)</i> – Supplementary Material	85
Annexure B: Tables of Judicial Workload	87
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Part 7 – Annexure A

Freedom of Information Act – Supplementary Material

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

Categories of Documents

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

Case-related documents

Certain documents related to legal matters and filed or lodged at the High Court Registry are open to public access in accordance with Rule 4.07.4 of the *High Court Rules 2004*. Access to these documents is subject to a fee or other charge.

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

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

Library documents

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

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

In addition, paper copies of the library holdings list are available for purchase from the High Court Library.

Other documents

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

- High Court sitting calendar;
- High Court business lists;
- High Court daily sitting lists;
- fees for filing, issuing or sealing a document or obtaining a service, pursuant to Schedule 1 of the *High Court of Australia (Fees) Regulations 2004*;
- Scale of Professional Costs, pursuant to Schedule 2 of the *High Court of Australia (Fees) Regulations*;
- selected case summaries;
- brochure on the functions, powers, history and operation of the High Court, and features of the High Court Building in Canberra;
- brochure on courtroom practice in the High Court; and
- the High Court Registry Service Charter.

FOI Procedures and Initial Contact Points

FOI contact officers will assist applicants to identify the particular documents they seek. The availability of some Court documents is affected by section 5 of the *Freedom of Information Act* which provides that access is not available under that Act to a document of the Court unless the document relates to matters of an administrative nature.

If a request is to be refused on grounds appearing in sections 15(2) or 24(1) of the Act (insufficient information or unreasonable diversion of resources), applicants will be notified and given an opportunity for consultation. The only officers authorised to grant or deny access to documents under the Act are the Chief Executive & Principal Registrar and the Marshal of the High Court of Australia. If an applicant lives some distance from any point at which access is normally provided, consideration will be given to alternative arrangements to reduce inconvenience to the applicant.

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

Marshal
High Court of Australia
Parkes Place
Canberra ACT 2600

OR
PO Box 6309
Kingston ACT 2604

Telephone: (02) 6270 6983
Fax: (02) 6270 6868
Email: lhoward@hcourt.gov.au

Business hours are from 8:30am to 5pm.

Facilities for Access

Facilities for examining documents and obtaining copies are available at the addresses shown below. Information about the facilities available to assist people with disabilities to obtain access to documents can be obtained from the following officers:

Registry matters - Senior Registrar
Telephone: (02) 6270 6862
Fax: (02) 6273 3025
Email: crogers@hcourt.gov.au

All other matters - Marshal
Telephone: (02) 6270 6983
Fax: (02) 6270 6868
Email: lhoward@hcourt.gov.au

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

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

- Registry of the High Court, Parkes Place, Parkes ACT 2600.
- Office of the High Court Registry, 19th Floor, Law Courts Building, Queens Square, Sydney NSW 2000.
- Office of the Registry, Level 17, Commonwealth Law Courts Building, 305 William Street, Melbourne VIC 3000.
- Office of the Registry, Level 6, Commonwealth Law Courts Building, 119 North Quay, Brisbane QLD 4000.
- Office of the Registry, Level 5, Commonwealth Law Courts Building, 3 Angas Street, Adelaide SA 5000
- Office of the Registry, Level 6, Commonwealth Law Courts Building, Victoria Avenue, Perth WA 6000.
- Office of the Registry, Supreme Court, Salamanca Place, Hobart TAS 7000.
- Office of the Registry, Supreme Court, Mitchell Street, Darwin NT 0800.

Part 7 – Annexure B

TABLES OF JUDICIAL WORKLOAD

1. Total matters filed in all jurisdictions
2. Categories of matters filed in all jurisdictions
3. Total Full Court matters heard in all jurisdictions
4. Categories of Full Court matters heard in all jurisdictions
5. Total Full Court decisions related to matters filed in all jurisdictions
6. Categories of Full Court decisions related to matters filed in all jurisdictions
7. Matters heard before a single Justice
8. Categories of matters heard before a single Justice

CIVIL SPECIAL LEAVE APPLICATIONS

9. Civil special leave applications filed
10. Civil special leave applications heard
11. Civil special leave applications decided
12. Results of civil special leave applications decided
13. Results of civil special leave applications decided showing lower courts
14. Elapsed time for civil special leave applications finalised – All matters
15. Elapsed time for civil special leave applications finalised – Legally represented
16. Elapsed time for civil special leave applications finalised – Self-represented litigants
- 16A. Elapsed time for civil special leave applications finalised – Self-represented litigants (finalised on the papers pursuant to Rule 41.10.5)
- 16B. Elapsed time for civil special leave applications finalised – Self-represented litigants (finalised on the papers pursuant to Rule 41.11.1)
- 16C. Elapsed time for civil special leave applications finalised – Self-represented litigants (finalised by hearing pursuant to Rule 41.11.2)

CRIMINAL SPECIAL LEAVE APPLICATIONS

17. Criminal special leave applications filed
18. Criminal special leave applications heard
19. Criminal special leave applications decided
20. Results of criminal special leave applications decided
21. Results of criminal special leave applications decided showing lower courts
22. Elapsed time for criminal special leave applications finalised – All matters
23. Elapsed time for criminal special leave applications finalised – Legally represented
24. Elapsed time for criminal special leave applications finalised – Self-represented litigants
- 24A. Elapsed time for criminal special leave applications finalised – Self-represented litigants (finalised on the papers pursuant to Rule 41.10.5)

- 24B. Elapsed time for criminal special leave applications finalised – Self-represented litigants (finalised on the papers pursuant to Rule 41.11.1)
- 24C. Elapsed time for criminal special leave applications finalised – Self-represented litigants (finalised by hearing pursuant to Rule 41.11.2)

CIVIL APPEALS

- 25. Civil appeals filed
- 26. Civil appeals heard
- 27. Civil appeals decided
- 28. Results of civil appeals decided
- 29. Results of civil appeals decided showing lower courts
- 30. Elapsed time for civil appeals finalised – All matters
- 31. Elapsed time for civil appeals finalised – Legally represented
- 32. Elapsed time for civil appeals finalised – Self-represented litigants

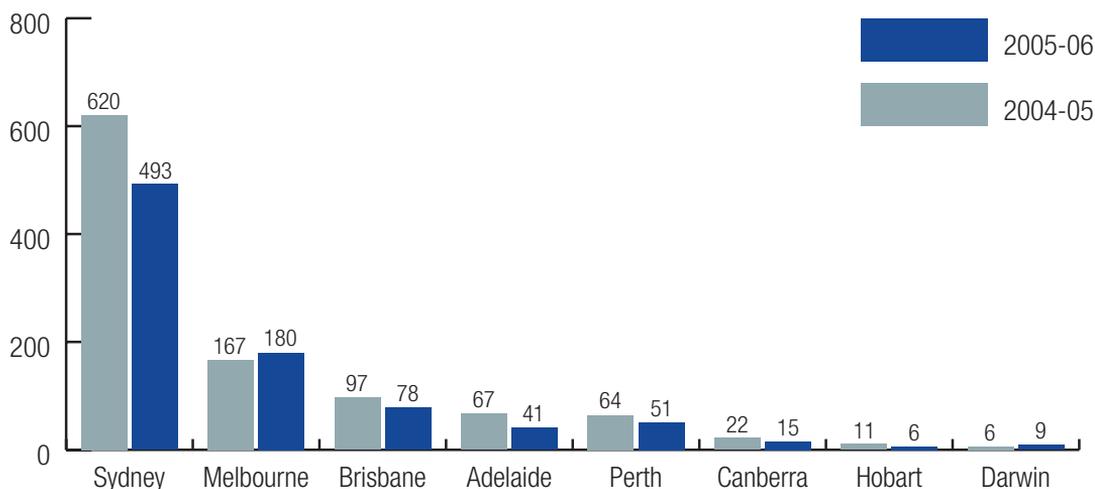
CRIMINAL APPEALS

- 33. Criminal appeals filed
- 34. Criminal appeals heard
- 35. Criminal appeals decided
- 36. Results of criminal appeals decided
- 37. Results of criminal appeals decided showing lower courts
- 38. Elapsed time for criminal appeals finalised – All matters
- 39. Elapsed time for criminal appeals finalised – Legally represented
- 40. Elapsed time for criminal appeals finalised – Self-represented litigants

ORIGINAL JURISDICTION MATTERS

- 41. Elapsed time for Full Court original jurisdiction matters finalised – All matters
- 42. Elapsed time for Full Court original jurisdiction matters finalised – Legally represented
- 43. Elapsed time for Full Court original jurisdiction matters finalised – Self-represented litigants

1. TOTAL MATTERS FILED IN ALL JURISDICTIONS



2. CATEGORIES OF MATTERS FILED IN ALL JURISDICTIONS

Category	2004-05	2005-06
Special Leave Applications (Civil)	767	620
Special Leave Applications (Criminal)	109	100
Appeals (Civil)	69	56
Appeals (Criminal)	14	10
Writ of Summons	18	20
Applications for Removal of Cause ^[1]	5	5
Constitutional Writs ^[2]	64	50
Electoral Act ^[3]	2	0
Other ^[4]	6	12
TOTAL	1,054	873

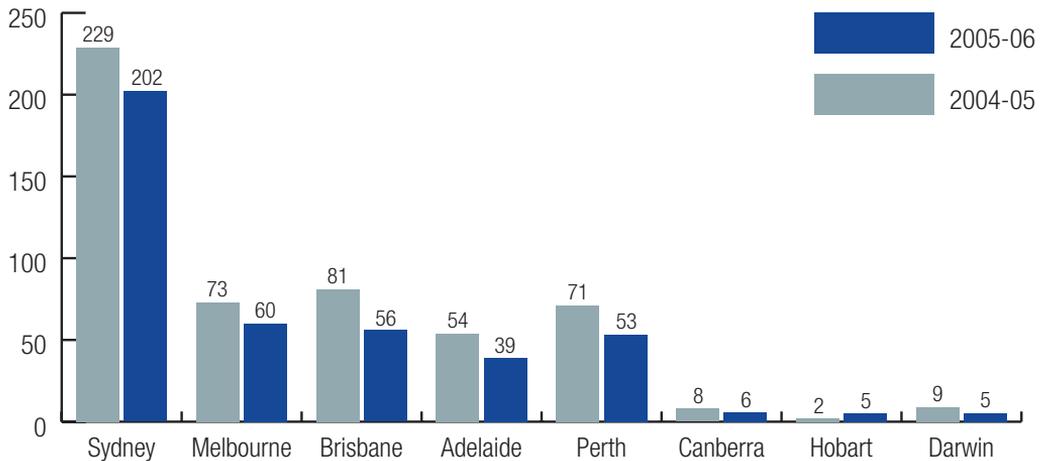
^[1] Applications made in accordance with section 40 of the *Judiciary Act* 1903 (Cth).

^[2] Applications for constitutional writs made within the original jurisdiction of the Court conferred by section 75(v) of the Constitution.

^[3] Election petitions filed pursuant to section 353(1) of the *Commonwealth Electoral Act* 1918 (Cth) with the Court sitting as the Court of Disputed Returns.

^[4] Including causes removed pursuant to section 40 of the *Judiciary Act* 1903 (Cth) and ex parte applications for leave to issue proceedings where a Justice has directed, pursuant to Rule 6.07 of the *High Court Rules 2004*, that the Registrar refuse to issue the proceedings without the leave of a Justice first had and obtained by the party seeking to issue it.

3. TOTAL FULL COURT MATTERS HEARD IN ALL JURISDICTIONS



4. CATEGORIES OF FULL COURT MATTERS HEARD IN ALL JURISDICTIONS

Category	2004-05	2005-06
Special Leave Applications (Civil)	357	243
Special Leave Applications (Criminal)	97	81
Appeals (Civil)	56	72
Appeals (Criminal)	13	16
Constitutional and Other Full Court Matters ^[1]	1	12
Applications for Removal of Cause ^[2]	0	1
Constitutional Writs ^[3]	3	1
Electoral Act ^[4]	0	0
TOTAL	527	426

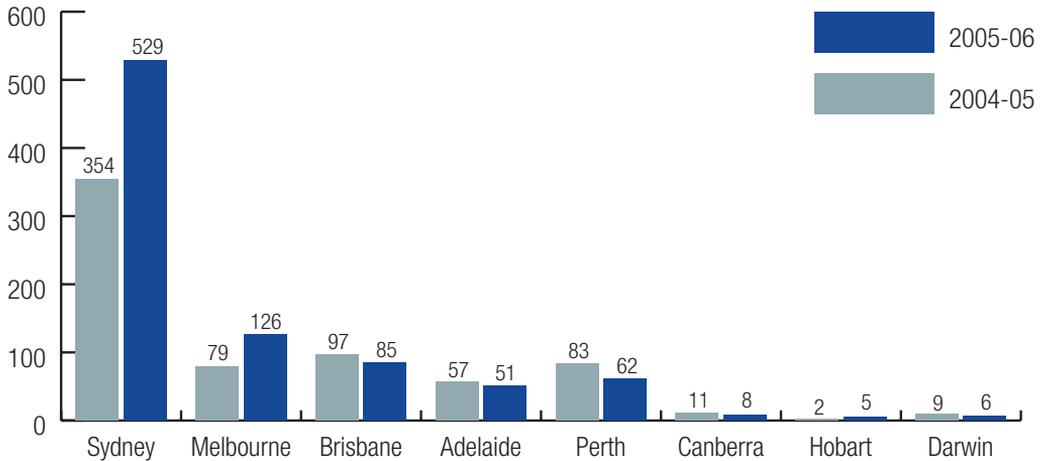
^[1] Including matters proceeding to hearing by way of a case stated or questions reserved for the consideration of the Full Court pursuant to section 18 of the *Judiciary Act* 1903 (Cth) and causes removed in accordance with section 40 of the *Judiciary Act* 1903 (Cth).

^[2] Applications made in accordance with section 40 of the *Judiciary Act* 1903 (Cth).

^[3] Applications for constitutional writs made within the original jurisdiction of the Court conferred by section 75(v) of the Constitution.

^[4] Election petitions filed pursuant to section 353(1) of the *Commonwealth Electoral Act* 1918 (Cth) with the Court sitting as the Court of Disputed Returns.

5. TOTAL FULL COURT DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS



6. CATEGORIES OF FULL COURT DECISIONS RELATED TO MATTERS FILED IN ALL JURISDICTIONS

Category	2004-05	2005-06
Special Leave Applications (Civil)	508	677
Special Leave Applications (Criminal)	109	90
Appeals (Civil)	55	79
Appeals (Criminal)	13	19
Constitutional and Other Full Court Matters ^[1]	1	4
Applications for Removal of Cause ^[2]	4	1
Constitutional Writs ^[3]	2	2
Electoral Act ^[4]	0	0
TOTAL	692	872

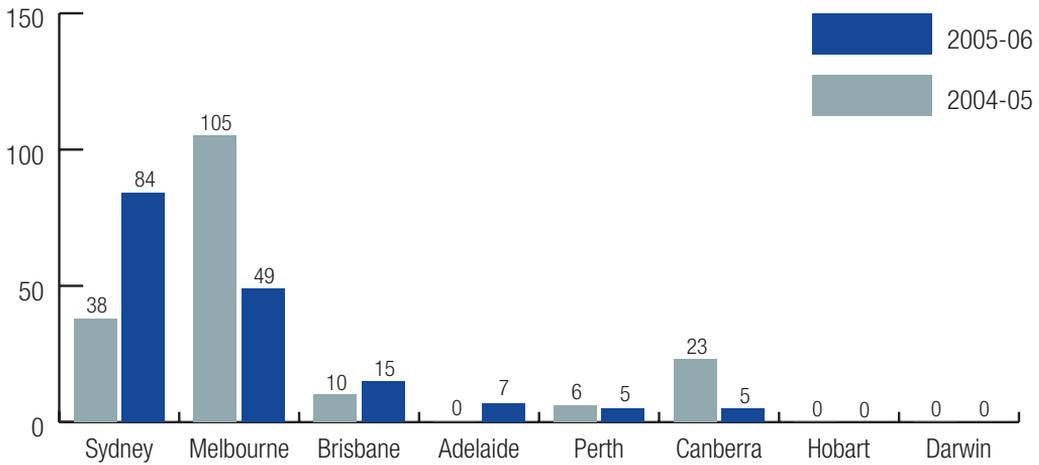
^[1] Including matters proceeding to hearing by way of a case stated or questions reserved for the consideration of the Full Court pursuant to section 18 of the *Judiciary Act* 1903 (Cth) and causes removed in accordance with section 40 of the *Judiciary Act* 1903 (Cth).

^[2] Applications made in accordance with section 40 of the *Judiciary Act* 1903 (Cth).

^[3] Applications for constitutional writs made within the original jurisdiction of the Court conferred by section 75(v) of the Constitution.

^[4] Election petitions filed pursuant to section 353(1) of the *Commonwealth Electoral Act* 1918 (Cth) with the Court sitting as the Court of Disputed Returns.

7. MATTERS HEARD BEFORE A SINGLE JUSTICE



8. CATEGORIES OF MATTERS HEARD BEFORE A SINGLE JUSTICE

Category	2004-05	2005-06
Directions hearing	113	69
Order nisi application	20	29
Interlocutory injunction/stay/bail application	10	7
Application for leave to issue process	3	11
Application to vacate/expedite hearing date	15	17
Trial of election petition	2	0
Solicitor ceasing to act	0	1
Other	19	31
TOTAL	182	165

Civil Special Leave Applications

9. CIVIL SPECIAL LEAVE APPLICATIONS FILED

Court Appealed From										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06
Sydney	392	316	2	10	125	82 ^[1]	0	1	519	409
Melbourne	51	80	1	4	25	20	5	0	82	104
Brisbane	22	16	0	0	29	24	0	0	51	40
Adelaide	32	11	0	0	17	11	0	1	49	23
Perth	17	12	0	0	23	19	0	0	40	31
Canberra	5	4	1	0	4	4	3	0	13	8
Hobart	3	0	0	0	5	4	0	0	8	4
Darwin	1	1	0	0	4	0	0	0	5	1
TOTAL	523	440	4	14	232	164	8	2	767	620

^[1] Includes two applications filed from the Industrial Relations Commission of New South Wales.

10. CIVIL SPECIAL LEAVE APPLICATIONS HEARD

Court Appealed From										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06
Sydney	64	43	7	0	93	88 ^[1]	5	0	169	131
Melbourne	21	14	4	0	21	17	1	0	47	31
Brisbane	6	7	0	0	32	11	0	0	38	18
Adelaide	23	15	0	0	18	12	0	0	41	27
Perth	26	11	1	0	21	18	0	0	48	29
Canberra	2	1	0	0	4	1	0	0	6	2
Hobart	0	0	0	0	2	3	0	0	2	3
Darwin	2	1	0	0	4	1	0	0	6	2
TOTAL	144	92	12	0	195	151	6	0	357	243

^[1] Includes one application heard from the Industrial Relations Commission of New South Wales.

11. CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06
Sydney	189	339	8	6	95	112 ^[1]	5	0	297	457
Melbourne	29	56	4	4	23	33	1	1	57	94
Brisbane	7	23	1	0	36	18	0	0	44	41
Adelaide	22	23	0	0	18	14	0	1	40	38
Perth	30	14	1	0	23	23	0	0	54	37
Canberra	2	3	1	0	4	1	2	0	9	4
Hobart	0	1	0	0	2	3	0	0	2	4
Darwin	2	1	0	0	3	1	0	0	5	2
TOTAL	281	460	15	10	204	205	8	2	508	677

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

12. RESULTS OF CIVIL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	2004-05			2005-06		
	Special Leave Granted	Special Leave Refused	Total	Special Leave Granted	Special Leave Refused	TOTAL
Sydney	32	265	297	34	423	457
Melbourne	8	49	57	6	88	94
Brisbane	17	27	44	2	39	41
Adelaide	8	32	40	2	36	38
Perth	6	48	54	4	33	37
Canberra	3	6	9	0	4	4
Hobart	0	2	2	2	2	4
Darwin	1	4	5	0	2	2
TOTAL	75	433	508	50	627	677

15. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – LEGALLY REPRESENTED

	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time							
	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06						
Months														
to 3	18	7	127	49	198	86	251	97	221	96	5	2	23	10
3 to 6	140	54	90	35	28	12	3	1	5	2	35	14	126	54
6 to 9	76	29	35	13	3	1	2	1	3	1	75	29	50	22
9 to 12	14	6	4	2	0	0	0	0	2	1	92	35	20	9
over 12	11	4	3	1	2	1	3	1	0	0	52	20	12	5
TOTAL	259	100	259	100	231	100	259	100	231	100	259	100	231	100

16. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED LITIGANTS

	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time							
	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06						
Months														
to 3	61	24	59	24	21	5	246	99	445	99	11	5	4	1
3 to 6	62	25	106	43	296	66	3	1	0	0	28	11	260	58
6 to 9	95	38	63	25	85	19	0	0	1	1	42	17	84	19
9 to 12	13	5	18	7	35	8	0	0	0	0	85	34	59	13
over 12	18	8	3	1	9	2	0	0	0	0	83	33	39	9
TOTAL	249	100	249	100	446	100	249	100	446	100	249	100	446	100

16A. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED LITIGANT (WHERE FINALISED ON THE PAPERS PURSUANT TO RULE 41.10.5)

	Filing to Ready for Consideration		Ready for Consideration to Disposition		Disposition to Decision		Total Elapsed Time	
	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06
Months to 3	0	0	0	0	0	0	0	0
3 to 6	0	0	0	0	0	0	0	0
6 to 9	0	0	0	0	0	0	0	0
9 to 12	0	0	0	0	0	0	0	0
over 12	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0
	332	88	12	3	377	100	377	100
	41	11	292	77	0	0	260	69
	4	1	65	17	0	0	76	20
	0	0	7	2	0	0	33	9
	0	0	1	1	0	0	4	1

16B. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED LITIGANT (WHERE, AFTER DIRECTION TO SERVE WRITTEN CASE PURSUANT TO RULE 41.10.6, FINALISED ON THE PAPERS PURSUANT TO RULE 41.11.1)

	Filing to Ready for Consideration		Ready for Consideration to Disposition		Disposition to Decision		Total Elapsed Time	
	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06
Months to 3	0	0	0	0	0	0	0	0
3 to 6	0	0	0	0	0	0	0	0
6 to 9	0	0	0	0	0	0	0	0
9 to 12	0	0	0	0	0	0	0	0
over 12	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0
	0	0	4	80	5	100	0	0
	0	0	1	20	0	0	0	0
	0	0	3	60	0	0	0	0
	0	0	1	20	0	0	0	0
	0	0	1	20	0	0	0	0

16C. ELAPSED TIME FOR CIVIL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED LITIGANT (WHERE, AFTER DIRECTION TO SERVE WRITTEN CASE PURSUANT TO RULE 41.10.6, FINALISED BY A HEARING PURSUANT TO RULE 41.11.2)

Months	Filing to Ready for Consideration		Ready for Consideration to Disposition		Disposition to Decision		Total Elapsed Time				
	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06			
to 3	0	0	0	78	0	8	0	0	0		
3 to 6	0	11	0	22	0	0	0	0	0		
6 to 9	0	78	0	0	0	1	0	0	33		
9 to 12	0	0	0	0	0	0	0	0	45		
over 12	0	0	0	0	0	0	0	0	22		
TOTAL	0	0	0	9	100	0	9	100	0	9	100

Criminal Special Leave Applications

17. CRIMINAL SPECIAL LEAVE APPLICATIONS FILED (SHOWING LOWER COURTS)

Supreme Court	04-05	05-06
NSW	38	23
VIC	16	29
QLD	26	17
SA	10	8
WA	15	13
ACT	2	2
TAS	2	0
NT	0	8
TOTAL	109	100

18. CRIMINAL SPECIAL LEAVE APPLICATIONS HEARD (SHOWING LOWER COURTS)

Supreme Court	04-05	05-06
NSW	28	20
VIC	12	18
QLD	30	19
SA	9	7
WA	16	14
ACT	0	0
TAS	0	0
NT	2	3
TOTAL	97	81

19. CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED (SHOWING LOWER COURTS)

Supreme Court	04-05	05-06
NSW	29	20
VIC	13	18
QLD	36	22
SA	8	9
WA	20	17
ACT	1	1
TAS	0	0
NT	2	3
TOTAL	109	90 ^[1]

^[1] In addition three applications filed in Melbourne were referred for hearing by the Full Court to be argued as if on appeal.

20. RESULTS OF CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED

Registry	2004-05			2005-06		
	Special Leave Granted	Special Leave Refused	Total	Special Leave Granted	Special Leave Refused	TOTAL
Sydney	5	24	29	2	18	20
Melbourne	1	12	13	0	18	18
Brisbane	6	30	36	5	17	22
Adelaide	1	7	8	0	9	9
Perth	2	18	20	1	16	17
Canberra	0	1	1	0	1	1
Hobart	0	0	0	0	0	0
Darwin	0	2	2	0	3	3
TOTAL	15	94	109	8	82	90 ^[1]

^[1] In addition three applications filed in Melbourne were referred for hearing by the Full Court to be argued as if on appeal.

21. RESULTS OF 2005-06 CRIMINAL SPECIAL LEAVE APPLICATIONS DECIDED (SHOWING LOWER COURTS)

Supreme Court	Special Leave Granted	Special Leave Refused	TOTAL
NSW	2	18	20
VIC	0	18	18
QLD	5	17	22
SA	0	9	9
WA	1	16	17
ACT	0	1	1
TAS	0	0	0
NT	0	3	3
TOTAL	8	82	90 ^[1]

^[1] In addition three applications filed in Melbourne were referred for hearing by the Full Court to be argued as if on appeal.

**24B. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED LITIGANTS
(WHERE, AFTER DIRECTION TO SERVE WRITTEN CASE PURSUANT TO RULE 41.10.6, FINALISED ON THE PAPERS
PURSUANT TO RULE 41.11.1)**

	Filing to Ready for Consideration		Ready for Consideration to Disposition		Disposition to Decision		Total Elapsed Time	
	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06
Months to 3	0	0	0	0	0	0	0	0
3 to 6	0	0	0	0	0	0	0	0
6 to 9	0	0	0	0	0	0	0	0
9 to 12	0	0	0	0	0	0	0	0
over 12	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0

**24C. ELAPSED TIME FOR CRIMINAL SPECIAL LEAVE APPLICATIONS FINALISED – SELF-REPRESENTED LITIGANTS
(WHERE, AFTER DIRECTION TO SERVE WRITTEN CASE PURSUANT TO RULE 41.10.6, FINALISED BY A HEARING
PURSUANT TO RULE 41.11.2)**

	Filing to Ready for Consideration		Ready for Consideration to Disposition		Disposition to Decision		Total Elapsed Time	
	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06
Months to 3	0	0	0	0	0	0	0	0
3 to 6	0	0	0	0	0	0	0	0
6 to 9	0	1	0	0	0	0	0	1
9 to 12	0	1	0	0	0	0	0	1
over 12	0	0	0	0	0	0	0	0
TOTAL	0	2	0	2	0	2	0	2

Civil Appeals

25. CIVIL APPEALS FILED

Court Appealed From										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06
Sydney	8	9	0	0	26	22	0	0	34	31
Melbourne	2	2	0	0	10	3	0	0	12	5
Brisbane	1	2	0	0	7	8	0	0	8	10
Adelaide	4	1	0	0	2	2	0	0	6	3
Perth	2	0	0	0	4	4	0	0	6	4
Canberra	0	1	0	0	2	0	0	0	2	1
Hobart	0	0	0	0	0	2	0	0	0	2
Darwin	1	0	0	0	0	0	0	0	1	0
TOTAL	18	15	0	0	51	41	0	0	69	56

26. CIVIL APPEALS HEARD

Court Appealed From										
Registry	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06
Sydney	8	12	0	0	16	30	0	0	24	42
Melbourne	2	3	0	0	11	4	0	0	13	7
Brisbane	1	2	0	0	7	8	0	0	8	10
Adelaide	2	0	0	0	1	3	0	0	3	3
Perth	0	1	0	0	5	6	0	0	5	7
Canberra	0	1	0	0	2	0	0	0	2	1
Hobart	0	0	0	0	0	2	0	0	0	2
Darwin	1	0	0	0	0	0	0	0	1	0
TOTAL	14	19	0	0	42	53	0	0	56	72

27. CIVIL APPEALS DECIDED

Registry	Court Appealed From									
	Federal Court		Family Court		Supreme Court		High Court		TOTAL	
	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06	04-05	05-06
Sydney	8	9	0	0	14	34	0	0	22	43
Melbourne	3	1	0	0	3	9	0	0	6	10
Brisbane	0	1	0	0	13	12	0	0	13	13
Adelaide	4	0	0	0	1	3	0	0	5	3
Perth	1	1	0	0	6	5	0	0	7	6
Canberra	0	1	0	0	1	1	0	0	2	2
Hobart	0	0	0	0	0	1	0	0	0	1
Darwin	1	1	0	0	0	0	0	0	1	1
TOTAL	17	14	0	0	38	65	0	0	55	79

28. RESULTS OF CIVIL APPEALS DECIDED

Registry	2004-05			2005-06		
	Appeals Allowed	Appeals Dismissed	Total	Appeals Allowed	Appeals Dismissed	Total
Sydney	18	4 ^[1]	22	21	22 ^[2]	43
Melbourne	3	3	6	4	6	10
Brisbane	11	2	13	10	3	13
Adelaide	4	1	5	2	1	3
Perth	5	2	7	3 ^[3]	3 ^[4]	6
Canberra	1	0	1	1	1	2
Hobart	0	0	0	1	0	1
Darwin	1	0	1	1	0	1
TOTAL	43	12	55	43	36	79

^[1] Includes two appeals in which special leave was rescinded.

^[2] Includes one appeal in which special leave was rescinded.

^[3] Includes one appeal which was allowed by consent.

^[4] Includes one appeal in which special leave was rescinded.

31. ELAPSED TIME FOR CIVIL APPEALS FINALISED – LEGALLY REPRESENTED

As for Table 30.

**32. ELAPSED TIME FOR CIVIL APPEALS FINALISED – SELF-REPRESENTED
LITIGANTS**

No self-represented litigants in this category.

Criminal Appeals

33. CRIMINAL APPEALS FILED (SHOWING LOWER COURTS)

Supreme Court	04-05	05-06
NSW	5	2
VIC	1	0
QLD	6	6
SA	0	1
WA	2	1
ACT	0	0
TAS	0	0
NT	0	0
TOTAL	14	10

34. CRIMINAL APPEALS HEARD (SHOWING LOWER COURTS)

Supreme Court	04-05	05-06
NSW	6	5
VIC	0	1
QLD	5	7
SA	1	1
WA	1	2
ACT	0	0
TAS	0	0
NT	0	0
TOTAL	13	16

35. CRIMINAL APPEALS DECIDED (SHOWING LOWER COURTS)

Supreme Court	04-05	05-06
NSW	5	6
VIC	1	1
QLD	2	9
SA	2	1
WA	2	2
ACT	0	0
TAS	0	0
NT	1	0
TOTAL	13	19

36. RESULTS OF CRIMINAL APPEALS DECIDED

Registry	2004-05			2005-06		
	Appeals Allowed	Appeals Dismissed	TOTAL	Appeals Allowed	Appeals Dismissed	TOTAL
Sydney	2	3 ^[1]	5	3	3	6
Melbourne	0	1	1	1	0	1
Brisbane	1	1	2	4	5	9
Adelaide	0	2	2	0	1	1
Perth	1	1	2	1	1	2
Canberra	0	0	0	0	0	0
Hobart	0	0	0	0	0	0
Darwin	0	1	1	0	0	0
TOTAL	4	9	13	9	10	19

^[1] Includes one appeal in which special leave was rescinded.

37. RESULTS OF 2005-06 CRIMINAL APPEALS DECIDED (SHOWING LOWER COURTS)

SUPREME COURT	Appeals Allowed	Appeals Dismissed	TOTAL
NSW	3	3	6
VIC	1	0	1
QLD	4	5	9
SA	0	1	1
WA	1	1	2
ACT	0	0	0
TAS	0	0	0
NT	0	0	0
TOTAL	9	10	19

38. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – ALL MATTERS

Months	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06	04-05	% 05-06
to 3	6	46	10	77	1	8	0	0
3 to 6	7	54	3	23	5	38	1	8
6 to 9	0	0	0	0	5	38	3	23
9 to 12	0	0	0	0	2	16	3	23
over 12	0	0	0	0	0	0	6	46
TOTAL	13	100	13	100	13	100	13	100
							19	100
							19	100
							8	16
							11	58
							1	5
							0	0
							0	0
							5	26
							0	0

39. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – LEGALLY REPRESENTED

As for Table 38.

40. ELAPSED TIME FOR CRIMINAL APPEALS FINALISED – SELF-REPRESENTED LITIGANTS

No self-represented litigants in this category.

Original Jurisdiction Matters

41. ELAPSED TIME FOR FULL COURT ORIGINAL JURISDICTION MATTERS FINALISED – ALL MATTERS

	Filing to Ready for Hearing		Ready for Hearing to Hearing		Hearing to Decision		Total Elapsed Time	
	04-05	%	04-05	%	04-05	%	04-05	%
Months								
to 3	4	57	6	86	0	0	0	0
3 to 6	2	29	1	14	0	0	0	0
6 to 9	1	14	0	0	5	71	0	0
9 to 12	0	0	0	0	2	29	4	57
over 12	0	0	0	0	0	0	3	43
TOTAL	7	100	7	100	7	100	7	100

42. ELAPSED TIME FOR FULL COURT ORIGINAL JURISDICTION MATTERS FINALISED – LEGALLY REPRESENTED

As for Table 41.

43. ELAPSED TIME FOR FULL COURT ORIGINAL JURISDICTION MATTERS FINALISED – SELF-REPRESENTED LITIGANTS

No self-represented litigants in this category.



Part 7 – Annexure C

Costs of Litigation Information

This Annexure comprises the following information in relation to costs of litigation in the High Court of Australia:

***High Court of Australia (Fees)
Regulations 2004:***

- Schedule 1: Fees for filing, issuing or sealing a document or obtaining a document or service, as at 30 June 2006
- Record of fees waived during 2005-6

High Court Rules 2004:

- Schedule 2: Scale of professional costs

High Court of Australia (Fees) Regulations 2004

Schedule 1 – Fees

(regulations 6 and 7)

Part 1 – Filing fees and fees for other services

Item	Document or service	Fee	
101	Application for an order to show cause in relation to a writ of certiorari, a writ of mandamus, a writ of habeas corpus or an order for production, a writ of prohibition or an information of quo warranto or like relief	(a) for a corporation	\$2,422
		(b) in any other case	\$1,211
102	Writ of summons or petition	(a) for a corporation	\$2,422
		(b) in any other case	\$1,211
103	Civil leave or civil special leave application	(a) for a corporation	\$2,422
		(b) in any other case	\$1,211
104	Criminal special leave application	\$76	
105	Application initiating a proceeding (including removals under section 40 of the <i>Judiciary Act</i> 1903 (Cth), but not including an application referred to in another item of this Schedule)	(a) for a corporation	\$2,422
		(b) in any other case	\$1,211
106	Civil notice of appeal	(a) for a corporation	\$2,422
		(b) in any other case	\$1,211
107	Criminal notice of appeal	\$445	
108	Certificate of the Registrar other than a certificate of taxation	\$43	
109	Taxing a bill of costs for every \$100, or part of \$100	\$9	

Part 2 – Fees for obtaining a document or service

Item	Document or service	Fee
201	Searching or inspecting a document mentioned in rule 4.07.4 of the <i>High Court Rules 2004</i> – for each hour or part of an hour	\$14
202	Making a photocopy or office copy of any document – for each page	\$3
203	Copy of reasons for judgment:	
	(a) for each copy issued to a person not a party to the proceedings; and	\$3
	(b) for each copy in excess of one copy issued to a party to the proceeding; and	\$3
	(c) in respect of each copy issued:	
	(i) for each page in excess of 10 pages: or	\$1
	(ii) maximum per copy	\$30
204	Annual subscription for copies of reasons for judgments	\$521
205	Copy of transcript of proceedings prepared by the Court Reporting Service – for each page	\$8

Part 3 – Hearing fees

Item	Hearing	Fee
301	For the hearing before the Full Court of a notice of appeal in relation to a criminal proceeding	\$746
302	For the hearing before the Full Court of: <ul style="list-style-type: none"> (a) a notice of appeal in relation to a civil proceeding; or (b) a petition; or (c) a writ of summons 	<ul style="list-style-type: none"> (a) for a corporation \$3,633 (b) in any other case \$1,817
303	For the hearing before a single Justice of: <ul style="list-style-type: none"> (a) an application for an order to show cause in relation to a writ of certiorari, a writ of mandamus, a writ of habeus corpus, or an order for production, a writ of prohibition or an information of quo warranto or like relief; or (b) a petition; or (c) a writ of summons; or (d) a summons (other than a summons for directions or a summons mentioned in rule 25.03.1 of the <i>High Court Rules 2004</i>; for each half-day or part of a half-day 	<ul style="list-style-type: none"> (a) for a corporation \$606 (b) in any other case \$303
304	For the hearing of a proceeding before the Full Court (other than an application for leave or special leave to appeal, or a criminal appeal, or an application for removal under section 40 of the <i>Judiciary Act 1903</i> (Cth) – for each day or part of a day (including the first day of the hearing), in addition to any fee payable under item 302	<ul style="list-style-type: none"> (a) for a corporation \$1,817 (b) in any other case \$908

High Court of Australia (Fees) Regulations 2004 (amended by SLI No. 110 of 2005)*

Record Of Fees Waived During 2005-06

Exemption Category	Sources of Exemption	No.	Amount
Legal Aid	Regulation 9(1)(a)	21	\$22,045
Holder of a concession card	Regulation 9(1)(b)(i)	82	\$105,892
Prison inmate/person in lawful detention	Regulation (9)(1)(b)(ii)	67	\$41,107
Child under the age of 18 years	Regulation (9)(1)(b)(iii)	13	\$14,608
Youth Allowance or Austudy payment recipient	Regulation (9)(1)(b)(iv)	0	Nil
ABSTUDY recipient	Regulation (9)(1)(b)(v)	0	Nil
Financial hardship	Regulation 10	299	\$248,107
TOTAL		482	\$431,759

* As of 1 July 2005 a waiver can be given on the ground of financial hardship of only two-thirds of the filing fee or hearing fee (and not a complete waiver as was the case prior to that date).

High Court Rules 2004

Schedule 2 – Scale Of Professional Costs

Item		1/3/2005 to date \$
INSTRUCTIONS		
1	To sue or defend, or to make or oppose an application for special leave to appeal, or to appeal, or oppose an appeal or to cross appeal, or for any other originating proceedings.	217.90
2	To make or oppose any interlocutory proceeding.	96.70
3	For a special case, case stated or reservation of question of law for the consideration of a Full Court, or for a statement of claim or a petition.	217.90
4	For any pleading (other than a statement of claim).	169.30
5	To amend any pleading.	58.30
6	For a statement of facts or an agreed statement of facts in a matter.	169.30
7	For interrogatories, answers to interrogatories, special affidavits or an affidavit (not being a formal affidavit).	130.60
8	For counsel to advise.	93.20
9	For a document not otherwise provided for.	36.40
10	For a brief for Counsel on a hearing or application in Court or brief notes for solicitor.	121.10
	NOTE: Instructions are not to be allowed where the work intended to be included therein is charged for and allowed in detail. Instead of the above costs for instructions, such larger sum may be claimed as is reasonable in all the circumstances of the case, and is allowed on taxation at the discretion of the Taxing Officer.	
WRITS		
11	Writ of summons for the commencement of an action or other writ not specifically provided for.	100.70
12	Concurrent writ of summons.	36.20
13	Writ of subpoena.	52.70
14	If any of the above writs exceeds three folios, for each extra folio.	7.30
	NOTE: These costs include all endorsements, and copies (for the officers sealing them) and attendances to issue or seal, but not the Court fees.	

Item	1/3/2005 to date \$
SUMMONSES	
15	61.80
Any summons, including preparation, copies and attendance to issue, including attendance to fix return date;	
– if more than three folios, for each extra folio.	7.30
APPEARANCES AND NOTICES	
16	101.90
Preparing and entering an appearance including duplicate memorandum and notice of appearance for service.	
17	34.10
Any necessary or proper notice or memorandum not otherwise provided for, or any demand;	
– if more than three folios, for each extra folio.	7.30
NOTE: This provision shall not apply to short notices or memoranda endorsed on other documents but the words or folios therein may be allowed as part of the documents so endorsed.	
DRAWING	
18	96.70
Drawing any pleading or affidavit not exceeding five folios;	
– or per folio.	13.60
19	13.30
Drawing any other document where no other provision is made – per folio.	
ENGROSSING	
20	2.40
Marking each exhibit to an affidavit.	
21	5.00
Engrossing any document – per folio.	
COPIES	
22	2.40
Of any document including carbon, photographic or machine-made copy – per page.	
Except that where the allowance for 10 or more pages is claimed, in respect of any document, the sum allowed for such copies shall be at the discretion of the Taxing Officer.	

1/3/2005
to date
\$

Item

PERUSAL AND EXAMINATION

23	Perusal of any document including special letter, telegram, telex or similar document;	36.00
	– or per folio.	5.00
	Except that where an allowance for 30 or more folios is claimed, in respect of any document, the sum allowed for perusal shall be at the discretion of the Taxing Officer.	
24	Where it is not necessary to peruse a document, such as checking a proof print of, or examining an application or appeal book – per quarter hour:	
	– solicitor;	36.20
	– clerk.	11.80

CORRESPONDENCE

25	Short letter including a formal acknowledgment, making appointments, forwarding documents without comment.	17.20
26	Ordinary letter (including letters between principal and agent).	29.20
27	Circular letter (after the first) each.	9.70
28	Special letter or letter containing opinion and including letters of substance between principal and agent;	48.30
	Or Such sum as the Taxing Officer thinks reasonable in the circumstances.	
29	Telegram, facsimile copy, telex or other document by similar transmitting process including attendance to dispatch (where necessary);	48.30
	Or Such sum as the Taxing Officer thinks reasonable in the circumstances.	
30	Receiving and filing any incoming special letter, facsimile, telegram or telex.	2.40

NOTE: Postage and transmission fees may be claimed as a disbursement properly incurred.

Item	1/3/2005 to date \$
SERVICE	
31	60.10
Personal service of any process or proceeding where necessary; Or Such sum may be allowed as is reasonable having regard to time occupied, distance travelled and other relevant circumstances.	
32	53.50
When, in consequence of the distance of the party to be served, it is proper to effect service through an agent, instead of the allowance for service for: (a) correspondence;	
	102.10
(b) agent's charges; and such disbursements as may reasonably be incurred.	
33	20.60
Service of any document at the office of the address for service either by delivery or by post.	
ATTENDANCES	
34	57.70
An attendance which requires the attendance of a solicitor – per quarter hour.	
35	36.00
An attendance which is capable of being made by a clerk; – or per quarter hour.	
	9.50
36	17.20
Making an appointment or similar attendance by telephone.	
37	36.70
An attendance on counsel: – with brief or other papers;	
	16.10
– to appoint a conference or consultation.	
38	96.70
A conference or consultation with counsel; – or per half hour.	
	73.00
39	54.40
On a summons – or per half hour	
	96.70
40	232.40
In Court instructing counsel on any hearing or application: – if a solicitor attends, per hour;	
	96.80
– or, if a clerk attends, per hour.	

Item	1/3/2005 to date \$
41	
On an application or appearance before a Registrar or a Taxing Officer; – or per hour.	121.10 145.10
NOTE: Instead of the above costs for attendances, such larger sum may be claimed as is reasonable in all the circumstances of the case, and is allowed on taxation at the discretion of the Taxing Officer.	
42	
To hear judgment.	63.40
43	
When in the opinion of the Taxing Officer it is necessary for two solicitors, or a solicitor and a clerk, to attend on a hearing, such additional allowance as the Taxing Officer thinks reasonable shall be made – not exceeding per day.	485.80
44	
Where the Taxing Officer is satisfied that a solicitor's principal place of practice is in a place other than that in which the Court is sitting, and it is necessary for the solicitor to leave that place to attend in Court at the hearing of an appeal, application, or cause, an allowance (in addition to reasonable travelling expenses) may be made for each day that the solicitor is necessarily absent from the principal place of practice of such amount that the Taxing Officer thinks reasonable having regard to such other charges as the solicitor may be entitled to make in the matter – not exceeding per day.	1085.10
45	
An attendance for which no other provision is made.	48.30

PREPARATION OF APPEAL AND APPLICATION BOOKS

46	
Preparation of appeal and application books including collating all necessary material, all necessary attendances and general oversight of their preparation in cases where the Registrar is satisfied it has been done efficiently – per hour:	
– solicitor;	157.00
– clerk.	52.40
47	
Where appeal or application books are prepared in a solicitor's office, the Taxing Officer may in his or her discretion allow such sum as the Taxing Officer thinks just and reasonable having regard to work and labour properly performed and charged for material used. In exercising his or her discretion the Taxing Officer shall have regard to commercial rates for copying and binding and is not obliged to apply the photographic or machine made copy costs otherwise allowable in this scale.	

Item

GENERAL CARE AND CONDUCT

- 48 The Taxing Officer may, where the case or circumstances warrant it, allow an amount to be claimed under this item, in addition to any item which appears in this scale, for general care and conduct. In exercising his or her discretion the Taxing Officer may have regard to any matters which the Taxing Officer considers relevant including:
- (a) the complexity of the matter and the difficulty and novelty of the questions raised or any of them;
 - (b) the importance of the matter to the party and the amount involved;
 - (c) the skill, labour, specialised knowledge and responsibility involved therein on the part of the solicitor;
 - (d) the number and importance of the documents prepared or perused without regard to length;
 - (e) the time expended by the solicitor;
 - (f) research and consideration of questions of law and fact.

WITNESSES' EXPENSES

- | | | |
|----|--|--------|
| 49 | Witnesses called because of their professional, scientific or other special skill or knowledge – per day. | 883.90 |
| 50 | Witnesses called, other than those covered in item 49 – per day; | 93.20 |
| 51 | Witnesses remunerated in their occupation by wages, salary or fees, the amount lost by attendance at Court. | |
| 52 | Where the witness resides more than 50 kilometres from the Court, such sum as the Taxing Officer thinks reasonable for the actual cost of conveyance, together with a reasonable amount for sustenance or maintenance. | |
| 53 | The Taxing Officer may also allow such amount as he or she thinks reasonable and properly incurred and paid to witnesses for qualifying to give skilled evidence. | |

1/3/2005
to date
\$

Item

- 54 Notwithstanding anything in the scale, the Taxing Officer may allow to an expert witness a special fee for attendance at Court not covered by the foregoing paragraphs of this item when the witness is acting as an expert in assisting counsel or a solicitor for a period during the trial or hearing. The scale in this item does not affect the existing practice of allowing qualifying fees to witnesses.

DISBURSEMENTS

- 55 All Court fees, counsel's fees and other fees and payments, to the extent to which they have been properly and reasonably incurred and paid, shall be allowed.
- 56 The remuneration allowed to a solicitor shall be governed by the foregoing scale but in special cases the Taxing Officer may in his or her discretion allow such additional charges or disbursements as the Taxing Officer considers reasonable.
-

Part 7 – Annexure D

Staffing Overview

This Annexure comprises two tables which provide a profile of the Court administration's staffing as at 30 June 2006. The first table shows the number of men and women in full-time and part-time employment with the Court, and the second table shows the composition of staff by salary classification. Both tables exclude staff employed on a casual or sessional basis.

1. STAFF PROFILE BY EMPLOYMENT CATEGORY AND SEX

Employment Category and Sex	Office of the Chief Executive	Chambers	Registry Branch	Library Branch	Marshal's Branch	TOTAL
Full-time staff						
<i>Permanent</i>						
Men	1	2	4	0	11	18
Women	0	10	10	7	6	33
Total	1	12	14	7	17	51
<i>Temporary</i>						
Men	0	6	0	1	0	7
Women	0	8	0	0	0	8
Total	0	14	0	1	0	15
<i>All full-time staff</i>						
Men	1	8	4	1	11	25
Women	0	18	10	7	6	41
Total	1	26	14	8	17	66
Part-time staff						
<i>Permanent</i>						
Men	0	0	0	0	3	3
Women	1	1	1	4	6	13
Total	1	1	1	4	9	16
<i>Temporary</i>						
Men	0	0	0	0	0	0
Women	0	0	0	0	0	0
Total	0	0	0	0	0	0
<i>All part-time staff</i>						
Men	0	0	0	0	3	3
Women	1	1	1	4	6	13
Total	1	1	1	4	9	16
All staff						
Men	1	8	4	1	14	28
Women	1	19	11	11	12	54
TOTAL	2	27	15	12	26	82

2. COMPOSITION OF STAFF BY SALARY CLASSIFICATION

Classification and Salary	Office of the Chief Executive		Chambers		Registry Branch		Library Branch		Marshal's Branch		TOTAL		
	M	F	M	F	M	F	M	F	M	F	M	F	
Holder of Public Office	1										1		
Senior Executive (above \$110,000)			1			1		1		1	2	2	
High Court Executive Levels 1-2 (\$71,954-\$100,611)				1	1	4		1		1	2	2	9
High Court Officer Levels 5-6 (\$51,964-\$64,470)			7	17		1	1	2	3	3	11	22	
High Court Officer Levels 1-4 (\$32,730-\$50,585)		1		1	3	5		7	9	7	12	21	
TOTAL	1	1	8	19	4	11	1	11	14	12	28	54	





