




HIGH COURT OF AUSTRALIA

# ANNUAL REPORT







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**High Court of Australia**

Canberra ACT 2600

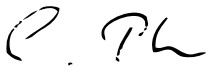
25 October 2016

Dear Attorney

In accordance with section 47 of the *High Court of Australia Act 1979 (Cth)*, I submit on behalf of the High Court and with its approval a report relating to the administration of the affairs of the Court under section 17 of the Act for the year ended 30 June 2016, together with financial statements in respect of the year in the form approved by the Minister for Finance.

Section 47(3) of the Act requires you to cause a copy of this report to be laid before each House of Parliament within 15 sitting days of that House after its receipt by you.

Yours sincerely



**Andrew Phelan**

Chief Executive and Principal Registrar  
of the High Court of Australia

Senator the Honourable George Brandis QC  
Attorney-General  
Parliament House  
Canberra ACT 2600



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# 1

## Preamble



## PART 1 | PREAMBLE

This is the 37th report prepared as required by the *High Court of Australia Act 1979 (Cth)*.

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# 2

## Introduction

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## PART 2 | INTRODUCTION

The High Court of Australia is the highest court in the Australian judicial system. It has its origins in the Australian Constitution, section 71 of which provides that ‘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.’

The functions of the High Court are to:

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

The seat of the Court is in Canberra, where most hearings take place. However, the Court also sits in the other capital cities when there is sufficient business to do so.

There are seven Justices of the Court. Ordinarily, constitutional cases are heard by all seven Justices. Appeals are usually heard by five or seven Justices. Before an appeal is heard the Court must have granted leave or special leave to appeal.

Special leave applications are first examined by a panel of Justices, usually two. If the panel decides that special leave should be granted or refused without oral argument, orders to that effect are published by the members of the panel, sitting in open court. If the panel considers that the application should be heard in court, it is so listed and proceeds to an oral hearing. Such hearings take place before two or three Justices and are usually heard in Canberra, Sydney or Melbourne, including sometimes by video-link between capital cities. Interlocutory applications are heard by a single Justice, usually in the capital city in which they reside, or by video-link from Canberra.

At 30 June 2016, the seven Justices of the High Court were:



### CHIEF JUSTICE ROBERT FRENCH AC

Robert Shenton French was appointed Chief Justice of the High Court of Australia in September 2008. At the time of his appointment he was a judge of the Federal Court of Australia, having been appointed to that office in November 1986. He graduated from the University of Western Australia in science and law. He was admitted in 1972 and practised as a barrister and solicitor in Western Australia until 1983 when he went to the Western Australian Bar. From 1994–98 he was President of the National Native Title Tribunal. At the time of his appointment he was an additional member of the Supreme Court of the Australian Capital Territory and a member of the Supreme Court of Fiji. He was also a Deputy President of the Australian Competition Tribunal and a part-time member of the Australian Law Reform Commission. From 2001 until January 2005 he was president of the Australian Association of Constitutional Law. Chief Justice French was appointed a Companion in the General Division of the Order of Australia in 2010.



### JUSTICE SUSAN KIEFEL AC

Susan Mary Kiefel was appointed to the Court in September 2007. At the time of her appointment she was a judge of the Federal Court of Australia and the Supreme Court of Norfolk Island. She served as a judge of the Supreme Court of Queensland in 1993–94 before joining the Federal Court. She was admitted to the Queensland Bar in 1975 and was the first woman in Queensland to be appointed Queen's Counsel, in 1987. Justice Kiefel served as a part-time Commissioner of the Australian Law Reform Commission from 2003 to 2007. She has a Masters of Laws degree from Cambridge University. Justice Kiefel was appointed a Companion in the General Division of the Order of Australia in 2011.





### JUSTICE VIRGINIA BELL AC

Virginia Margaret Bell was appointed to the Court in February 2009. At the time of her appointment she was a judge of the New South Wales Court of Appeal. She graduated from the University of Sydney as a Bachelor of Laws in 1977. After seven years as a solicitor with the Redfern Legal Centre, she was admitted to the New South Wales Bar in 1984 and was appointed a Senior Counsel in 1997. Justice Bell practised as a public defender between 1986 and 1989 before returning to the private Bar. Between 1994 and 1997 she was a counsel assisting the Royal Commission into the New South Wales Police Service. Justice Bell was appointed a judge of the Supreme Court of New South Wales in March 1999. She served as president of the Australasian Institute of Judicial Administration from 2006 to 2008. Justice Bell was appointed a Companion in the General Division of the Order of Australia in 2012.



### JUSTICE STEPHEN GAGELER

Stephen John Gageler was appointed to the Court in October 2012. At the time of his appointment he was Solicitor-General of Australia. He is a graduate of the Australian National University and has post-graduate qualifications from Harvard University. He was admitted as a barrister of the Supreme Court of New South Wales in 1989 and was appointed Senior Counsel in 2000. Before his appointment as Solicitor-General in 2008, he practised as a barrister extensively throughout Australia principally in constitutional law, administrative law and commercial law.



### JUSTICE PATRICK KEANE AC

Patrick Anthony Keane was appointed to the Court in March 2013. At the time of his appointment he was Chief Justice of the Federal Court of Australia. He served as a judge of the Court of Appeal, Supreme Court of Queensland from 2005–2010 before joining the Federal Court. He is a graduate of the University of Queensland and Oxford University. He was admitted to the Queensland Bar in 1977 and in 1988 was appointed Queen’s Counsel. He was Solicitor-General for Queensland from 1992 to 2005. Justice Keane was appointed a Companion in the General Division of the Order of Australia in 2015.



### JUSTICE GEOFFREY NETTLE

Geoffrey Arthur Akeroyd Nettle was appointed to the Court in February 2015. At the time of his appointment, he was a judge of the Victorian Court of Appeal, to which he was appointed in June 2004. Before that he served as a judge of the Trial Division of the Supreme Court of Victoria, to which he had been appointed in July 2002. He graduated in economics from the Australian National University, in law from the University of Melbourne and as a Bachelor of Civil Law from the University of Oxford. He was admitted to practise in 1977 and joined the Victorian Bar in 1982. He was appointed a Queen’s Counsel in 1992. He practised in state and federal courts principally in commercial, equity, taxation and constitutional matters.





## JUSTICE MICHELLE GORDON

Michelle Marjorie Gordon was appointed to the Court in June 2015. At the time of her appointment, she was a judge of the Federal Court of Australia, to which she was appointed in April 2007. She graduated in law from the University of Western Australia. She was admitted to practise in Western Australia in 1987 and joined the Victorian Bar in 1992. She was appointed Senior Counsel in 2003. She practised in state and federal courts principally in commercial, equity, taxation and general civil matters. She was appointed a Professorial Fellow of the Melbourne Law School in July 2015.



# 3

## CHIEF JUSTICE'S OVERVIEW





## PART 3 | CHIEF JUSTICE'S OVERVIEW

Section 71 of the Constitution vests the judicial power of the Commonwealth in the High Court of Australia, in such other federal courts as the Parliament creates, and in such other courts as it vests with federal jurisdiction. The High Court has original jurisdiction in matters defined by s 75 of the Constitution and original jurisdiction conferred by laws made by the Parliament under s 76 of the Constitution — including jurisdiction in any matter arising under the Constitution or involving its interpretation, or in any matter arising under any laws made by the Parliament. The High Court is also the final court of appeal for all other Federal courts or courts exercising federal jurisdiction and for the Supreme Court of any State.

The High Court today consists of seven Justices, each appointed until the age of 70. The Justices administer the affairs of the Court pursuant to s 17 of the *High Court of Australia Act 1979* (Cth). In carrying out that task they are assisted by the Chief Executive and Principal Registrar, Mr Andrew Phelan, and by senior staff of the Court. The Justices have a Business Meeting with the Chief Executive and Principal Registrar in each month in which the Court is sitting. There are also committees of the Court, each of which consists of two or

more Justices, assisted by relevant Court staff. The Committees relate to Finance, Information Technology, Rules, Public Information, Library Services, Artworks and the production of the Annual Report.

In 2015–2016, the Court decided 455 Special Leave Applications, 45 appeals, 7 cases involving an application for constitutional writs and 16 other cases. Ninety-five per cent of the applications for leave or special leave to appeal and 93 per cent of appeals decided by the Court during the reporting year were completed

within nine months of filing. All civil and criminal appeals decided by the Full Court in 2015–2016 were decided within 6 months of the hearing of argument. Sixty-six per cent of the cases were decided within 3 months of hearing.

Cases decided by the Court during the reporting period reflect the Court's functions as the final appellate and constitutional court of Australia and the variety of subject matters encompassed by its jurisdiction. They included cases about the constitutional validity of State laws restricting political donations, of arrest and detention laws in the Northern Territory, of offshore processing arrangements involving asylum seekers on Nauru, of changes to Commonwealth electoral laws relating to Senate elections, and a case about the scope of the constitutional requirement for trial by jury in relation to offences against Commonwealth law tried on indictment. The Court has also heard cases involving taxation, contract, criminal law and intellectual property law including an important case on the patentability of gene sequences relevant to the detection of susceptibility to breast cancer.

The Court does not choose the cases which commence in its original jurisdiction. However, in determining whether or not to grant special leave to appeal from a decision of another court, the Court has regard to whether the proceedings involve a question of law that is of public importance or in respect of which there is a need to resolve differences of opinion between different courts, or within the one court as to the state of the law. The Court may also have regard to whether the interests of the administration of justice, either generally or in the particular case, require consideration of the judgment

to which the application for special leave applies.

In the 2015–2016 year, income received by the High Court including from its principal source, parliamentary appropriation, was \$16.231 million. Operating expenses including unfunded depreciation charges of \$5.890 million amounted to a total of \$22.509 million. The underlying deficit after taking out unfunded depreciation allowances was \$0.388 million. This was within the estimate of expenditure approved by the Attorney-General under s 36(1) of the *High Court of Australia Act 1979*.

The High Court has a small administration. Its total staff, (not including Justices) comprises 98 persons. Thirty-five are full-time and part-time ongoing staff, 34 are full-time and part-time non-ongoing staff and 29 are casual staff. The Court operates nationally with extended logistical requirements and large fixed costs. Historically its appropriated revenues have not kept pace with unavoidable cost increases particularly in building-related expenditure. Many of the Court's administrative costs are fixed, for example, statutory charges for electricity to operate the building. Efficiency dividends affect core elements of the Court's operations such as Registry and Library staffing. The Court has undertaken comprehensive reviews of its Registry and administrative processes and structures since 2008. The position continues to be that there is no material scope to reduce the Court's administrative costs significantly.

Since 2008 the Court's staff numbers, expressed in terms of full time equivalents, have decreased from 87 to 73 and are likely to reduce by another one over the

next 12 months. Four positions have been transferred to contractors providing security and cleaning services. The bulk of the reduction representing a reduction of about 20 per cent has taken place in the areas of Registry, Library and Corporate Services staff. It should be borne in mind that the Court staff not only provide the administrative and registry services necessary for the operation of the Court but also manage a large public building which receives tens of thousands of visitors from around Australia each year. The Court also maintains public registry counters in Sydney and Melbourne and staffs chambers in four States.

During the reporting year the Court has completed significant upgrades in audio-visual and recording technology in the three Canberra courtrooms and has also increased the bandwidth for the intranet which serves its Canberra and interstate registries and chambers.

The Court has taken steps to enhance safety measures in the Canberra building for its many visitors, including school children who come to the Court during sitting and non-sitting periods. Those steps include increasing the heights of balustrades and handrails in the public areas and on the forecourt. Security measures have been kept under review with a review and updating of the Court's emergency response plan, the preparation of a security management plan and the installation of new security bollards. In 2015/2016 the security costs associated with the Canberra building were 17 per cent of supplier (that is not non-salary) expenditure. About half of this amount included additional security costs that the Court absorbed without additional appropriation funding.

The Court's public education and visitor programs have continued with a view to enhancing awareness of its constitutional role and the rule of law. During the reporting year, approximately 37,000 school students received guided tours of the Court and presentations on its constitutional and appellate role. Approximately 40,000 other visitors attended the building. Some 5,500 people have attended concerts presented at the Court by a variety of groups on one or two Sundays each month. The Court Guides conduct tours of the building for visitors and school groups generally and speak about the role and history of the Court and the architecture of the building. The Court also supports the hosting of exhibitions and other events by embassies and cultural communities in its Canberra building.

Public access to the work of the Court is provided by on-line written submissions, transcripts of oral arguments, judgments and judgment summaries. An audio-visual record of Full Court hearings has been in place since October 2013 and ordinarily becomes available within a day after each sitting day.

The Court welcomed international judicial visitors from a number of countries including India, Israel, Kenya, The Republic of Korea, Myanmar, Nepal, South Africa, Sri Lanka, Papua New Guinea, The Philippines and the People's Republic of China.

In September 2015, three members of the Court participated in a Colloquium in Hong Kong hosted by Chief Justice Ma and involving senior Judges of the Supreme Courts of Canada and New Zealand and the Hong Kong Court of Final Appeal. In the course of that visit, I met with the Chief Justice of the Supreme



Court of the People's Republic of China along with the Chief Justices of Canada and New Zealand and the President of the Supreme Court of the United Kingdom. As a result of that meeting, I will be leading a delegation to the Supreme People's Court in China in September 2016. In January 2016, I attended and delivered a key note address at an international conference on 'Doing Business Across Asia' convened in Singapore. At that conference the Asian Business Law Institute whose foundation members are Australia, India, Singapore and the People's Republic of China, was established. I attended the first meeting of Governors of that Institute whose object is to research and promote convergence in commercial laws in the Asian region.

During the reporting period the Court has continued to maintain its involvement with the Asia Pacific Judicial Reform Forum, the secretariat of which is now chaired by Justice Bell and which is administered by the Chief Executive and Principal Registrar. Justice Bell and I both attended the 28th Annual LAWASIA Conference in Sydney in November 2015 at which I delivered opening remarks and in the course of which Justice Bell and I met with Chief Justices in the region to discuss the future of the Asia Pacific Judicial Reform Forum.

The Australian judicial system is a national integrated judicial system. In recognition of its importance, I chair the Council of Chief Justices of Australia and New Zealand, which meets twice yearly. The Chief Executive and Principal Registrar provides administrative support and secretariat services to that Council.

There were no changes to the personnel of the Court during the reporting year. Two former justices of the Court, the Hon John Leslie Toohey AC and Sir Kenneth Jacobs KBE died during the year and ceremonial sittings were held to acknowledge their service to the Court.

This will be the last occasion on which I write the Chief Justice's Overview for the Annual Report of the High Court of Australia. I will attain the age of 70 on 19 March 2017 which is the mandatory age for retirement of Justices of the High Court under the Constitution. I have tendered my resignation from the office of Chief Justice with effect from 29 January 2017 so that my successor can assume office on the first sitting day of the new year. It has been a signal honour to serve in this high office over the past eight years. I take the opportunity to express my deep gratitude for the support I have received from my colleagues past and present on the Court, from the Chief Executive and Principal Registrar, the officers and staff of the Court, and my personal staff and associates during my term of office.



# 4

## The year in review

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## PART 4 | THE YEAR IN REVIEW

### CHANGES IN COURT PROCESSES

During the year, the Court reviewed the procedures governing the filing and determination of applications for leave and special leave to appeal to the Court and decided to streamline some of the processes in order to reduce the time between filing and determination of applications and to reduce the cost to the parties.

On 7 June 2016, following consultation with the legal profession, the *High Court Amendment (2016 Measures No 1) Rules* 2016 were signed by the Justices of the Court. These incorporated in the *High Court Rules* 2004 the new special leave procedures (in Part 41) and the amendments required to bring Part 26 (dealing with applications for removal of proceedings pending in other courts) into line with the new procedures. The Amendment Rules also provided a new Form for the outline of oral submissions required in Full Court hearings.

The Court has since commenced a review of the procedures governing the preparation for hearings of appeals and

matters in the Court's original jurisdiction and anticipates completing the review in 2016–17.

### JUDICIAL WORKLOAD

#### Full Court hearings and decisions

As shown in Tables A and B, the numbers of Full Court hearings and decisions in 2015–16 were comparable with averages for both during the past 10 years.

Of the civil and criminal appeals decided by the Full Court in 2015–16, the decision was given in 100 per cent of cases within six months of the hearing of argument. The decision was given in 66 per cent of the cases within three months of the hearing.

### APPLICATIONS FOR SPECIAL LEAVE

There was a small increase, over the previous year and the average for the past five years, in the number of applications for special leave in 2015–16. Table C demonstrates the proportion of applications filed by self represented litigants in the past 10 years. Consistent with the proportion for 2014–15, 46 per cent of special leave

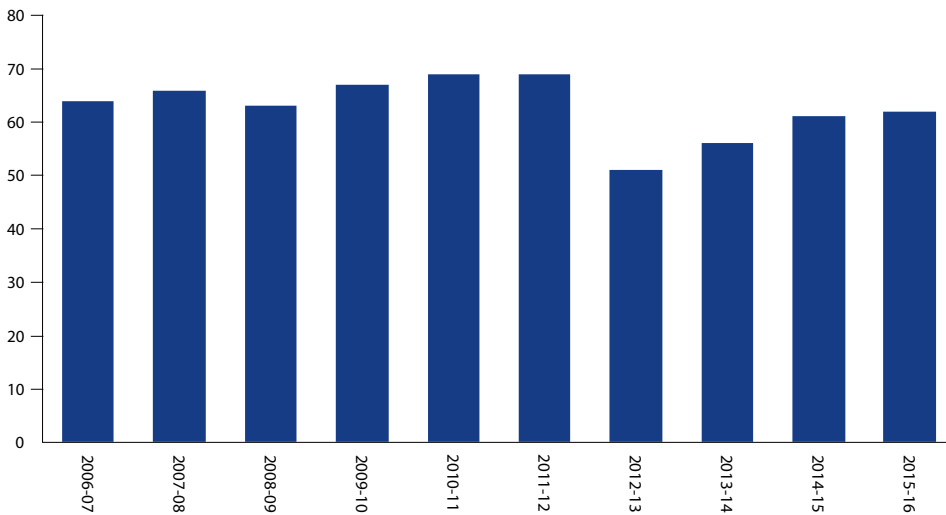
applications were filed by self represented litigants in 2015–16.

The proportion of civil special leave applications involving immigration matters at 33 per cent was consistent with the 32 per cent in 2014–15. Table D illustrates the number of immigration matters as a proportion of civil special leave applications filed in the past 10 years.

Seventy six per cent of the immigration applications filed in 2015–16 were filed by self represented litigants.

Sixty five per cent of the applications for leave or special leave to appeal decided by the Court during 2015–16 were determined on the papers, in accordance with the then procedures in the *High Court Rules 2004* governing the consideration of applications.

**Table A. Full Court hearings (other than special leave and removal applications)**



**Table B. Full Court decisions (other than special leave and removal applications)**

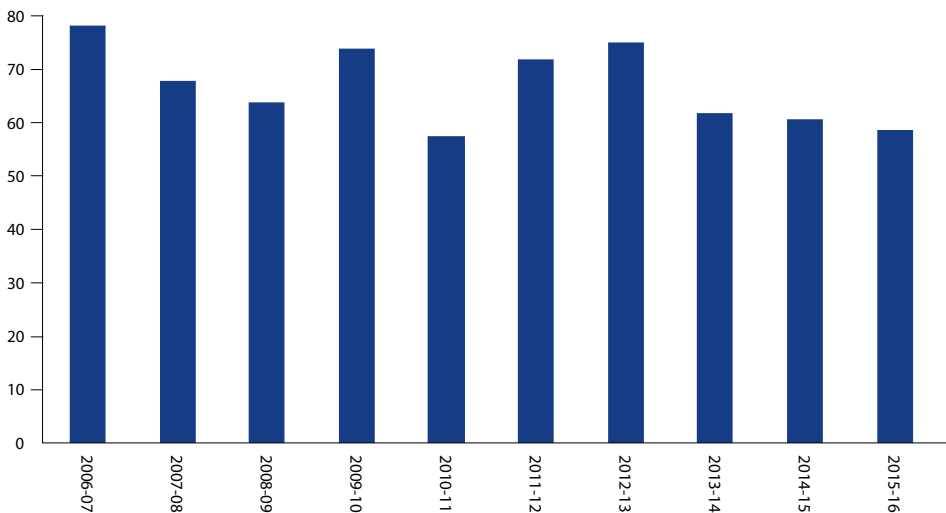


Table C. Applications for Special Leave Filed

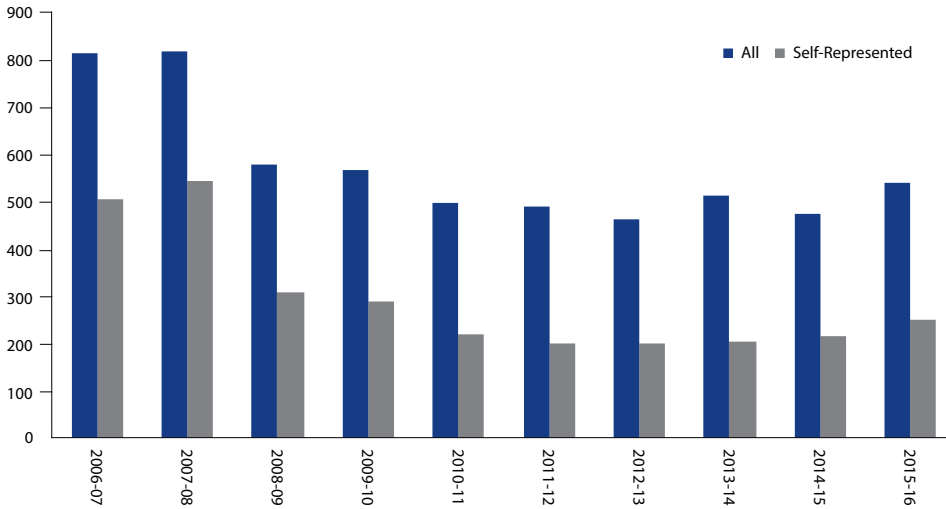
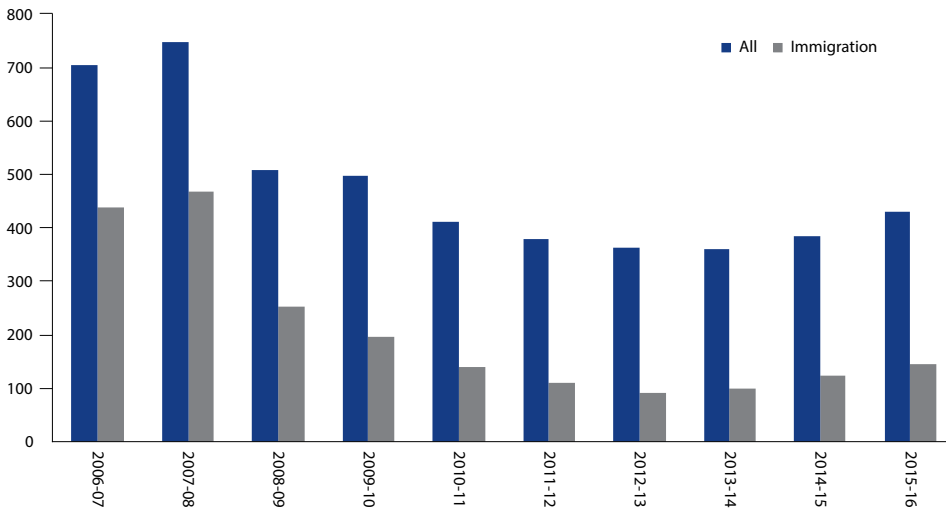


Table D. Immigration matters as a proportion of civil special leave applications filed



Sixty per cent of the applications for leave or special leave to appeal decided during 2014–15 were determined on the papers.

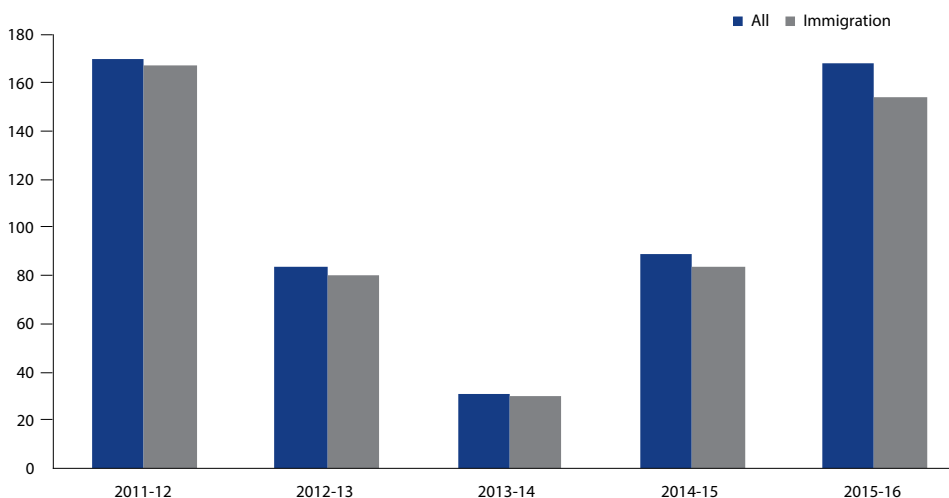
## CONSTITUTIONAL WRITS

The number of applications for constitutional writs filed increased from 89 in 2014–15 to 168 in 2015–16. The

increase is explained by the additional 89 immigration applications associated with a test case which was heard and determined by the Full Court during the reporting year. The proportion of applications for constitutional writs involving immigration matters remained consistent with 94 per cent during 2014–15 and 92 per cent in 2015–16. Table E illustrates the number



Table E. Constitutional Writs Filed



of immigration matters as a proportion of applications for constitutional writs filed in the past 5 years.

## COURT FUNDING

In 2015–16, income including revenue from appropriations amounted to \$16.231m, and operating expenses were \$22.509m, resulting in a deficit of \$6.278m.

The deficit is largely attributable to the Court not receiving appropriation funding for depreciation of non-financial assets. Unfunded depreciation totalling \$5.890m formed part of the Court's operating expenses in 2015–16.

The Court's underlying operating result (excluding unfunded depreciation) was a deficit of \$0.388m. This was within the estimates of expenditure approved by the Attorney-General under s36(1) of the *High Court of Australia Act 1979*. The main cause of this deficit was the need to absorb additional costs of Court security, while meeting efficiency dividends.

## ADMINISTRATIVE ACTIVITIES

During the year, the Court commenced or implemented a range of projects to continue to improve the physical and technical infrastructure of the Court, Court security and the administrative processes supporting Court operations. It is a credit to the small but capable administration of the Court that these significant projects have been undertaken cost-effectively, within budget and on time. Details are contained in Part 6.

## PUBLIC INFORMATION

As explained in Part 6, the Court has continued to publish comprehensive case information online, including written arguments, transcripts of hearings, audio-visual recordings of Full Court hearings and judgments. Speeches by Justices, historical information and educational materials are also published on the Court's website. Court visitor services have continued to welcome schools (over 800

schools visited the Court in 2015–16) and others to the Court in Canberra. Public concerts have continued to be a feature of after-hours use of the Court building.

## INTERNATIONAL

During 2015–16, 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, court administrators, parliamentarians, government officials, consular officials, lawyers and law students from the Philippines, the People's Republic of China, Kenya, South Africa, Israel, the Republic of Korea, Papua New Guinea, Hong Kong, Nepal, Myanmar, Sri Lanka, the United States of America and Japan.

An important aspect of the Court's international engagement is the Asia Pacific Judicial Reform Forum (APJRF), which was chaired for several years by Justice Hayne until his retirement. Justice Bell has chaired the APJRF since June 2015. The Chief Executive and Principal Registrar provides administrative support to the Forum, including maintaining its website [www.apjrf.com](http://www.apjrf.com).

In November 2015, the Court co-hosted the 16<sup>th</sup> biennial Conference of Chief Justices of Asia and the Pacific, held in Sydney with the 28<sup>th</sup> annual LAWASIA Conference. Chief Justice French and Justice Bell spoke at the conference, which was attended by chief justices or their representatives from 38 countries.



# 5

## Background Information

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## PART 5 | Background Information

### ESTABLISHMENT

The High Court of Australia has its origins in the Australian Constitution, section 71 of which provides that ‘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.’ The *Judiciary Act 1903* (Cth) regulates the exercise of the original and appellate jurisdiction of the Court. The Court was given the power to administer its own affairs by the *High Court of Australia Act 1979* (Cth).

### FUNCTIONS AND POWERS

The Constitution confers both appellate and original jurisdiction upon the High Court. Appeals from the Supreme Courts of the states and territories, the Federal Court of Australia and the Family Court of Australia are heard if special leave

is granted by the Court. Under the Constitution, the High Court is the final arbiter of constitutional questions. Such questions may come on appeal from a lower court or may be initiated by an application to the High Court itself. Appeals may also be brought to the High Court from the Supreme Court of the Republic of Nauru.

### SITTINGS OF THE COURT

The Court conducts its sittings in Canberra and such other places as are determined by a Rule of Court made by the Justices in the preceding year. In addition, applications for special leave to appeal to the Court are heard regularly in Sydney and Melbourne, and the Court continues the practice, established on its inauguration, of sitting in Brisbane, Adelaide, Perth and Hobart if warranted by the amount of business. When sitting in Melbourne, Brisbane, Adelaide and Perth, the Court uses Commonwealth Law Courts buildings.

In Sydney, the Court sits in a building jointly owned by the Commonwealth and NSW. In Hobart, facilities are available with the cooperation and assistance of the Tasmanian Supreme Court.

## SEAT OF THE COURT

Section 14 of the *High Court of Australia Act 1979 (Cth)* provides that the seat of the High Court shall be at the seat of government in the Australian Capital Territory.

The High Court building in Canberra is located on 3.4 hectares of land fronting the shores of Lake Burley Griffin in the Parliamentary Zone. The Court is forty metres tall, and consists of three courtrooms, Justices' chambers, the Court's Principal Registry, library, administrative wing and large public hall. Its total floor area, including car parks and patios, is approximately 29 400 square metres.

The Court was designed by architectural firm Edwards Madigan Torzillo and Briggs Pty Ltd, the winners of a national architectural design competition held in 1972–73. The builder was PDC Constructions (ACT) Pty Ltd. Construction costs totalled \$46.5m. The building was opened by Her Majesty Queen Elizabeth II on 26 May 1980.

## APPOINTMENT OF JUSTICES OF THE COURT

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

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

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

- the Attorney-General shall, before an appointment is made to a vacant office of Justice of the Court, consult with the Attorneys-General of the states in relation to the appointment

- a person shall not be appointed as a justice unless:
  - he or she has been a judge of a court created by the parliament or of a court of a state or territory, or
  - he or she has been enrolled as a barrister or solicitor or as a legal practitioner of the High Court or of a Supreme Court of a state or territory for not less than five years
- a Justice is not capable of accepting or holding any other office of profit within Australia
- the Chief Justice and the other Justices shall receive salary and other allowances at such rates as are fixed from time to time by Parliament.

## CHIEF JUSTICES AND JUSTICES OF THE COURT

There have been 12 Chief Justices and 46 Justices since the High Court was established in 1903, including the current members of the Court.

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

## COMPOSITION OF THE COURT

The Justices of the High Court in 2015–16 and the dates they were sworn in, are as follows:

Chief Justice French AC	1 September 2008
Justice Kiefel AC	3 September 2007
Justice Bell AC	3 February 2009
Justice Gageler	9 October 2012
Justice Keane AC	5 March 2013
Justice Nettle	3 February 2015
Justice Gordon	9 June 2015

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

### Chief Justices of the Court

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

### Justices of the Court

Sir Edmund Barton	1903–20
Richard Edward O'Connor	1903–12
Sir Isaac Alfred Isaacs	1906–30
Henry Bournes Higgins	1906–29
Sir Frank Gavan Duffy	1913–31
Sir Charles Powers	1913–29

Albert Bathurst Piddington	1913–13
Sir George Edward Rich	1913–50
Sir Hayden Erskine Starke	1920–50
Sir Owen Dixon	1929–52
Herbert Vere Evatt	1930–40
Sir Edward Aloysius McTiernan	1930–76
Sir Dudley Williams	1940–58
Sir William Flood Webb	1946–58
Sir Wilfred Kelsham Fullagar	1950–61
Sir Frank Walters Kitto	1950–70
Sir Alan Russell Taylor	1952–69
Sir Douglas Ian Menzies	1958–74
Sir Victor Windeyer	1958–72
Sir William Francis Langer Owen	1961–72
Sir Cyril Ambrose Walsh	1969–73
Sir Harry Talbot Gibbs	1970–81
Sir Ninian Martin Stephen	1972–82
Sir Anthony Frank Mason	1972–87
Sir Kenneth Sydney Jacobs	1974–79
Lionel Keith Murphy	1975–86
Sir Keith Arthur Aickin	1976–82



Sir Ronald Darling Wilson	1979–89
Sir (Francis) Gerard Brennan	1981–95
Sir William Patrick Deane	1982–95
Sir Daryl Michael Dawson	1982–97
John Leslie Toohey	1987–98
Mary Genevieve Gaudron	1987–2003
Michael Hudson McHugh	1989–2005
William Montague Charles Gummow	1995–2012
Michael Donald Kirby	1996–2009
Kenneth Madison Hayne	1997–2015
Ian David Francis Callinan	1998–2007
(John) Dyson Heydon	2003–2013
Susan Maree Crennan	2005–2015
Susan Mary Kiefel	2007–
Virginia Margaret Bell	2009–
Stephen John Gageler	2012–
Patrick Anthony Keane	2013–
Geoffrey Arthur Akeroyd Nettle	2015–
Michelle Marjorie Gordon	2015–

# 6

## Administration

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## PART 6 | ADMINISTRATION

### OVERVIEW

Statutory provisions covering the administration of the High Court appear primarily in Part III of the *High Court of Australia Act 1979* (Cth). Of particular relevance are section 17 (administration of the Court), section 19 (functions and powers of the Chief Executive and Principal Registrar) and section 26 (officers and employees). The operations of the Registry, which is under the control of the Chief Executive and Principal Registrar, are provided for in Part IV of the Act, while Part V deals with Court finances and accounts.

The High Court's executive team comprises the Chief Executive and Principal Registrar, the Senior Registrar, the Court Librarian, the Manager Corporate Services and the Senior Executive Deputy Registrar.

### CHIEF EXECUTIVE AND PRINCIPAL REGISTRAR

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

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

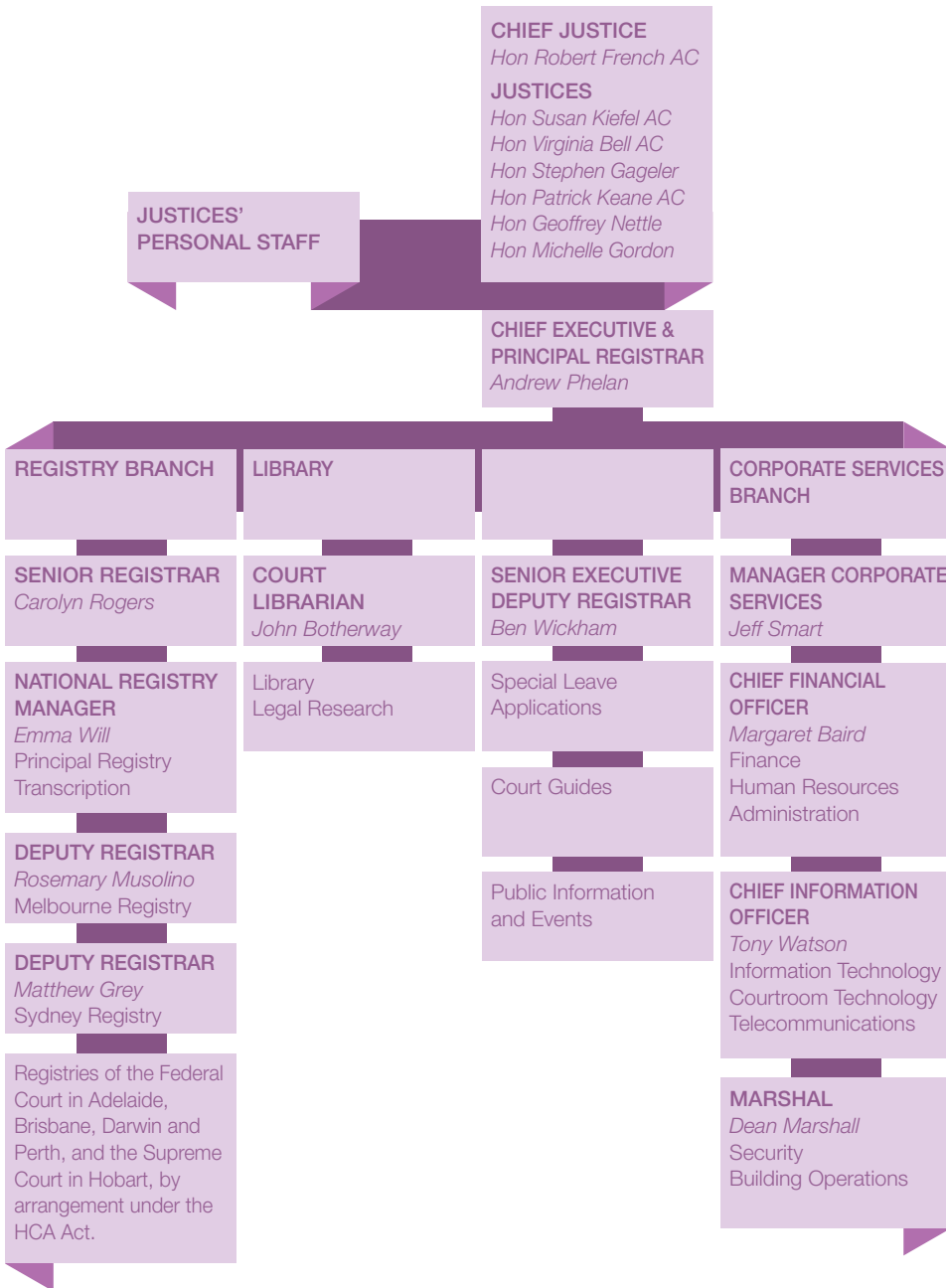
The current Chief Executive and Principal Registrar, Mr Andrew Phelan, was originally appointed to the position on 20 July 2007 and was reappointed for a further five years from 20 July 2012.

The Chief Executive and Principal Registrar has the function of 'acting on behalf of, and assisting, the Justices in the administration of the affairs of the High Court under section 17 and has such other functions as are conferred on him or her by this Act or are assigned to him or her by the Court' (section 19(1)).

The Chief Executive and Principal Registrar has power to 'do all things that are necessary or convenient to be done for or in connection with the performance of his or her functions' (section 19(2)).

In the performance of his or her functions and the exercise of his or her powers the Chief Executive and Principal Registrar shall comply with any directions given to him or her by the Court (section 19(7)).

# HIGH COURT OF AUSTRALIA ORGANISATIONAL CHART AS AT 30 JUNE 2016





## OFFICERS AND EMPLOYEES

The Chief Executive and Principal Registrar may appoint such other officers and engage other employees as the Court considers necessary for the purposes of the Court (section 26(1) and (3)). The Court determines the terms and conditions of employment, including remuneration and allowances (section 26(4)). Employees of the High Court are not covered by the *Public Service Act* 1999 (Cth). Further information about officers and employees of the Court is provided in the preceding organisation chart, in the Human Resources Management section of this Part below, and in Annexure B.

## EXTERNAL SCRUTINY

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

Section 43 of the Act provides for the Auditor-General annually to inspect and audit the accounts and records of the financial transactions of the Court and to draw the attention of the Attorney-General to any irregularity disclosed by that inspection and audit. During 2015–16 the Auditor-General did not conduct any performance audits involving the Court. Results of the Auditor-General's audit of

the Court's 2015–16 financial statements, which can be found at Part VII of this report, were reported to the Attorney-General on 16 September 2016. The report was unqualified and there were no significant issues arising from the audit.

Section 47 of the Act requires the Court, as soon as practicable after 30 June in each year, to prepare and submit to the Attorney-General a report relating to the administration of the affairs of the Court under section 17 during the year that ended on that 30 June, together with financial statements in respect of that year in such form as the Finance Minister approves. The Court's *Annual Report 2014–2015* was submitted to the Attorney-General on 12 November 2015 and it was presented to the Parliament on 11 December 2015.

## REGISTRY

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

The Senior Registrar and Deputy Registrars provide information and assistance to practitioners and self represented litigants 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 Principal Registry of the Court is situated in Canberra. Offices of the Registry are also located in Canberra, Melbourne, Sydney, Adelaide, Brisbane, Darwin, Hobart and Perth. The Canberra, Melbourne and Sydney Registries are staffed by officers of the Court. Registry functions in Hobart are performed by officers of the Supreme Court of Tasmania under ministerial arrangements. Registry functions in Adelaide, Brisbane, Darwin and Perth are performed by officers of the Federal Court of Australia by arrangement between the Chief Justices of the respective Courts.

The Registry Service Charter describes the function of the Registry and the standards of service that can be expected from the Registry staff. The Service Charter also provides a system for the resolution of complaints regarding the provision of Registry services. The Service Charter is available at the Registry in each capital city and on the Court's website, [www.hcourt.gov.au](http://www.hcourt.gov.au).

The Court has its own Court reporting service which provides an accurate transcript of the proceedings of the High Court for the use of the Justices. The High Court's transcript is a verbatim record of its proceedings and includes the full text of citations referred to by counsel during the hearings. The transcript is also made available, in paper form and electronically through the Court's website at <http://www.hcourt.gov.au/publications/judgments/transcripts>, to legal practitioners, litigants and other interested persons. The transcript is usually available within two hours of the Court rising each sitting day in Canberra. Transcripts of special leave applications and cases heard on circuit are available in paper form and on the website within a few days of the hearing.

Transcripts dating back to 1994 are available on that site.

A total of 336 individual transcripts, containing 6,234 pages, were produced by the Court reporting service during 2015–16. This is a slight increase over the number of transcripts produced by the Court reporting service during 2014–15.

When the Court delivers judgments, copies are available from the Canberra, Melbourne and Sydney offices, and are provided to the parties and media free of charge. Additional copies can be purchased, at the fee prescribed in the *High Court of Australia (Fees) Regulation 2012*, by the parties and the public in the Canberra, Melbourne and Sydney offices of the Registry. This service is also provided if the Court delivers judgments when sitting in other cities. Judgments are also available from the Court's website at <http://www.hcourt.gov.au/publications/judgments> on the day they are delivered by the Court and can be viewed and downloaded, world-wide, without cost.

All legal practitioners in Australia who wish to practise in federal courts or State or Territory courts exercising federal jurisdiction are required to have their names entered in the Register of Practitioners maintained by the Chief Executive & Principal Registrar in Canberra. The Registry provides an information service to practitioners advising them of their entitlement to practise in federal courts, 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 2,736 new practitioners were added to the register in 2015–16.

## JUDICIAL WORKLOAD

### Cases filed

Comparisons of the number of cases filed in each Registry and the categories of cases filed during 2014–15 and 2015–16 are provided in table F.

The cases recorded in “Other” in tables F, G and H include Writs of Summons, applications for removal and causes removed pursuant to the *Judiciary Act* 1903 (Cth).

The number of cases filed increased slightly this year, with a total of 795 cases filed compared with 698 cases filed in 2014–15. The proportion of special leave applications filed by self represented litigants during 2015–16 was 46 per cent, consistent with the proportion in 2014–15.

In 2015–16, the Sydney office of the Registry, which processed cases filed in Sydney and Brisbane, accounted for 52 per

cent of total filings. The Melbourne office of the Registry, which processed cases filed in Melbourne, Adelaide, Perth and Hobart, accounted for 45 per cent of total filings. The Registry in Canberra processed cases filed in Canberra and Darwin, accounting for 3 per cent of all filings.

### Cases decided

Table G compares the number of cases and categories of cases decided by the Court during 2014–15 and 2015–16.

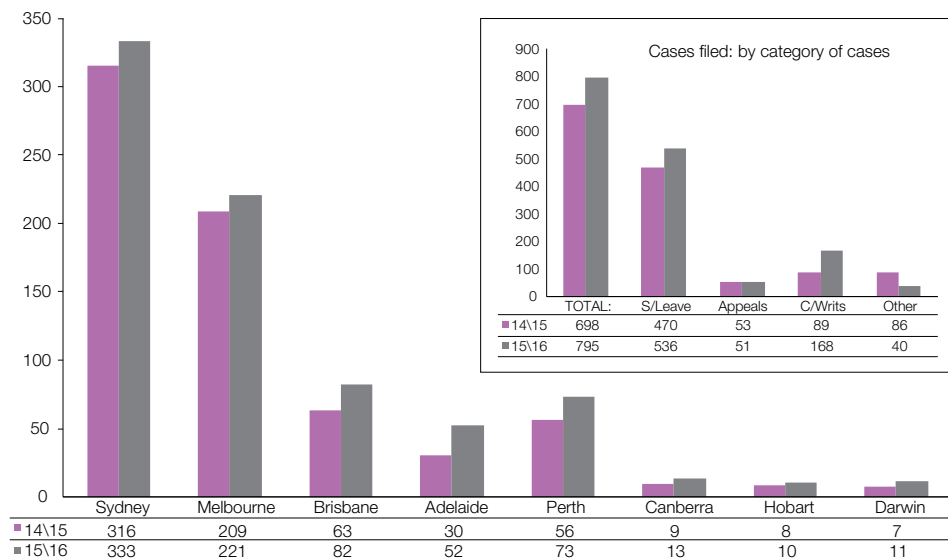
### Pending cases

The number of cases pending in the Court at 30 June 2015 and 30 June 2016 is recorded in table H.

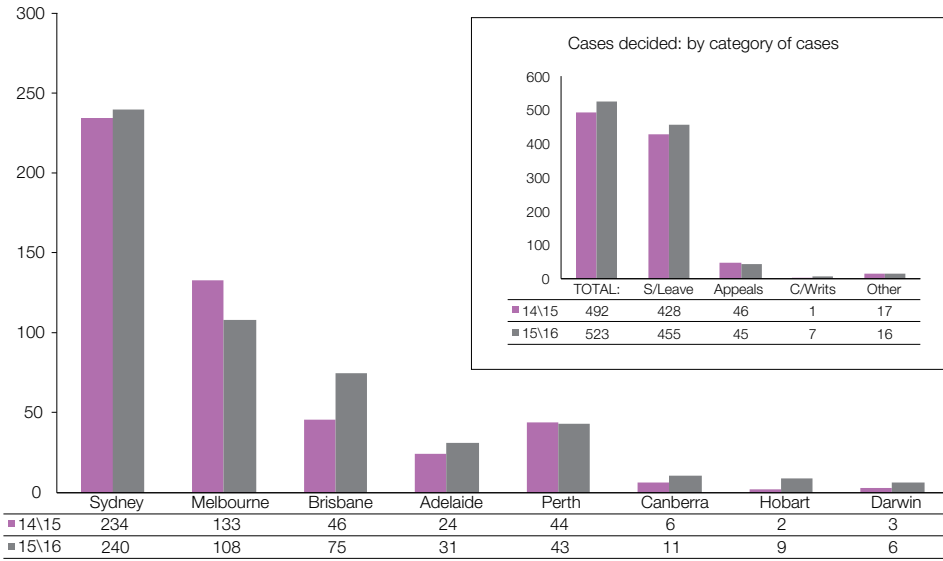
### Original jurisdiction

Cases commenced in the original jurisdiction of the Court include applications made under section 75(v) of the Constitution against officers of the Commonwealth, applications for removal

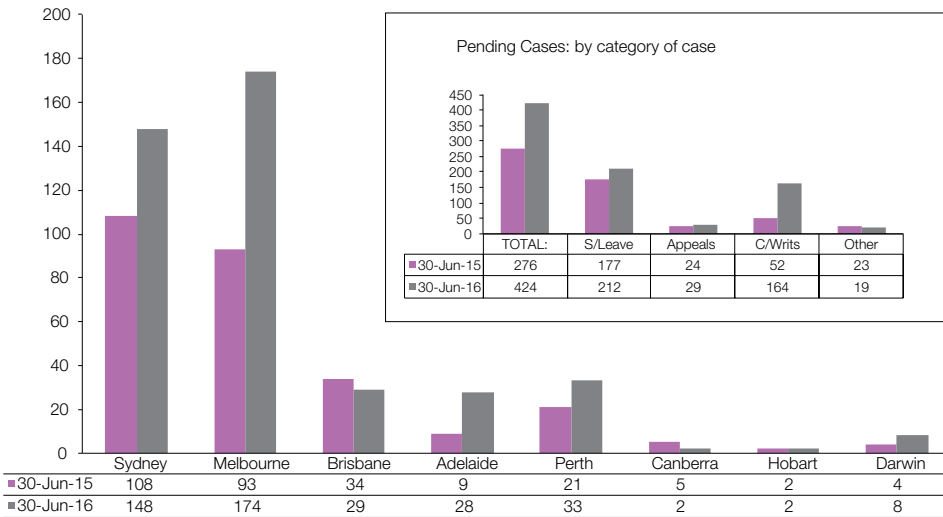
**Table F. Cases filed: by Registry**



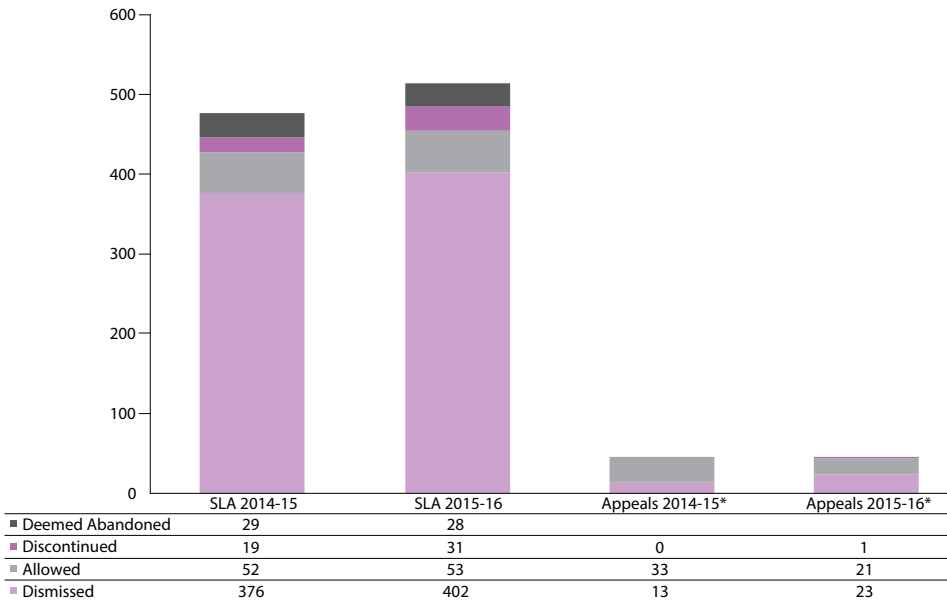
**Table G. Cases decided: by Registry**



**Table H. Pending Cases: by Registry**





**Table I. Means of determination: Applications and Appeals**

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

During the reporting year 208 cases were commenced in the original jurisdiction of the Court, compared with 175 in 2014–15.

Cases commenced in the original jurisdiction are generally listed before a single Justice of the Court in the first instance. Not all cases filed in the original jurisdiction proceed to hearing before the Full Court. Some cases are remitted to another Court for trial pursuant to section 44 of the *Judiciary Act*. In 2015–16, the Full Court published judgments in 12 cases filed in the original jurisdiction. The Full Court also determined one case at the conclusion of argument (with reasons for

judgment to follow) and pronounced orders by consent disposing of another matter.

The Court sits as the Court of Disputed Returns to try petitions disputing the validity of elections or returns of persons to the House of Representatives or the Senate. These cases are often determined by a single Justice or remitted to another Court for determination. There were no election petitions filed in the reporting year.

### Appellate cases finalised

Table I compares how appellate cases were finalised during 2014–15 and 2015–16.

(\*deemed abandonment provisions only apply to special leave applications and do not apply to appeals).

There was one appeal in which special leave to appeal was revoked at the conclusion of the hearing and another was allowed by consent on the day of

the hearing. The determination figures have been adjusted to include these as final outcomes.

The *High Court Rules* 2004 provide that the Court may determine leave and special leave applications on the papers without an oral hearing. In those cases, the applications are not listed for hearing but for determination. Sixty five per cent of the applications decided in 2015–16 were finalised without an oral hearing, compared with 60 per cent in 2014–15.

### Appellate cases – time for determination

The provisions of Chapter 4 of the *High Court Rules* 2004 impose time standards for the filing of applications for leave or special leave to appeal and appeals. These provisions assist case-flow management by providing time standards for the various stages in the preparation of applications

and appeals. Table J compares the periods of time taken for cases filed in the appellate jurisdiction of the Court during 2014–15 and 2015–16 to be determined.

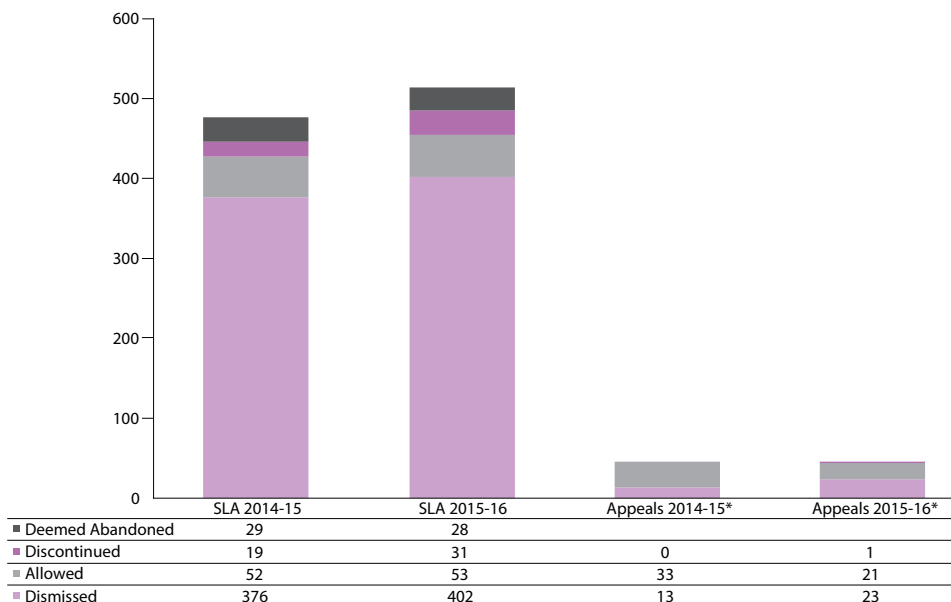
Ninety five per cent of the applications for leave or special leave to appeal and 93 per cent of the appeals decided by the Court during the reporting year were completed within nine months of filing. The figures for 2014–15 were 94 per cent and 98 per cent respectively.

## RULES OF COURT

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

The *High Court Rules* 2004 which govern the practice and procedure of the Court are

**Table J. Time for Determination: Applications and Appeals**



kept under review by the Rules Committee. The Court consults with interested persons and organisations when any significant changes are contemplated to the Rules.

Rules of Court are made and promulgated as legislative instruments. Copies of the Rules are distributed to all legal publishers, law societies and bar associations immediately a Rule is made, and copies are available in all offices of the Registry and on the Internet for the information of the profession and the public.

During 2015–16 the Court made the following Rules of Court:

- Select Legislative Instrument 136 of 2015 on 5 August 2015 – *High Court (2016 Sittings) Rules 2015* – Annual sittings of the High Court
- Select Legislative Instrument 178 of 2015 on 3 November 2015 – *High Court Amendment (Fees) Rules 2015* – Amendments to Schedule 2 (Costs) and
- Legislative Instrument F2016L01029 on 7 June 2016 – *High Court Amendment (2016 Measures No. 1) Rules 2016* – Amendments to the procedures governing the filing and determination of applications for leave, special leave and removal pursuant to section 40 of the *Judiciary Act 1903*.

### Court fees and charges

Fees and charges in the High Court form an integral part of litigation costs and are prescribed by regulation 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 provided in Schedule 1 of the *High Court of Australia (Fees) Regulation 2012*.

### Exemption from paying fees

Regulation 11 of the *High Court of Australia (Fees) Regulation 2012* provides that persons in receipt of legal aid, persons who hold a concession card issued by Centrelink or the Department of Veterans' Affairs, persons in public detention, children under the age of 18, persons in receipt of youth allowance, an Austudy payment or in receipt of benefits under the ABSTUDY scheme and persons granted assistance under Part 11 of the *Native Title Act 1993* (Cth) are eligible for a full exemption from paying filing and hearing fees associated with the proceedings in the High Court.

### Financial hardship fee

Where, in the opinion of a Registrar, the payment of the fee payable by an individual would cause financial hardship to the individual, the Registrar may determine that the person may instead pay a reduced fee (specified in Schedule 1 as the financial hardship fee). A refusal by a Registrar to make such a determination may be reviewed by the Administrative Appeals Tribunal. There were no refusals during the reporting period.

### Fees forgone

During the reporting year 780 cases attracting a filing fee and/or hearing fees were filed in the Court. In 342 of these, or 44 per cent of cases, the person liable to pay the fee was exempt from paying fees. In addition, financial hardship determinations were made in another 174, or 22 per cent, of the cases. The filing and hearing fees foregone in these 516 cases for the entire period amounted to \$990,860. The composition of this total is shown in the following table.

## RECORD OF FEES FOREGONE 2015–16

Reasons for non-payment	Regulation	No.	Amount (\$)
Legal Aid (exemption)	11(1)(a)	29	\$18,595
Holder of a concession card (exemption)	11(1)(b)	122	\$282,165
Person in public detention (exemption)	11(1)(c)	189	\$380,805
Child under the age of 18 years (exemption)	11(1)(d)	0	0
Youth allowance, Austudy payment recipient or ABSTUDY recipient (exemption)	11(1)(e)	0	0
Recipient of assistance under Native Title Act (exemption)	11(1)(f)	2	\$5,290
Financial hardship (waiver of two-thirds fee)	12	174	\$304,005
<b>TOTAL</b>		<b>516</b>	<b>\$990,860</b>

### Professional costs

The allowable professional costs of, and incidental to, the steps in proceedings in the High Court are contained in the Second Schedule to the *High Court Rules* 2004. The *High Court Rules* 2004 provide for an estimate of costs as an alternative to the taxation of bills of costs. Such an estimate is made in the absence of the parties and, if the parties do not object in accordance with the Rules, a Certificate of Taxation is issued for the amount of the estimate. As a result the taxation of bills of costs with the attendance of the parties and associated costs to the parties is often not required.

### LIBRARY

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

The functions of the High Court Library are to:

- support the Court through the provision of relevant, comprehensive and timely

reference and research services to the Justices and their staff

- provide and maintain a comprehensive collection of legal resources which support the reference and research needs of the Justices and their staff
- support the legal referencing needs of lawyers appearing before the Court in Canberra
- publish the Court's dispositions, judgments and related summaries and Bulletins.

### Library Materials Budget

The Library's acquisitions and subscription costs remained within budget during the year. Subscription rates, particularly for on-line subscriptions, have continued to rise above rates of inflation.

### Legal Research Officer

During the year the Legal Research Officer undertook research and analysis on a variety of legal issues at the direction of the Justices.



The Legal Research Officer also produces the *High Court Bulletin*, which provides information to the public about cases before the Court, and the *Overseas Decisions Bulletin*, which provides information to the Justices about relevant decisions from overseas jurisdictions.

### Authorities

The Library is responsible for the coordination, production and distribution of authorities relied upon by counsel during oral argument in Court for Canberra sittings. During 2015–16, the library provided authorities to the Justices for 49 hearings.

This year Library staff continued to provide fully searchable and paginated electronic copies of all authorities for use by the Justices and their associates, together with printed copies of material not held in chambers. The Legislation Officer continued to coordinate the provision to Chambers of full copies of legislation considered relevant to forthcoming cases by the Legal Research Officer.

### Reference services

Library staff assist with reference and research queries from the Justices and their staff. These can range from providing a case or early colonial act to researching legislative history. Reference and research assistance is also provided to counsel when they appear before the Court.

### Inter-library loans

Over 498 inter-library loans were processed by the library during 2015–16 (521 in 2014–15).

### Library Management System

The Court continues to use the SirsiDynix Integrated Library System (ILS) as a partner

in a consortium with the Federal Court of Australia, NSW Law Courts Library and the Supreme Court of Victoria. The South Australian Courts Administration Authority Library recently joined the Consortium and will migrate their data in 2016–17.

### Web publications

The Library makes the following publications available:

*High Court Bulletin* with its full archive is published on BarNet and AustLII

*New Library Books*, published on the Court's website

*Overseas Decisions Bulletin*, which includes decisions of the Supreme Court of the United Kingdom, the Supreme Court of Canada, the Supreme Court of the United States, the Constitutional Court of South Africa, the Supreme Court of New Zealand and the Hong Kong Court of Final Appeal. Admiralty, arbitration and constitutional decisions of the Court of Appeal of Singapore are also included. These are published on the Court's website and alerts are available enabling the legal profession and wider public to subscribe.

### High Court Judgments Database

The High Court Judgments Database was expanded with the addition of Judgments covering the period 1948 to 1999 and the Commonwealth Law Reports, volumes 1–100. An historical resources section was also added to include a collection of Unreported Judgments 1906–2002.

The project was initiated by the Library and included the sourcing of judgments and preparation and linking of metadata. The aim of the project was to ensure immediate, continuous and efficient availability of the Court's judgments.

## Stocktake

In the first half of 2016 a full stocktake was conducted of the High Court collection in Canberra, Melbourne, Sydney and Brisbane. Previously stocktakes had been undertaken every second year and had only included parts of the collection. The size of the collection makes a full annual stocktake impractical and a schedule of partial stocktakes covering all library resources held in Canberra and interstate over a rolling ten year cycle has been developed.

## High Court Librarian

The Court Librarian, Ms Petal Kinder left the Court after 10 years' service in September 2015. She was replaced by the Deputy Court Librarian, Mr John Botherway.

## CORPORATE SERVICES

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

### Finance Committee

The Court has a Finance Committee which:

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

The Finance Committee is chaired by Chief Justice French AC and includes Justice Kiefel AC, Justice Gageler and the Chief Executive and Principal Registrar. It met regularly during the year.

### Internal Audit

The Court's internal audits are performed by a contracted auditor. During 2015–16 the internal auditor conducted reviews of:

- Procurement
- Alignment with the *Public Governance, Performance and Accountability Act 2013* (Cth)
- Physical and External Security.

The internal auditor also undertook a follow up review of Library Collection Management.

### Risk management

During 2015–16 the Court:

- conducted a security risk assessment with assistance from an external provider
- conducted an information security risk assessment with assistance from an external provider
- conducted a work health and safety risk assessment with assistance from an external provider
- assessed and considered risks for building projects.

## FRAUD CONTROL

### Financial management

The Court's estimates for 2015–16 were reported in the Attorney-General's Portfolio Budget Statements.

Justices' remuneration and allowances are paid out of a Special Appropriation. Payments are made by the Attorney-General's Department using a drawing right on a Special Appropriation administered by the Australian Public Service Commission and do not form part of the Court's financial statements in Part VII.

### Financial results

In 2015–16, income including revenue from appropriations amounted to \$16.231m, and operating expenses were \$22.509m, resulting in a deficit of \$6.278m. Unfunded depreciation totalling \$5.890m formed part of the Court's operating expenses in 2015–16. The Court's underlying operating result (excluding unfunded depreciation) was a deficit of \$0.388m.

In 2015–16 the Court received an equity injection of \$3.970m including departmental capital budget.

The audited financial results for 2015–16 are in Part VII.

### Consultants

During 2015–16 the Court entered into 23 consultancy contracts with a total value of \$200,666 (including GST).

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

### Contract management

The Court sought advice from the Australian Government Solicitor in drafting contracts during 2015–16.

## HUMAN RESOURCE MANAGEMENT

### Terms and conditions of employment

High Court staff are employed under the *High Court of Australia Act 1979* (Cth). Section 26(4) of the Act provides for the terms and conditions of Court staff to be determined by the Court. These terms and conditions are generally similar to those applying in the Australian Public Service. No High Court staff member received performance pay during 2015–16.

Name	Description	Contract Price
Echelon Consultancy and training	Building Asset Audit	\$12,320
The Safety Guru Pty Ltd	Work health and safety risk assessment and management plan	\$15,000
Dimension Data	Server design	\$24,960
Steensen Varming Australia Pty Ltd	HVAC construction advice	\$42,328
GHD	Design and documentation for replacement of stair pressurisation fans	\$24,090
GHD	Update fire strategy report	\$24,090
GHD	Design and documentation for replacement of fire dampers	\$18,205
Steensen Varming Australia Pty Ltd	Design and documentation to upgrade pathway lighting	\$23,375

## Staffing overview

Tables giving an overview of the numbers of employees in full-time, part-time and casual employment and the composition by gender and salary classification are at **Annexure B**.

## Training

The Court continues to provide a comprehensive first day induction program. During 2015–16 the Court provided training in the following areas:

- adapting to change
- managing and setting priorities
- fraud awareness
- electronic records management.

All new staff were requested to complete online training modules for work, health and safety, workplace diversity and workplace behaviours.

## Work, health and safety

Throughout 2015–16 the Court reviewed and updated work health and safety policies and procedures. A consultant was engaged to undertake a work health and safety risk audit and to update the work health and safety risk management plan.

During 2015–16 the Work, Health and Safety (WH&S) Committee met four times. This Committee provides an opportunity for employees to raise any issues they have about personal and workplace safety. Designated Workplace Representatives are encouraged to consult within their areas prior to and after Committee meetings.

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

The Court arranged WH&S training in 2015–16 for:

- first aid
- mental health awareness
- safe use of fire extinguishers
- building evacuation.

Other initiatives undertaken during 2015–16 to promote the health, safety and welfare at work of employees, contractors and visitors included:

- influenza vaccinations
- workstation assessments
- RUOK day
- participating in the Global Corporate Challenge Programme which promoted healthy levels of physical activity
- encouraging staff to use services provided by the Court's employee assistance provider.

During 2015–16 there were no incidences that required the Court to provide information to Comcare under section 68 of the *Occupational Health and Safety Act 1991* (Cth) or sections 36, 37 and 38 of the *Work Health and Safety Act 2011* (Cth). There were no new workers compensation claims.

As at 30 June 2016 there were:

- two continuing workers compensation claims that relate to injury prior to 1 July 2015
- no continuing workers compensation claims for injury reported in 2015–16
- no safety issues notified to the WH&S Committee which were unresolved.



## INFORMATION TECHNOLOGY

The Court has an IT Committee which oversees and guides, at a strategic level, the use of information and communications technology within the Court.

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

### Courtroom audio-visual technology replacement

During 2015–16 the Court entered into a contract for the installation of courtroom audio-visual (including Court recording) technology. The sole focus of that installation was the three courtrooms in Canberra, which have now been fully upgraded. The design will be extended later to the Court's Sydney and Melbourne courtrooms.

### Interstate network capacities

A contract was signed in 2014–15 to provide significant bandwidth increases for the Court's interstate Chambers and registries. The commissioning of the network was completed during 2015–16, with significant bandwidth improvements to Brisbane, Melbourne, and Sydney.

### Server room

A new server room was completed and commissioned in early 2015. The physical relocation of all ICT equipment into the new server room was completed during 2015–16.

### Contracts

During 2015–16 the Court used whole of government contracts to achieve quality enhancements and cost savings

for computers, contractors, national long distance calls, mobile charges, multifunction devices, and printers. It joined with other institutions in tendering and contracting for security and building maintenance services, to achieve efficiencies and service improvements.

## BUILDING OPERATIONS

### Rectification of safety issues

During 2015–16 the Court:

- increased the height of balustrades in the public area
- increased the height of balustrades and handrails on the forecourt
- replaced damaged tiles on the forecourt
- commenced the replacement of the fire indicator panel, smoke detection and emergency and warning intercom system
- replaced fire stair pressurisation fans
- prepared documentation to upgrade the emergency lighting system
- reviewed and updated building fire compartments documentation
- updated emergency evacuation pathway plans.

### Removal of asbestos containing material

The Court's Asbestos-Containing Material Register was updated during 2015–16.

During 2015–16 the Court removed asbestos containing material in relation to the upgrade of fire stair pressurisation fans and the replacement of building entry doors.

### Upgrade of the Building Heating, Ventilation and Air Conditioning Services

During 2015–16 the Court entered into a contract with a head contractor to upgrade the building heating, ventilation and air conditioning (HVAC) services. As the value of this contract was greater than \$1m, the Court sought and received approval from the Attorney-General to enter into the contract.

The head contractor is accredited by the Office of the Federal Safety Commissioner and is required to comply with the Building Code 2014 and the Supporting Guidelines to the Building Code 2014.

The works are not expected to be completed before 2018 and will be managed around Court sitting periods.

### Building security and emergency management

The Court has a Memorandum of Understanding with the Australian Federal Police for Protective Security Officers to be present in the Court building every day the Court building is open to the public.

During 2015–16 the Court:

- reviewed and updated the Emergency Response Plan (ERP)
- engaged a new training service provider to undertake training of the Emergency Control Organisation (ECO) and Occupants of the Court building
- reviewed and update the security risk assessment and prepared a security management plan
- commenced the installation of new security bollards.

The Emergency Planning Committee (EPC) met in accordance with the requirements of AS 3745-2010 and endorsed the updated ERP and proposed training schedule.

### Other building projects

Other building projects undertaken in 2015–16 included:

- replacing the public entrance doors on the ground floor
- commencing the upgrade of the external building façade lighting
- replacing administrative workstations and furniture.

### Heritage management

The Court seeks heritage impact assessments before undertaking works that affect the heritage values of the Court building and precinct.

### High Court art collection

In 2015 the Court formally endorsed the establishment of a Court Artworks Committee to monitor the care and maintenance of the Court's art collection.

During 2015–16:

- a number of conservation activities were undertaken to ensure that the Court's art collection was kept in appropriate condition
- the Court engaged a consultant to prepare an artworks conservation and management plan.

## PUBLIC INFORMATION AND VISITOR PROGRAMS

### Public Information Committee

It is important for members of the public to understand why the independent exercise of judicial power is essential to the maintenance of the rule of law in Australia's constitutional democracy. The Court, under broad directions set by the Court's Public Information Committee, contributes to public education through the extensive information on its website, by maintaining appropriate communications with the media, and by offering specialised educational programs and activities in the High Court building in Canberra. The Committee is chaired by Justice Bell AC and includes Chief Justice French AC, Justice Keane AC and the Chief Executive and Principal Registrar.

The High Court makes available, via its website, an array of information about the work of the Court. This includes transcripts of hearings, judgments, case summaries, judgment summaries, special leave dispositions, the High Court Bulletin, business and court lists, speeches by present and former Justices, and information about the art and architecture of the building. The parties' submissions in Full Court matters are also available on the Court's website, as are audio-visual recordings of all Full Court hearings in Canberra.

The Justices of the Court and senior staff routinely host visiting delegations of judges, court officials, diplomats, academics and students from overseas jurisdictions.

The High Court building is a popular attraction in the parliamentary triangle. In 2015–2016, there were approximately 80,000 visitors to the Court.

### Activities

During 2015–2016 the Committee's priority continued to be the provision and accessibility of information about the work of the Court and to encourage the use of the High Court building as a civic space. Activities included:

- the continued recruitment, development and training of the Court Guide team, which conducts tours of the High Court building and its courtrooms, and provides information to visitors and school groups on the role, history and architecture of the Court. The Court has engaged a number of law students to work as Court Guides, and this has proven particularly popular with school students. In 2015–2016, the Court had approximately 800 school groups visit from across Australia, representing approximately 37,000 students
- Justice Gordon presiding over the grand final of the Jessup Moot in the pre-eminent moot for law students around Australia
- The Court hosting the official dinner for the National Schools Constitutional Convention
- Justice Keane chairing the judging panel of the Governor-General's prize, an annual essay competition open to all Australian citizens and permanent residents enrolled in an undergraduate degree at an Australian university.

The Court has continued to make available the Public Hall and its wonderful acoustics for Sunday concerts. These concerts take place on one or two Sundays of each month and are free of charge. Each concert has been attended at near or full capacity, and performances have ranged

across chamber, choral and solo works. These concerts have attracted over 5,500 visitors to the Court who, in addition to enjoying the performances, are able to take a tour of the Court and learn about its role and history. A particular highlight was the concert jointly sponsored with the Australian War Memorial entitled “Sacrifice - The Lost Songbirds of the Somme”, which celebrating twelve musicians from six nations who were lost, injured or deeply affected by their service at the Somme. The performance in the Court in June 2016 was directed by ANZAC Centenary Fellow, Christopher Latham and was subsequently performed in France during July 2016 in the churches of villages devastated in the War. The Court also continued to host a performance as part of the Canberra International Music Festival. The Court also made available its forecourt area to be used as part of the Enlighten Festival.

The Court has continued to host exhibitions and other events by embassies and cultural communities in its Canberra building.

### **Use of the Court’s website**

Commencing in late-2013, the Court has continued to publish audio-visual recordings of Full Court hearings, ordinarily at the end of each sitting day. There has been a significant uptake of this service with over 27,000 hits during 2015–16. There has also been significant interest in the written submissions of parties in Full Court matters, published on the Court’s website, with approximately 167,000 hits. The individual case pages where the written submissions are loaded account for 32 per cent of the Court’s website usage.

The Court’s subscription services alert subscribers to upcoming judgments, case summaries, judgment summaries and

publications. At the end of 2015–16 there were 27,000 subscribers to these services. This has been particularly useful for the media in staying abreast of the business of the Court

Other popular resources accessed were speeches given by Justices of the Court (51,275 hits) and information about the role and history of the High Court and its operation (over 68,000 hits).

### **Visitor numbers**

During 2015–16 approximately 37,000 school students received guided tours of the Court and presentations on its constitutional and appellate role. There were approximately 40,000 additional visitors to the High Court’s Canberra building during the year.

### **Links and visits**

During 2015–16, 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, court administrators, parliamentarians, government officials, consular officials, lawyers and law students from the Philippines, the People’s Republic of China, Kenya, South Africa, Israel, the Republic of Korea, Papua New Guinea, Hong Kong, Nepal, Myanmar, Sri Lanka, the United States of America and Japan.





Photograph courtesy of Mr Peter Hislop

A large, bold, maroon-colored number '7' is centered on the page. The background is a blurred image of a book's spine with gold lettering. The visible text on the spine includes 'COMMONWEALTH LAW REPORTS', 'VOL. 4-PT 1', and '1906-7'.

7

## Financial Statements

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# PART 7 | FINANCIAL STATEMENTS



## INDEPENDENT AUDITOR'S REPORT

### To the Attorney-General

I have audited the accounts and records and financial statements of the High Court of Australia for the year ended 30 June 2016. The financial statements, which accompany this report, comprise:

- Statement by the Chief Executive and the Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement; and
- Notes to and forming part of the financial statements, including a summary of significant accounting policies and other explanatory information.

### Opinion

The financial statements of the High Court of Australia are in agreement with the High Court of Australia accounts and records and, in my opinion:

- (a) are based on proper accounts and records;
- (b) are in the form approved by the Finance Minister under the *High Court of Australia Act 1979*, including:
  - (i) complying with Australian Accounting Standards and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
  - (ii) presenting fairly the financial position of the High Court of Australia as at 30 June 2016, and its financial performance and cash flows for the year then ended.

Further, in my opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets by the High Court of Australia during the year ended 30 June 2016 have been, in all material respects, in accordance with the *High Court of Australia Act 1979*.

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

The Chief Executive and Principal Registrar of the High Court of Australia is responsible for the preparation of financial statements in the form approved by the Finance Minister under sub-section 47(1) of the *High Court of Australia Act 1979*. The form approved is the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* which incorporates by reference the Australian Accounting Standards.

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



The Chief Executive and Principal Registrar is also responsible for keeping proper accounts and records of the transactions and affairs relating to the administration of the affairs of the High Court of Australia and for such internal control as is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility*

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

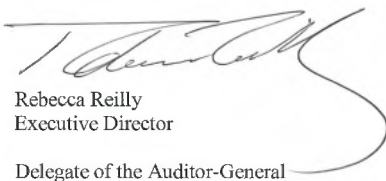
An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Chief Executive and Principal Registrar of the High Court of Australia, as well as evaluating the overall presentation of the financial statements.

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

#### *Independence*

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

Australian National Audit Office



Rebecca Reilly  
Executive Director

Delegate of the Auditor-General

Canberra

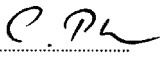
16 September 2016



**High Court of Australia**  
**STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2016 are based on properly maintained financial records and present fairly the matters required by the Public Governance, Performance and Accountability (Financial Reporting) Rule 2015.

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 fall due.

Signed.....  
Andrew Phelan  
Chief Executive & Principal Registrar  
High Court of Australia  
16 September 2016

Signed.....  
Margaret Baird  
Chief Financial Officer  
High Court of Australia  
16 September 2016

**High Court of Australia**  
**STATEMENT OF COMPREHENSIVE INCOME**  
*for the period ended 30 June 2016*

	Notes	2016 \$	2015 \$	Original Budget 2016 \$
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Employee Benefits	1.1A	8,446,124	8,631,952	8,775,000
Suppliers	1.1B	8,124,274	7,586,808	7,766,000
Depreciation and amortisation	3.2A	5,890,260	4,801,861	4,810,000
Write-down and Impairment of Assets	1.1C	48,435	146,425	-
Losses from asset sales		-	41	-
<b>Total expenses</b>		<b>22,509,093</b>	<b>21,167,087</b>	<b>21,351,000</b>
<b>Own-Source Income</b>				
<b>Own-source revenue</b>				
Sale of Goods and Rendering of Services	1.2A	286,213	222,963	170,000
Interest		355,066	423,078	360,000
Resources received free of charge	1.2B	2,186,065	2,171,323	2,161,000
Other Revenues	1.2C	80,875	80,828	100,000
Reversal of write-downs and Impairment	1.2D	640	-	-
<b>Total own-source revenue</b>		<b>2,908,859</b>	<b>2,898,192</b>	<b>2,791,000</b>
<b>Gains</b>				
Other Gains	1.2E	9,700	13,700	-
<b>Total gains</b>		<b>9,700</b>	<b>13,700</b>	<b>-</b>
<b>Total own-source income</b>		<b>2,918,559</b>	<b>2,911,892</b>	<b>2,791,000</b>
<b>Net (cost of) services</b>		<b>(19,590,534)</b>	<b>(18,255,195)</b>	<b>(18,560,000)</b>
Revenue from Government	1.2F	13,312,000	13,424,000	13,308,000
<b>(Deficit) attributable to the Australian Government</b>		<b>(6,278,534)</b>	<b>(4,831,195)</b>	<b>(5,252,000)</b>
<b>OTHER COMPREHENSIVE INCOME</b>				
Changes in asset revaluation surplus		4,474,441	(12,941,525)	-
<b>Total other comprehensive income</b>		<b>4,474,441</b>	<b>(12,941,525)</b>	<b>-</b>
<b>Total comprehensive (loss)</b>		<b>(1,804,093)</b>	<b>(17,772,720)</b>	<b>(5,252,000)</b>
<b>Total comprehensive (loss) attributable to the Australian Government</b>		<b>(1,804,093)</b>	<b>(17,772,720)</b>	<b>(5,252,000)</b>

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

**Budget Variances Commentary**

*Statement of Comprehensive Income*

Variance explanations can be found on page 60

**High Court of Australia**  
**STATEMENT OF FINANCIAL POSITION**  
*as at 30 June 2016*

	Notes	2016 \$	2015 \$	Original Budget 2016 \$
<b>ASSETS</b>				
<b>Financial assets</b>				
Cash and Cash Equivalents	3.1A	2,423,272	3,342,811	1,807,000
Trade and Other Receivables	3.1B	221,487	185,348	216,000
Other Investments	3.1C	9,500,000	9,500,000	6,587,000
<b>Total financial assets</b>		<b>12,144,759</b>	<b>13,028,159</b>	<b>8,610,000</b>
<b>Non-financial assets</b>				
Land and Buildings	3.2A	188,699,663	186,824,839	202,372,000
Property, plant and equipment	3.2A	15,999,035	15,079,713	16,127,000
Heritage and cultural	3.2A	4,423,840	4,414,140	3,644,000
Intangibles	3.2A	123,270	170,934	401,000
Other Non-Financial Assets	3.2B	110,119	140,313	136,000
<b>Total non-financial assets</b>		<b>209,355,927</b>	<b>206,629,939</b>	<b>222,680,000</b>
<b>Total assets</b>		<b>221,500,686</b>	<b>219,658,098</b>	<b>231,290,000</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	3.3A	223,340	473,150	367,000
Other Payables	3.3B	156,339	373,211	339,000
<b>Total payables</b>		<b>379,679</b>	<b>846,361</b>	<b>706,000</b>
<b>Provisions</b>				
Employee Provisions	6.1	2,629,190	2,485,827	2,417,000
<b>Total provisions</b>		<b>2,629,190</b>	<b>2,485,827</b>	<b>2,417,000</b>
<b>Total liabilities</b>		<b>3,008,869</b>	<b>3,332,188</b>	<b>3,123,000</b>
<b>Net assets</b>		<b>218,491,817</b>	<b>216,325,910</b>	<b>228,167,000</b>
<b>EQUITY</b>				
Contributed equity		87,530,598	83,560,598	87,532,000
Reserves		169,218,014	164,743,573	177,685,000
Retained surplus (accumulated deficit)		(38,256,795)	(31,978,261)	(37,050,000)
<b>Total equity</b>		<b>218,491,817</b>	<b>216,325,910</b>	<b>228,167,000</b>

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

**Budget Variances Commentary**

*Statement of Financial Position*

Variance explanations can be found on page 60

**High Court of Australia**  
**STATEMENT OF CHANGES IN EQUITY**  
*for the period ended 30 June 2016*

	2016	2015	Original Budget 2016
	\$	\$	\$
<b>CONTRIBUTED EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	83,560,598	79,554,598	83,562,000
<b>Adjusted opening balance</b>	<b>83,560,598</b>	<b>79,554,598</b>	<b>83,562,000</b>
<b>Comprehensive income</b>			
Other comprehensive income	-	-	-
Surplus (Deficit) for the period	-	-	-
<b>Total comprehensive income</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Equity injection - Appropriation	1,450,000	1,450,000	1,450,000
Departmental capital budget	2,520,000	2,557,000	2,520,000
Contribution / (Distribution) of Equity	-	(1,000)	-
<b>Total transactions with owners</b>	<b>3,970,000</b>	<b>4,006,000</b>	<b>3,970,000</b>
<b>Closing balances as at 30 June</b>	<b>87,530,598</b>	<b>83,560,598</b>	<b>87,532,000</b>
<b>RETAINED EARNINGS</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	(31,978,261)	(27,147,066)	(31,798,000)
<b>Adjusted opening balance</b>	<b>(31,978,261)</b>	<b>(27,147,066)</b>	<b>(31,798,000)</b>
<b>Comprehensive income</b>			
Other comprehensive income	-	-	-
Surplus (Deficit) for the period	(6,278,534)	(4,831,195)	(5,252,000)
<b>Total comprehensive income</b>	<b>(6,278,534)</b>	<b>(4,831,195)</b>	<b>(5,252,000)</b>
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Equity injection - Appropriation	-	-	-
Departmental capital budget	-	-	-
Contribution / (Distribution) of Equity	-	-	-
<b>Sub-total transactions with owners</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Closing balances as at 30 June</b>	<b>(38,256,795)</b>	<b>(31,978,261)</b>	<b>(37,050,000)</b>

**High Court of Australia**  
**STATEMENT OF CHANGES IN EQUITY**  
*for the period ended 30 June 2016*

	2016	2015	Original Budget 2016
	\$	\$	\$
<b>ASSET REVALUATION RESERVE</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	164,743,573	177,685,098	177,685,000
<b>Adjusted opening balance</b>	<b>164,743,573</b>	<b>177,685,098</b>	<b>177,685,000</b>
<b>Comprehensive income</b>			
Other comprehensive income	4,474,441	(12,941,525)	-
Surplus (Deficit) for the period	-	-	-
<b>Total comprehensive income</b>	<b>4,474,441</b>	<b>(12,941,525)</b>	<b>-</b>
<b>Closing balances as at 30 June</b>	<b>169,218,014</b>	<b>164,743,573</b>	<b>177,685,000</b>
<b>TOTAL EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	216,325,910	230,092,630	229,449,000
<b>Adjusted opening balance</b>	<b>216,325,910</b>	<b>230,092,630</b>	<b>229,449,000</b>
<b>Comprehensive income</b>			
Other comprehensive income	4,474,441	(12,941,525)	-
Surplus (Deficit) for the period	(6,278,534)	(4,831,195)	(5,252,000)
<b>Total comprehensive income</b>	<b>(1,804,093)</b>	<b>(17,772,720)</b>	<b>(5,252,000)</b>
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Equity injection - Appropriation	1,450,000	1,450,000	1,450,000
Departmental capital budget	2,520,000	2,557,000	2,520,000
Contribution / (Distribution) of Equity	-	(1,000)	-
<b>Sub-total transactions with owners</b>	<b>3,970,000</b>	<b>4,006,000</b>	<b>3,970,000</b>
<b>Closing balances as at 30 June</b>	<b>218,491,817</b>	<b>216,325,910</b>	<b>228,167,000</b>

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

**Accounting Policy**

*Equity Injections*

Amounts appropriated which are designated as 'equity injections' for a year and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

**Budget Variances Commentary**

*Statement of Changes in Equity*

Variance explanations can be found on page 60



**High Court of Australia**  
**CASH FLOW STATEMENT**  
*for the period ended 30 June 2016*

		2016	2015	Original Budget 2016
	Notes	\$	\$	\$
<b>OPERATING ACTIVITIES</b>				
<b>Cash received</b>				
Appropriations		13,312,000	13,424,000	13,308,000
Sale of goods and rendering of services		318,670	254,997	170,000
Interest		358,990	446,257	360,000
Net GST received		767,491	792,888	800,000
Other		80,875	80,828	100,000
<b>Total cash received</b>		<b>14,838,026</b>	<b>14,998,970</b>	<b>14,738,000</b>
<b>Cash used</b>				
Employees		8,519,585	8,512,794	8,765,000
Suppliers		6,798,149	6,354,882	6,415,000
<b>Total cash used</b>		<b>15,317,734</b>	<b>14,867,676</b>	<b>15,180,000</b>
<b>Net cash from/(used by) operating activities</b>	5.3	<b>(479,708)</b>	131,294	(442,000)
<b>INVESTING ACTIVITIES</b>				
<b>Cash received</b>				
Proceeds from sales of property, plant and equipment		-	4,210	-
Investments		-	-	2,622,000
<b>Total cash received</b>		<b>-</b>	<b>4,210</b>	<b>2,622,000</b>
<b>Cash used</b>				
Purchase of infrastructure, plant and equipment		4,409,831	3,606,288	6,650,000
Investments		-	-	-
<b>Total cash used</b>		<b>4,409,831</b>	<b>3,606,288</b>	<b>6,650,000</b>
<b>Net cash from/(used by) investing activities</b>		<b>(4,409,831)</b>	<b>(3,602,078)</b>	<b>(4,028,000)</b>
<b>FINANCING ACTIVITIES</b>				
<b>Cash received</b>				
Capital injection		3,970,000	4,007,000	3,970,000
<b>Total cash received</b>		<b>3,970,000</b>	<b>4,007,000</b>	<b>3,970,000</b>
<b>Cash used</b>				
Distributed equity		-	1,000	-
<b>Total cash used</b>		<b>-</b>	<b>1,000</b>	<b>-</b>
<b>Net cash from/(used by) financing activities</b>		<b>3,970,000</b>	<b>4,006,000</b>	<b>3,970,000</b>
<b>Net increase/(decrease) in cash held</b>		<b>(919,539)</b>	535,216	(500,000)
Cash and cash equivalents at the beginning of the reporting period		3,342,811	2,807,595	2,307,000
<b>Cash and cash equivalents at the end of the reporting period</b>	5.3	<b>2,423,272</b>	<b>3,342,811</b>	<b>1,807,000</b>

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

**High Court of Australia**  
**BUDGET VARIANCES COMMENTARY**  
*for the period ended 30 June 2016*

Explanation of Major Variances	Affected line item (and Statement)
<p><b>Depreciation:</b> The useful life of the various strata within the library collection and some categories of building assets were reduced following the valuation of the library collection and building assets as at 30 June 2015. These changes occurred post budget.</p>	<p>Depreciation and amortisation (Statement of Comprehensive Income)</p>
<p><b>Cash and Investments:</b> Investments are higher than budget with a variation of \$2,913k. The budget provided for a drawdown of invested funds of \$2,622k to fund capital projects and in particular the replacement of the building's heating, ventilation and air-conditioning systems. Due to the complexities associated with this project the design phase took longer than planned and a contract for this capital project was let in the last quarter of the financial year.</p>	<p>Cash and Cash Equivalents, Other Investments (Statement of Comprehensive Income)            Cash received – investments, Cash used – purchase of infrastructure, plant and equipment (Cash Flow Statement)</p>
<p><b>Land and Buildings:</b> The land and Building value is lower than budget with a variation of \$13,672k. The major factors contributing to this variance are as follows:</p> <ul style="list-style-type: none"> <li>• Revaluations – The actual value of the Court's building reflects a revaluation increment of \$4,474k for 2015-16 and a revaluation decrement of \$13,773k for 2014-15. Both of these revaluations took place after the budget was finalised.</li> <li>• Additions – Delay in the replacement of the building's heating, ventilation and air-conditioning systems.</li> </ul>	<p>Land and Buildings (Statement of Financial Position)            Asset Revaluation Reserve – Opening balance, Other comprehensive income (Statement of Changes in Equity)            Changes in asset revaluation surplus (Statement of Comprehensive Income)</p>
<p><b>Employee Provisions:</b> Employee provisions are higher than budget with a variation of \$212k. This variation primarily relates to the fluctuation in discount rates applied to the long service leave liability and the increased on costs for leave reflecting the rise in the number of staff taking their leave in service.</p>	<p>Employee Provisions (Statement of Financial Position)</p>

**High Court of Australia**  
**ADMINISTERED SCHEDULE OF COMPREHENSIVE INCOME**  
*for the period ended 30 June 2016*

	Notes	2016 \$	2015 \$	Original Budget 2016 \$
<b>Income</b>				
<b>Revenue</b>				
<b>Non-taxation revenue</b>				
Sale of Goods and Rendering of Services	2.1	<u>1,924,680</u>	<u>2,097,055</u>	<u>1,834,000</u>
<b>Total non-taxation revenue</b>		<u>1,924,680</u>	<u>2,097,055</u>	<u>1,834,000</u>
<b>Total income</b>		<u>1,924,680</u>	<u>2,097,055</u>	<u>1,834,000</u>
<b>Total comprehensive income</b>		<u>1,924,680</u>	<u>2,097,055</u>	<u>1,834,000</u>

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

**ADMINISTERED SCHEDULE OF ASSETS AND LIABILITIES**  
*as at 30 June 2016*

	Notes	2016 \$	2015 \$	Original Budget 2016 \$
<b>ASSETS</b>				
<b>Financial Assets</b>				
Cash and cash equivalents	4.1A	<u>39,937</u>	-	-
Trade and Other Receivables	4.1B	<u>-</u>	<u>1,183</u>	-
<b>Total financial assets</b>		<u>39,937</u>	<u>1,183</u>	-
<b>Net assets/(liabilities)</b>		<u>39,937</u>	<u>1,183</u>	-

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

**High Court of Australia**  
**ADMINISTERED RECONCILIATION SCHEDULE**  
*for the period ended 30 June 2016*

	2016	2015
	\$	\$
<b>Opening assets less liabilities as at 1 July</b>	<b>1 183</b>	-
<b>Net (cost of)/contribution by services</b>		
Income	1 924 680	2 097 055
<b>Transfers (to)/from the Australian Government</b>		
Appropriation transfers to OPA		
Transfers to OPA	<u>(1,885,926)</u>	<u>(2,095,872)</u>
<b>Closing assets less liabilities as at 30 June</b>	<b>39,937</b>	1,183

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

**Accounting Policy**

*Administered Cash Transfers to and from the Official Public Account*

Revenue collected by the Court for use by the Government rather than the Court is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. These transfers to and from the OPA are adjustments to the administered cash held by the Court on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

**ADMINISTERED CASH FLOW STATEMENT**  
*for the period ended 30 June 2016*

	Notes	2016	2015
		\$	\$
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Fees and charges		1,925,863	2,095,872
<b>Total cash received</b>		<u>1,925,863</u>	<u>2,095,872</u>
<b>Net cash from/ (used by) operating activities</b>		<u>1,925,863</u>	<u>2,095,872</u>
<b>Net increase (decrease) in cash held</b>		<u>1,925,863</u>	<u>2,095,872</u>
Cash and cash equivalents at the beginning of the reporting period		-	-
<b>Cash to Official Public Account</b>			
Cash to OPA - Other		<u>(1,885,926)</u>	<u>2,095,872</u>
<b>Cash and cash equivalents at the end of the reporting period</b>	4.1A	<u>39,937</u>	<u>4,191,744</u>

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

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## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### Overview

##### Objectives of the High Court of Australia

The Court is a Commonwealth entity. It is a not-for-profit entity. The objective of the Court is to interpret and uphold the Australian Constitution and to perform the functions of the ultimate appellate court of Australia.

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

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

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

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

The Court conducts the following administered activities: Fees and charges are collected in accordance with the *High Court of Australia (Fees) Regulations 2012* Schedule 1. The fees and charges collected are transferred to consolidated revenue.

##### The Basis of Preparation

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

On that basis, the financial statements and notes have been prepared in accordance with:

- Financial Reporting Rule (FRR) for reporting periods ending on or after 1 July 2015, as amended; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

The financial statements are presented in Australian dollars and values are rounded to the nearest dollar unless otherwise specified. Unless alternative treatment is specifically required by an accounting standard or the FRR's, assets and liabilities are recognised in the statement of financial position when and only when it is probable that future economic benefits will flow to the Court or a future sacrifice of economic benefit will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executor contracts are not recognised unless required by an accounting standard.

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

##### Significant Accounting Judgement and Estimates

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

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

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

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### Sale of Assets

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

#### Interest

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

#### **New Australian Accounting Standards**

##### **Adoption of New Australian Accounting Standard Requirements**

No accounting standard has been adopted earlier than the application date as stated in the standard.

None of the new standards, amendments to standards and interpretations that were issued prior to the sign off date and are applicable to the current reporting period have a financial impact, and are not expected to have a future financial impact on the Court.

##### **Future Australian Accounting Standard Requirements**

The following new standard was issued by the Australian Accounting Standards Board prior to the signing of the statements by the Chief Executive & Principal Registrar and Chief Financial Officer, which is expected to have a material impact on the Court's financial statements for the future reporting periods:

Standard/ Interpretation	Application date for the Court	Nature of impending change/s in accounting policy and likely impact on initial application
AASB 15 Revenue from contracts with customers	30 June 2017	AASB 15 <i>Revenue from contracts with customers</i> (issued in January 2015) is the new comprehensive standard for revenue recognition, replacing AASB 111 <i>Construction contracts</i> , AASB 118 <i>Revenue</i> and AASB 1004 <i>Contributions</i> .  The new standard's core principle requires entities to recognise revenue to depict the transfer of goods or services to customers in amounts that reflect the consideration (that is, payment) to which the company expects to be entitled in exchange for those goods or services.

All other standards that were issued prior to the signoff date and are applicable to future reporting periods are not expected to have a future material impact on the Court's financial statements.

#### **Taxation**

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

Revenues, expenses and assets are recognised net of GST except:

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

#### **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, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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#### Events After the Reporting Period

##### Departmental

On 01 July 2016, Law Courts Limited (LCL) transferred to the High Court of Australia assets located in the chambers, court rooms and offices located at Queens Square Law Courts Building, Sydney. Commonwealth and NSW Governments jointly funded refurbishments including fitting out individual floors with ICT equipment, loose furniture and other fixture and fittings during the period 2006 to 2014. LCL is not funded to replace or repair these types of assets and is therefore transferring at a nil cash value these assets to each jurisdiction.

An asset valuation was completed on 06 April 2016 by an external consultant providing a fair value of \$1,359,877, made up of \$1,145,319 leasehold improvements and \$215,008 other property plant and equipment. These assets will be added to the Court's asset register in 2016-17.

**High Court of Australia**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**1. Financial Performance**

This section analyses the financial performance of the High Court of Australia for the year ended 2016.

**1.1. Expenses**

	2016	2015
	\$	\$
<b>Note 1.1A: Employee Benefits</b>		
Wages and salaries	6,153,325	6,497,503
Superannuation		
Defined contribution plans	507,501	543,204
Defined benefit plans	574,322	557,045
Leave and other entitlements	886,932	708,722
Fringe Benefits Tax	324,044	286,442
Separation and redundancies	-	39,036
<b>Total employee benefits</b>	<b>8,446,124</b>	<b>8,631,952</b>

**Accounting Policy**

Accounting policies for employee related expenses is contained in section 6. People and Relationships.

The salaries and allowances paid to the Chief Justice and other Justices of the Court are administered by the Attorney-General's Department through a drawing right on a special appropriation held by the Australian Public Service Commission. These payments are not included in the Financial Statements of the High Court of Australia.

**Note 1.1B: Suppliers**

**Goods and services supplied or rendered**

Property	3,562,439	3,566,076
Security	1,052,516	611,578
Travel	1,027,567	953,893
Information Technology and Communications	661,151	572,127
Electronic library subscriptions	403,682	371,677
Contractors and other Consultants	264,085	273,469
General Insurance	111,995	122,903
Other	724,835	747,603
<b>Total goods and services supplied or rendered</b>	<b>7,808,270</b>	<b>7,219,326</b>

Goods supplied	269,431	276,219
Services rendered	7,538,839	6,943,107
<b>Total goods and services supplied or rendered</b>	<b>7,808,270</b>	<b>7,219,326</b>

**Other suppliers expenses**

Operating lease rentals in connection with		
Minimum lease payments	166,022	182,171
Workers compensation expenses	149,982	185,311
<b>Total other suppliers</b>	<b>316,004</b>	<b>367,482</b>
<b>Total suppliers</b>	<b>8,124,274</b>	<b>7,586,808</b>

**Leasing commitments**

The Court in its capacity as lessee under terms of a contract leases motor vehicles.

**Commitments for minimum lease payments in relation to non-cancellable operating leases are payable as follows:**

Within 1 year	87,835	157,253
Between 1 to 5 years	71,811	127,305
More than 5 years	-	-
<b>Total operating lease commitments</b>	<b>159,646</b>	<b>284,558</b>

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### Accounting Policy

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

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

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

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

	2016	2015
	\$	\$
<b><u>Note 1.1C: Write-Down and Impairment of Assets</u></b>		
Write-down of property, plant and equipment	33,838	26,783
Write-down of buildings	7,190	119,642
Impairment of trade and other receivables	7,407	-
<b>Total write-down and impairment of assets</b>	<b>48,435</b>	<b>146,425</b>



## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### 1.2. Own-Source Revenue and Gains

	2016	2015
Own-Source Revenue	\$	\$

##### Note 1.2A: Sale of Goods and Rendering of Services

Sale of goods	44,019	39,126
Rendering of services	<u>242,194</u>	<u>183,837</u>
<b>Total sale of goods and rendering of services</b>	<b><u>286,213</u></b>	<b><u>222,963</u></b>

##### Accounting Policy

Revenue from the sale of goods is recognised when:

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

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

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

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

##### Note 1.2B: Resources received free of charge

Resources received free of charge		
Remuneration of auditors	55,000	48,000
Property operating cost	<u>2,131,065</u>	<u>2,123,323</u>
<b>Total Resources received free of charge</b>	<b><u>2,186,065</u></b>	<b><u>2,171,323</u></b>

##### Accounting Policy

##### Resources Received Free of Charge

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

##### Note 1.2C: Other Revenue

Practitioner certificates	80,019	76,295
Other	<u>856</u>	<u>4,533</u>
<b>Total other revenue</b>	<b><u>80,875</u></b>	<b><u>80,828</u></b>

##### Note 1.2D: Reversal of write-downs and Impairment

Reversal of Impairment	<u>640</u>	-
<b>Total reversals of previous asset write-downs and impairments</b>	<b><u>640</u></b>	<b><u>-</u></b>

##### Note 1.2E: Other Gains

Assets recognised for the first time	<u>9,700</u>	13,700
<b>Total other gains</b>	<b><u>9,700</u></b>	<b><u>13,700</u></b>

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### Revenue from Government

	2016	2015
	\$	\$
<b>Note 1.2F: Revenue from Government</b>		
Appropriations		
Departmental appropriation	<u>13,312,000</u>	<u>13,424,000</u>
<b>Total revenue from Government</b>	<u><b>13,312,000</b></u>	<u><b>13,424,000</b></u>

#### Accounting Policy

##### *Revenue from Government*

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

**High Court of Australia**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**2. Income and Expenses Administered on Behalf of Government**

This section analyses the activities that the High Court of Australia does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

**2.1. Administered – Income**

	2016	2015
Non-Taxation Revenue	\$	\$
<b><u>Sale of Goods and Rendering of Services</u></b>		
<b>Rendering of services in connection with</b>		
Filing and other hearing fees	1,838,085	2,013,003
Other	86,595	84,052
<b>Total rendering of services</b>	<b>1,924,680</b>	<b>2,097,055</b>
<b>Total sale of goods and rendering of services</b>	<b>1,924,680</b>	<b>2,097,055</b>

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### 3. Financial Position

This section analyses the High Court of Australia's assets used to generate financial performance and the operating liabilities incurred as a result.

Employee related information is disclosed in the People and Relationships section.

##### 3.1. Financial Assets

	2016	2015
	\$	\$
<b>Note 3.1A: Cash and Cash Equivalents</b>		
Cash on hand or on deposit	2,423,272	3,342,811
<b>Total cash and cash equivalents</b>	<b>2,423,272</b>	<b>3,342,811</b>

##### Accounting Policy

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

- a) cash on hand; and
- b) cash at banks and deposits held at call with banks.

##### Note 3.1B: Trade and Other Receivables

###### Goods and services receivables

Goods and services	16,560	20,252
<b>Total goods and services receivables</b>	<b>16,560</b>	<b>20,252</b>

###### Other receivables

Statutory receivables	118,427	69,984
Interest	87,610	91,533
Other	-	5,329
<b>Total other receivables</b>	<b>206,037</b>	<b>166,846</b>
<b>Total trade and other receivables (gross)</b>	<b>222,597</b>	<b>187,098</b>

###### Less impairment allowance

	(1,110)	(1,750)
<b>Total trade and other receivables (net)</b>	<b>221,487</b>	<b>185,348</b>

###### Trade and other receivables (net) expected to be recovered

No more than 12 months	221,487	185,348
<b>Total trade and other receivables (net)</b>	<b>221,487</b>	<b>185,348</b>

###### Trade and other receivables (gross) aged as follows

Not overdue	217,137	181,702
Overdue by:		
0 to 30 days	4,720	3,419
31 to 60 days	-	1,977
61 to 90 days	-	-
More than 90 days	740	-
<b>Total trade and other receivables (gross)</b>	<b>222,597</b>	<b>187,098</b>

###### Impairment allowance aged as follows

Overdue by:		
31 to 60 days	360	1,750
61 to 90 days	-	-
More than 90 days	750	-
<b>Total impairment allowance</b>	<b>1,110</b>	<b>1,750</b>

Credit terms for goods and services were within 30 days (2015: 30 days).

**High Court of Australia**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**Reconciliation of the Impairment Allowance**

**Movements in relation to 2016**

	Goods and services \$'000	Total \$'000
As at July 2015	1,750	1,750
Increase/(Decrease) recognised in net cost of services	(640)	(640)
<b>Total as at 30 June 2016</b>	<b>1,110</b>	<b>1,110</b>

**Movements in relation to 2015**

	Goods and services \$'000	Total \$'000
As at July 2014	1,750	1,750
Increase/(Decrease) recognised in net cost of services	-	-
<b>Total as at 30 June 2015</b>	<b>1,750</b>	<b>1,750</b>

**Accounting Policy**

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

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

	2016 \$	2015 \$
<b>Note 3.1C: Other Investment</b>		
Deposits <sup>1</sup>	<u>9,500,000</u>	<u>9,500,000</u>
<b>Total other investments</b>	<u>9,500,000</u>	<u>9,500,000</u>
<b>Other investments expected to be recovered</b>		
No more than 12 months	<u>9,500,000</u>	<u>9,500,000</u>
<b>Total other investments</b>	<u>9,500,000</u>	<u>9,500,000</u>

<sup>1</sup> Deposits held with financial institutions as authorised by the CE&PR under Section 41 of the *High Court of Australia Act* 1979.

### High Court of Australia NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### 3.2. Non-Financial Assets

##### Note 3.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2016)

	Land	Buildings	Library holdings	Other PP&E	Heritage and cultural <sup>1</sup>	Computer software	Total
	\$	\$	\$	\$	\$	\$	\$
<b>As at 1 July 2015</b>							
Gross book value	8,500,000	178,352,040	13,199,684	2,501,141	4,414,140	897,445	207,864,450
Accumulated depreciation and impairment	-	(27,201)	(1,019)	(620,092)	-	(726,511)	(1,374,823)
<b>Total as at 1 July 2015</b>	<b>8,500,000</b>	<b>178,324,839</b>	<b>13,198,665</b>	<b>1,881,049</b>	<b>4,414,140</b>	<b>170,934</b>	<b>206,489,627</b>
Additions:							
By purchase	-	2,329,865	818,863	999,428	-	55,172	4,203,328
By other movements	-	-	-	-	9,700	-	9,700
Revaluations and impairments recognised in other comprehensive income	-	4,337,179	-	137,262	-	-	4,474,441
Impairments recognised in the operating result	-	(7,190)	(5,143)	(28,695)	-	-	(41,028)
Depreciation and amortisation expense	-	(4,785,030)	(627,662)	(374,732)	-	(102,836)	(5,890,260)
Disposals:							
Other disposals	-	-	-	-	-	-	-
Movements:							
Other movements	-	-	-	-	-	-	-
<b>Total as at 30 June 2016</b>	<b>8,500,000</b>	<b>180,199,663</b>	<b>13,384,723</b>	<b>2,614,312</b>	<b>4,423,840</b>	<b>123,270</b>	<b>209,245,808</b>
<b>Total as at 30 June 2016 represented by:</b>							
Gross book value	8,500,000	180,204,461	14,013,157	2,648,749	4,423,840	952,617	210,742,824
Accumulated depreciation and impairment	-	(4,798)	(628,434)	(34,437)	-	(829,347)	(1,497,016)
<b>Total as at 30 June 2016</b>	<b>8,500,000</b>	<b>180,199,663</b>	<b>13,384,723</b>	<b>2,614,312</b>	<b>4,423,840</b>	<b>123,270</b>	<b>209,245,808</b>

<sup>1</sup>Land, buildings and other property, plant and equipment that met the definition of a heritage and cultural item were disclosed in the heritage and cultural asset class. No indicators of impairment were found for intangible assets.

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



## High Court of Australia NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy. On 30 June 2016, independent valuers conducted valuations on land and buildings, and other property, plant and equipment classes.

A revaluation increment of \$4,337,179 for buildings (2015: decrement \$13,772,753), and a revaluation increment of \$137,263 for other property plant and equipment (2015: nil) were credited to the asset revaluation reserve by asset class and included in the equity section of the statement of financial position.

### Contractual commitments for the acquisition of property, plant, equipment and intangible assets

The Court has entered into capital contracts for the replacement of the building's heating, ventilation and air conditioning systems, external lighting upgrades and other minor building works.

Commitments are payable as follows:

Within 1 year	2016	2015
Between 1 to 5 years	\$	\$
Total commitments <sup>1</sup>	5,479,103	1,158,308
	3,248,373	-
	8,727,476	1,158,308

<sup>1</sup> Including GST

## High Court of Australia NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2015)

	Land	Buildings	Library holdings	Other PP&E	Heritage and cultural <sup>1</sup>	Computer software	Total
	\$	\$	\$	\$	\$	\$	\$
<b>As at 1 July 2014</b>							
Gross book value	8,500,000	194,302,090	12,495,977	1,765,782	3,644,445	1,103,637	221,811,931
Accumulated depreciation and impairment	-	(88,803)	-	(290,462)	-	(875,464)	(1,254,729)
<b>Total as at 1 July 2014</b>	<b>8,500,000</b>	<b>194,213,287</b>	<b>12,495,977</b>	<b>1,475,320</b>	<b>3,644,445</b>	<b>228,173</b>	<b>220,557,202</b>
Additions							
By purchase	-	2,081,720	885,616	787,667	-	57,783	3,812,786
By other movements	-	-	-	-	13,701	-	13,701
Revaluations and impairments recognised in other comprehensive income	-	(13,772,753)	75,234	-	755,994	-	(12,941,525)
Impairments recognised in the operating result	-	(119,642)	(1,056)	(25,727)	-	-	(146,425)
Depreciation and amortisation expense	-	(4,077,773)	(257,106)	(351,960)	-	(115,022)	(4,801,861)
Disposals:							
Other disposals	-	-	-	(4,251)	-	-	(4,251)
<b>Total as at 30 June 2015</b>	<b>8,500,000</b>	<b>178,324,839</b>	<b>13,198,665</b>	<b>1,881,049</b>	<b>4,414,140</b>	<b>170,934</b>	<b>206,489,627</b>
<b>Total as at 30 June 2015 represented by:</b>							
Gross book value	8,500,000	178,352,040	13,199,684	2,501,141	4,414,140	897,445	207,864,450
Accumulated depreciation and impairment	-	(27,201)	(1,019)	(620,092)	-	(726,511)	(1,374,823)
<b>Total as at 30 June 2015</b>	<b>8,500,000</b>	<b>178,324,839</b>	<b>13,198,665</b>	<b>1,881,049</b>	<b>4,414,140</b>	<b>170,934</b>	<b>206,489,627</b>

<sup>1</sup>Land, buildings and other property, plant and equipment that met the definition of a heritage and cultural item were disclosed in the heritage and cultural asset class.

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### Accounting Policy

##### Asset Recognition Threshold

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

##### Revaluations

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

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class. Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

##### Depreciation

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

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

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

	2016	2015
Building assets	8 to 165 years	8 to 165 years
Infrastructure, plant and equipment	0 to 50 years	0 to 35 years
Library holdings	20 to 30 years	50 years

All heritage and cultural assets have indefinite useful lives and are not depreciated.

##### Impairment

All assets were assessed for impairment at 30 June 2016. 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 of disposal and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Court were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

##### Derecognition

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

##### Heritage and Cultural Assets

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

##### Intangibles

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

Software is amortised on a straight-line basis over their anticipated useful life. The useful lives of the Court's software is 3 years (2014-15: 3 years).

All software assets were assessed for indications of impairment as at 30 June 2016.

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2016	2015
	\$	\$
<b>Note 3.2B: Other Non-Financial Assets</b>		
Prepayments	<u>110,119</u>	<u>140,313</u>
<b>Total other non-financial assets</b>	<u>110,119</u>	<u>140,313</u>
<b>Other non-financial assets expected to be recovered</b>		
No more than 12 months	<u>110,119</u>	<u>140,313</u>
<b>Total other non-financial assets</b>	<u>110,119</u>	<u>140,313</u>

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

### 3.3. Payables

	2016	2015
	\$	\$
<b>Note 3.3A: Suppliers</b>		
Trade creditors	11,639	274,706
Accruals	<u>211,701</u>	<u>198,444</u>
<b>Total suppliers</b>	<u>223,340</u>	<u>473,150</u>
<b>Suppliers expected to be settled</b>		
No more than 12 months	<u>223,340</u>	<u>473,150</u>
<b>Total suppliers</b>	<u>223,340</u>	<u>473,150</u>

Settlement is usually made within 30 days.

<b>Note 3.3B: Other Payables</b>		
Wages and salaries	128,185	315,388
Superannuation	4,173	39,122
Unearned revenue	<u>23,981</u>	<u>18,701</u>
<b>Total other payables</b>	<u>156,339</u>	<u>373,211</u>
<b>Other payables expected to be settled</b>		
No more than 12 months	<u>156,339</u>	<u>373,211</u>
<b>Total other payables</b>	<u>156,339</u>	<u>373,211</u>

**High Court of Australia**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**4. Assets and Liabilities Administered on Behalf of Government**

This section analyses assets used to generate financial performance and the operating liabilities incurred as a result the High Court of Australia does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

**4.1. Administered – Financial Assets**

	2016	2015
	\$	\$
<b><u>Note 4.1A: Cash and Cash Equivalents</u></b>		
Cash on hand or on deposit	39,937	-
<b>Total cash and cash equivalents</b>	<b>39,937</b>	<b>-</b>
<b><u>Note 4.1B: Trade and Other Receivables</u></b>		
Goods and services receivable	-	1,183
<b>Total goods and services receivables</b>	<b>-</b>	<b>1,183</b>

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### 5. Funding

This section identifies the High Court of Australia funding structure.

##### 5.1. Appropriations

###### Annual Appropriations ('Recoverable GST exclusive')

###### Annual Appropriations for 2016

	<i>Appropriation Act</i>	Appropriation applied in 2015-16 (current and prior years)	Variance
	Annual Appropriation \$		
<b>Departmental</b>			
Ordinary annual services	13,312,000	13,312,000	-
Capital Budget (DCB)	2,520,000	2,520,000	-
<b>Other services</b>			
Equity Injections	1,450,000	1,450,000	-
<b>Total departmental</b>	<b>17,282,000</b>	<b>17,282,000</b>	<b>-</b>

###### Annual Appropriations for 2015

	<i>Appropriation Act</i>	Appropriation applied in 2014-15 (current and prior years)	Variance
	Annual Appropriation \$		
Departmental			
Ordinary annual services	13,424,000	13,424,000	-
Capital Budget (DCB)	2,557,000	2,557,000	-
Other services			
Equity Injections	1,450,000	1,450,000	-
Total departmental	17,431,000	17,431,000	-

The amounts are appropriated directly to the High Court of Australia in the Appropriations Acts. The appropriations are applied when amounts are paid to the High Court of Australia.



**High Court of Australia**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**5.2. Net Cash Appropriation Arrangements**

	2016	2015
	\$	\$
<b>Total comprehensive income/(loss) less depreciation/amortisation expenses previously funded through revenue appropriations</b>	<b>4,086,164</b>	<b>(12,970,859)</b>
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	<u>(5,890,260)</u>	<u>(4,801,861)</u>
<b>Total comprehensive income/(loss) - as per the Statement of Comprehensive Income</b>	<b><u>(1,804,096)</u></b>	<b><u>(17,772,720)</u></b>

**5.3. Cash Flow Reconciliation**

**Reconciliation of cash and cash equivalents as per statement of financial position to cash flow statement**

<b>Cash and cash equivalents as per</b>		
Cash flow statement	2,423,272	3,342,811
Statement of financial position	<u>2,423,272</u>	<u>3,342,811</u>
<b>Discrepancy</b>	<u>-</u>	<u>-</u>

**Reconciliation of net cost of services to net cash from/(used by) operating activities**

Net (cost of)/contribution by services	(19,590,534)	(18,255,195)
Revenue from Government	13,312,000	13,424,000

**Adjustments for non-cash items**

Depreciation / amortisation	5,890,260	4,801,861
Gain - other, assets recognised for the first time	(9,700)	(13,700)
Net write down of non-financial assets	41,029	146,425
Losses from sale of assets	-	41
Reduction of Impairment allowance	(640)	-

**Movements in assets and liabilities**

**Assets**

(Increase) / decrease in net receivables	(35,499)	27,896
(Increase) / decrease in prepayments	30,194	(24,696)

**Liabilities**

Increase / (decrease) in employee provisions	143,363	88,870
Increase / (decrease) in supplier payables	(43,309)	(100,246)
Increase / (decrease) in other payable	<u>(216,872)</u>	<u>36,038</u>

<b>Net cash from/(used by) operating activities</b>	<b><u>(479,708)</u></b>	<b><u>131,294</u></b>
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## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### 6. People and Relationships

This section describes a range of employment and post-employment benefits provided to our people and our relationships with other key people.

##### 6.1. Employee Provisions

	2016	2015
	\$	\$
Leave	<u>2,629,190</u>	<u>2,485,827</u>
<b>Total employee provisions</b>	<b><u>2,629,190</u></b>	<b><u>2,485,827</u></b>
<b>Employee provisions expected to be settled</b>		
No more than 12 months	724,397	974,935
More than 12 months	<u>1,904,793</u>	<u>1,510,892</u>
<b>Total employee provisions</b>	<b><u>2,629,190</u></b>	<b><u>2,485,827</u></b>

##### Accounting Policy

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

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

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

##### Leave

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

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

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2016. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

##### Separation and Redundancy

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

##### Superannuation

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

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

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes.

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

The liability for superannuation recognised as at 30 June represents outstanding contributions.

**High Court of Australia**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**6.2. Senior Management Personnel Remuneration**

	2016	2015
	\$	\$
<b>Short-term employee benefits</b>		
Salary	<u>946,919</u>	<u>1,120,707</u>
<b>Total short-term employee benefits</b>	<u>946,919</u>	<u>1,120,707</u>
<b>Post-employment benefits</b>		
Superannuation	<u>170,366</u>	<u>188,624</u>
<b>Total post-employment benefits</b>	<u>170,366</u>	<u>188,624</u>
<b>Other long-term employee benefits</b>		
Long-service leave	<u>60,150</u>	<u>57,681</u>
Annual leave accrued	<u>82,277</u>	<u>95,748</u>
<b>Total other long-term employee benefits</b>	<u>142,427</u>	<u>153,429</u>
<b>Total senior executive remuneration expenses</b>	<u>1,259,712</u>	<u>1,462,760</u>

The total number of senior management personnel that are included in the above table are 4.2 (2015: 5). During 2015-16, one SES contract concluded.

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### 7. Managing Uncertainties

This section analyses how the High Court of Australia manages financial risks within its operating environment.

##### 7.1. Contingent Assets and Liabilities

At 30 June 2016, the Court had no quantifiable or unquantifiable contingencies. (2015: nil).

###### Accounting Policy

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

##### 7.2. Financial Instruments

	2016	2015
	\$	\$
<b>Note 7.2A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
<b>Held-to-maturity investments</b>		
Term deposits	9,500,000	9,500,000
<b>Total held-to-maturity investments</b>	<b>9,500,000</b>	<b>9,500,000</b>
<b>Loans and receivables</b>		
Cash at bank	2,423,272	3,342,811
Receivable for goods and services	16,560	20,252
<b>Total loans and receivables</b>	<b>2,439,832</b>	<b>3,363,063</b>
<b>Total financial assets</b>	<b>11,939,832</b>	<b>12,863,063</b>
<b>Financial Liabilities</b>		
<b>Financial liabilities measured at amortised cost</b>		
Supplier payables	11,639	274,706
Accrued expenses	211,701	198,444
<b>Total financial liabilities measured at amortised cost</b>	<b>223,340</b>	<b>473,150</b>
<b>Total financial liabilities</b>	<b>223,340</b>	<b>473,150</b>
<b>Note 7.2B: Net Gains or Losses on Financial Assets</b>		
<b>Held-to-maturity investments</b>		
Interest revenue	333,037	388,550
<b>Net gains/(losses) held-to-maturity investments</b>	<b>333,037</b>	<b>388,550</b>
<b>Loans and receivables</b>		
Interest revenue	22,029	34,528
<b>Net gains/(losses) loans and receivables</b>	<b>22,029</b>	<b>34,528</b>
<b>Net gains/(losses) from financial assets</b>	<b>355,066</b>	<b>423,078</b>

**High Court of Australia**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**Note 7.2C: Fair Value of Financial Instruments**

	Carrying amount 2016 \$	Fair value 2016 \$	Carrying amount 2015 \$	Fair value 2015 \$
<b>Financial Assets</b>				
Cash at bank	2,423,272	2,423,272	3,342,811	3,342,811
Held-to-maturity	9,500,000	9,500,000	9,500,000	9,500,000
Receivables for goods and services	16,560	16,560	20,252	20,252
<b>Total financial assets</b>	<b>11,939,832</b>	<b>11,939,832</b>	12,863,063	12,863,063
<b>Financial Liabilities</b>				
Suppliers payable at amortised cost	11,639	11,639	274,706	274,706
Accrued expenses at amortised cost	211,701	211,701	198,444	198,444
<b>Total financial liabilities</b>	<b>223,340</b>	<b>223,340</b>	473,150	473,150

**Accounting Policy**

**Financial Assets**

The Court classifies its financial assets in the following categories:

- (a) held-to-maturity investments; and
- (b) loans and receivables.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. Financial assets are recognised and derecognised upon trade date.

Effective Interest Method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period. Income is recognised on an effective interest rate basis except for financial assets that are recognised at fair value through profit or loss.

Held-to-Maturity Investments

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

Loans and Receivables

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

Impairment of Financial Assets

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

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

Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

Other Financial Liabilities

Other financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis. The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period. Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### Note 7.2D: Credit Risk

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

The Court assessed the risk of the default on payment and has allocated \$1110 in 2016 (2015: \$1750) to an impairment allowance account. The Court had policies and procedures that guided employees debt recovery techniques that were to be applied.

The Court held no collateral to mitigate against credit risk.

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

	2016	2015
	\$	\$
Cash and cash equivalents	2,423,272	3,342,811
Loans and receivables	16,560	20,252
<b>Total</b>	<b>2,439,832</b>	<b>3,363,063</b>

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

	Not past due nor impaired 2016	Not past due nor impaired 2015	Past due or impaired 2016	Past due or impaired 2015
	\$	\$	\$	\$
Cash and cash equivalents	2,423,272	3,342,811	-	-
Loans and receivables	11,100	14,856	5,460	5,396
<b>Total</b>	<b>2,434,372</b>	<b>3,357,667</b>	<b>5,460</b>	<b>5,396</b>

#### Ageing of financial assets that were past due but not impaired for 2016

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables	4,350	-	-	-	4,350
<b>Total</b>	<b>4,350</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,350</b>

#### Ageing of financial assets that were past due but not impaired for 2015

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables	3,419	227	-	-	3,646
<b>Total</b>	<b>3,419</b>	<b>227</b>	<b>-</b>	<b>-</b>	<b>3,646</b>



**High Court of Australia**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**Note 7.2E: Liquidity Risk**

Liquidity risk is the risk that the Court will not be able to meet its obligations as they fall due.

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

**Maturities for non-derivative financial liabilities 2016**

	On demand \$'000	Within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Supplier payables	-	11,639	-	-	-	11,639
Accrued expenses	-	211,701	-	-	-	211,701
<b>Total</b>	-	<b>223,340</b>	-	-	-	<b>223,340</b>

**Maturities for non-derivative financial liabilities 2015**

	On demand \$'000	Within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Supplier payables	-	274,706	-	-	-	274,706
Accrued expenses	-	198,444	-	-	-	198,444
<b>Total</b>	-	<b>473,150</b>	-	-	-	<b>473,150</b>

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### Note 7.2F: Market Risk

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

The weighted average interest rate received on cash at bank funds during the 2015/2016 financial year was 1.575%. Based on recent trends and the current economic environment, management estimates that the maximum perceived exposure to changes in the interest rates in the next 12 months is approximately +/- 0.30%.

The weighted average interest rate received on investments during the 2015/2016 financial year was 3.085%. Based on recent trends and the current economic environment, management estimates that the maximum perceived exposure to changes in the interest rates in the next 12 months is approximately +/- 0.30%.

#### Sensitivity analysis of the risk that the entity is exposed to for 2016

Risk variable	Change in risk variable %	Effect on		
		Net cost of services	Equity	
Interest rate risk - cash at bank	1.575	(0.30)	(7,264)	-
Interest rate risk - cash at bank	1.575	0.30	7,264	-
Interest rate risk - investments	3.085	(0.30)	(28,500)	-
Interest rate risk - investments	3.085	0.30	28,500	-

#### Sensitivity analysis of the risk that the entity is exposed to for 2015

Risk variable	Change in risk variable %	Effect on		
		Net cost of services	Equity	
Interest rate risk - cash at bank	1.950	(0.40)	(13,364)	-
Interest rate risk - cash at bank	1.950	0.40	13,364	-
Interest rate risk - investments	3.626	(0.40)	(38,000)	-
Interest rate risk - investments	3.626	0.40	38,000	-

## High Court of Australia

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### 7.3. Fair Value Measurement

The following tables provide an analysis of assets that are measured at fair value. The remaining assets and liabilities disclosed in the statement of financial position do not apply the fair value hierarchy. The different levels of the fair value hierarchy are defined below.

Level 1: Quoted prices (unadjusted) in active markets for identical assets that the entity can access at measurement date.

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset, either directly or indirectly.

Level 3: Unobservable inputs for the asset or liability.

#### Accounting Policy

The Court deems transfers between levels of the fair value hierarchy to have occurred at the end of the reporting period.

#### Note 7.3A: Fair value measurements, Valuation Techniques and Inputs Used

	Fair value measurements at the end of the reporting period			Valuation technique(s) and Inputs Used
	2016 \$	2015 \$	Category (Level 1, 2 or 3)	
<b>Financial assets</b>				
Investments	9,500,000	9,500,000	Level 2	Market Approach. Inputs: Prices and other relevant information generated by market transactions.
<b>Total financial assets</b>	<b>9,500,000</b>	<b>9,500,000</b>		
<b>Non-financial assets</b>				
Land	8,500,000	8,500,000	Level 3	Market Approach: This approach seeks to estimate the current value of an asset with reference to recent market transactions involving identical or comparable assets. Inputs: Adjusted prices and other relevant information generated by market transactions involving land assets.
Buildings on freehold land	180,199,663	178,324,838	Level 3	Depreciated Replacement Cost: The amount a market participant would be prepared to pay to acquire or construct a substitute asset of comparable utility, adjusted for physical depreciation and obsolescence. Inputs: Current building replacement costs. Physical depreciation and obsolescence has been determined based on professional judgement regarding physical, economic and external obsolescence factors relevant to each building component.
Heritage and cultural	4,423,840	4,414,140	Level 2	Market Approach. Inputs: Prices and other relevant information generated by market transactions involving plant and equipment assets were considered.
Property, plant and equipment	1,487,412	1,234,787	Level 2	Market Approach. Inputs: Prices and other relevant information generated by market transactions involving plant and equipment assets were considered.

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	Level 3	Level 2	Depreciated Replacement Cost. Inputs: Current prices for substitute assets. Physical depreciation and obsolescence has been determined based on professional judgement regarding physical, economic and external obsolescence factors relevant to the assets under consideration.
Property, plant and equipment	1,126,900	646,262	
Library holdings	13,384,723	13,198,665	
<b>Total non-financial assets</b>	<b>209,122,538</b>	<b>206,318,692</b>	
<b>Total fair value measurements of assets in the statement of financial position</b>	<b>218,622,538</b>	<b>215,818,692</b>	Market Approach. Inputs: Prices and other relevant information generated by market transactions involving plant and equipment assets were considered.

1. No change in valuation technique occurred during the period.

### Fair value measurements – highest and best use differs from current use for non-financial assets (NFAs)

The Courts assets are held to meet the operational requirements of the *High Court of Australia Act 1979* and not held for the purposes of deriving a profit. The current use of all NFAs is considered their highest and best use.

### Recurring and non-recurring Level 3 fair value measurements - valuation processes

The Court's policy is to revalue the land and buildings asset classes annually. The Court tests the procedures of the valuation model of all other asset classes as an internal management review at least once every 12 months (with a formal revaluation undertaken once every three years). If a particular asset class experiences significant and volatile changes in fair value (i.e. where indicators suggest that the value of the class has changed materially since the previous reporting period), that class is subject to specific valuation in the reporting period, where practicable, regardless of the timing of the last specific valuation. During the 2015-16 financial year the Court procured valuation services from:

- Australian Valuation Solutions (AVS) for the valuation of the Court's land and buildings assets and other property, plant and equipment.

The Court has relied on valuation models provided by the consultants and written assurance was provided to the Court that the model developed is in compliance with AASB 13.

Significant Level 3 inputs utilised by the entity are derived and evaluated as follows:

#### Buildings on freehold land - Consumed economic benefit / Obsolescence of asset

Assets that do not transact with enough frequency or transparency to develop objective opinions of value from observable market evidence have been measured utilising the cost (Depreciated Replacement Cost or DRC) approach. Under the DRC approach the estimated cost to replace the asset is calculated and then adjusted to take into account its consumed economic benefit / asset obsolescence (accumulated Depreciation). Consumed economic benefit / asset obsolescence has been determined based on professional judgement regarding physical, economic and external obsolescence factors relevant to the asset under consideration.

#### Land - Adjusted market transactions

The Land asset has been measured using the market approach. No directly comparable sales of land parcels having a similar size and/or development potential were identified. Sales of land parcels with varying degrees of comparability have been identified and utilised to assess the fair value of the land asset based on the Valuers professional judgement.

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**Note 7.3B: Reconciliation for recurring Level 3 fair value measurements**

	Non-financial assets							
	Land <sup>3</sup>		Buildings		IP&E		Total	
	2016	2015	2016	2015	2016	2015	2016	2015
<b>As at 1 July</b>	<b>8,500,000</b>	<b>8,500,000</b>	<b>178,324,839</b>	<b>194,213,287</b>	<b>646,262</b>	<b>215,963</b>	<b>187,471,101</b>	<b>202,929,250</b>
Total gains/(losses) recognised in net cost of services <sup>1</sup>	-	-	(4,785,030)	(4,077,773)	(90,157)	(67,042)	(4,875,187)	(4,144,815)
Total gains/(losses) recognised in other comprehensive income <sup>2</sup>	-	-	4,337,179	(13,772,753)	24,286	-	4,361,465	(13,772,753)
Purchases	-	-	2,329,866	2,081,720	545,204	501,495	2,875,069	2,583,215
Impairment	-	-	(7,190)	(119,642)	(28,695)	(4,154)	(35,885)	(123,796)
Transfers into Level 3	-	-	-	-	91,000	-	91,000	-
Transfers out of Level 3	-	-	-	-	(61,000)	-	(61,000)	-
<b>Total as at 30 June</b>	<b>8,500,000</b>	<b>8,500,000</b>	<b>180,199,664</b>	<b>178,324,839</b>	<b>1,126,900</b>	<b>646,262</b>	<b>189,826,563</b>	<b>187,471,101</b>

1. These gains/(losses) are presented in the Statement of Comprehensive Income under depreciation and amortisation.
2. These gains/(losses) are presented in the Statement of Comprehensive Income under changes in asset revaluation surplus.
3. The land asset has been transferred into level 3 as significant professional judgement has been utilised to determine fair value. The entity's policy for determining when transfers between levels are deemed to have occurred can be found in Note 1.

**Accounting Policy**

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

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

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**8. Other Information**

This section provides other disclosures relevant to the High Court of Australia financial information environment for the year.

**8.1. Public Money in the Custody of the Court**

	2016	2015
	\$	\$
<b>Suitor's Fund</b>		
Balances as at July 2015	12,000	19,500
Amounts received	5,000	10,000
Amounts deducted/paid out	<u>(2,500)</u>	<u>(17,500)</u>
Balance as at 30 June 2016	<u>14,500</u>	<u>12,000</u>

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



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**8.2. Reporting of Outcomes**

Major Classes of Departmental Expenses Income Assets and Liabilities by Outcome

	Outcome 1		Total	
	2016	2015	2016	2015
	\$	\$	\$	\$
<b>Expenses</b>				
Employees	8,446,124	8,631,952	8,446,124	8,631,952
Suppliers	8,124,274	7,586,808	8,124,274	7,586,808
Depreciation and amortisation	5,890,260	4,801,861	5,890,260	4,801,861
Write down of assets	48,435	146,425	48,435	146,425
Loss on disposal of assets	-	41	-	41
<b>Total expenses</b>	<b>22,509,093</b>	<b>21,167,087</b>	<b>22,509,093</b>	<b>21,167,087</b>
<b>Own-source income</b>				
Sale of goods and services	286,213	222,963	286,213	222,963
Interest	355,066	423,078	355,066	423,078
Other revenue	2,267,580	2,252,151	2,267,580	2,252,151
Other gains	9,700	13,700	9,700	13,700
<b>Total own-source income</b>	<b>2,918,559</b>	<b>2,911,892</b>	<b>2,918,559</b>	<b>2,911,892</b>
<b>Income</b>				
Fees and charges	1,924,680	2,097,055	1,924,680	2,097,055
<b>Total income</b>	<b>1,924,680</b>	<b>2,097,055</b>	<b>1,924,680</b>	<b>2,097,055</b>
<b>Net cost/(contribution) of outcome delivery</b>	<b>21,515,214</b>	<b>20,352,250</b>	<b>21,515,214</b>	<b>16,158,140</b>
<b>Assets</b>				
Financial assets	12,144,759	13,028,159	12,144,759	13,028,159
Non-financial assets	209,355,927	206,629,939	209,355,927	206,629,939
<b>Total assets</b>	<b>221,500,686</b>	<b>219,658,098</b>	<b>221,500,686</b>	<b>219,658,098</b>
<b>Liabilities</b>				
Payables	379,679	846,361	379,679	846,361
Provisions	2,629,190	2,485,827	2,629,190	2,485,827
<b>Total liabilities</b>	<b>3,008,869</b>	<b>3,332,188</b>	<b>3,008,869</b>	<b>3,332,188</b>
<b>Assets</b>				
Financial assets	39,937	1,183	39,937	1,183
<b>Total assets</b>	<b>39,937</b>	<b>1,183</b>	<b>39,937</b>	<b>1,183</b>

# 8

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## PART 8 | ANNEXURES

### ANNEXURE A

#### FREEDOM OF INFORMATION

The High Court administration routinely includes information in its annual and financial reports consistent with the reporting requirements of the *Freedom of Information Act* 1982 (Cth) (Fol Act). The Fol Act applies only to administrative, non-judicial documents held by the Court, and does not apply to the holder of a judicial office or other office pertaining to the Court. The officers of the Court who are not a 'Prescribed Authority' for the purposes of the Act include:

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

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

case files of the Court are accessible to members of the public under the procedures in Rule 4.07.4 of the *High Court Rules* 2004.

The primary source of public information available to the public is via the Court website. It provides a wide range of information related to the core business of the Court, its history, structure and administration. The Court has also published an Information Publication Plan as required under section 8 of the Fol Act.

The website provides access to documents related to legal matters filed at the High Court Registry, such as parties' initiating documents and submissions, short particulars of appeals and original jurisdiction matters, the results of applications for special leave, and judgment summaries. Some of these documents are published on both the Court and AustLII websites and are also distributed through subscription email lists. Transcripts of all Court hearings are also

accessible on the website, as are audio-visual recordings of Full Bench hearings in Canberra. The website provides links to relevant legislation, the High Court Rules and Forms, the library catalogue, and the library's current year's new books notification service. The website also provides information about fees for filing, issuing or sealing a document or obtaining a service, pursuant to Schedule 1 of the *High Court of Australia (Fees) Regulations*, and the Scale of Professional Costs, pursuant to Schedule 2 of the *High Court Rules 2004*.

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

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

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

An email based subscription service is available to the public, media and legal profession which allows for notification of upcoming judgments, judgment summaries and case summaries.

Other information that the Court makes available includes:

- the *High Court Bulletin*, produced by the High Court library. This provides a record of recent High Court cases: decided, reserved for judgment, awaiting hearing in the Court's original jurisdiction, granted special leave to appeal, and refused special leave to appeal. It is published in hard copy and is also available via the website, on a link to the AustLII website
- the Conservation Management Plan for the Court consistent with the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*
- the Court sitting calendar, business lists and daily court lists
- venue and safety information for school excursions
- information transmitted orally by Court Guides stationed in the Public Hall and courtrooms to pre-booked school groups, other groups and visitors at large. Visitors are given an overview of the history, role and powers of the High Court and an explanation of the workings of each courtroom they visit. If the court is sitting, school groups watch proceedings for a short time and debrief in another courtroom about what they have observed
- tailored guided tours for official visitors
- information about functions such as Sunday concerts, moots and public lectures.

The Court works with other institutions in the Parliamentary Zone to facilitate public access to information about the Court. For example, the Court has an established partnership with the National Archives of Australia (NAA). The NAA includes in its permanent exhibitions and on its website information about the Court, as do other national institutions, including the Australian Parliament.

The Court maintains appropriate channels of communication with the media, relevant agencies and the public about the operations of the Court.

## FOI PROCEDURES AND INITIAL CONTACT POINTS

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

High Court of Australia  
PO Box 6309  
Kingston ACT 2604  
Telephone: (02) 6270 6819  
Fax: (02) 6270 6868  
Email: [enquiries@hcourt.gov.au](mailto:enquiries@hcourt.gov.au)

## FACILITIES FOR ACCESS

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

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

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

## CANBERRA

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

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

## OFFICES AROUND AUSTRALIA



## SYDNEY

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

Registry telephone: (02) 9230 8369  
Registry facsimile: (02) 9230 8376



## MELBOURNE

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

Registry telephone: (03) 8600 3001  
Registry facsimile: (03) 8600 3007



## BRISBANE

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

Registry telephone: (07) 3248 1100  
Registry facsimile: (07) 3248 1260



## PERTH

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

Registry telephone: (08) 9268 7100  
Registry facsimile: (08) 9221 3261





## ADELAIDE

Federal Court of Australia  
Level 5, Commonwealth Law Courts  
3 Angas Street, Adelaide SA 5000  
Registry telephone: (08) 8219 1000  
Registry facsimile: (08) 8219 1001



## HOBART

Supreme Court of Tasmania  
Salamanca Place, Hobart TAS 7000  
Registry telephone: (03) 6233 6245  
Registry facsimile: (03) 6223 7816



## DARWIN

Federal Court of Australia  
Level 3, Supreme Court Building  
State Square, Darwin NT 0800  
Registry telephone: (08) 8941 2333  
Registry facsimile: (08) 8941 4941



# ANNEXURE B

## STAFFING OVERVIEW

This Annexure comprises two tables which provide a profile of the Court administration's staff as at 30 June 2016.

All High Court staff are employed under the *High Court of Australia Act 1979* (Cth). Conditions of employment for staff below the senior executive level are contained in the Determination under section 26(4) of that Act. As at 30 June 2016 the High Court employed 35 full-time and part-time ongoing staff; 34 full-time and part-time non-ongoing staff and 29 casual staff.

### Staff distribution

Staff distribution by branch/section, as at 30 June 2016.

Branch/section	Ongoing		Non-ongoing		Casual	Total	
	full time	part time	full time	part time		2016	2015
CE&PR	1	-	1	-	-	2	2
Chambers	3	-	21	-	-	24	25
Corporate Services	12	3	2	-	1	18	17
Library	3	4	1	-	-	8	11
Public Information	-	1	1	-	17	19	19
Registry	5	3	5	3	11	27	25
<b>Total</b>	<b>24</b>	<b>11</b>	<b>31</b>	<b>3</b>	<b>29</b>	<b>98</b>	<b>99</b>

### Staff classification

Ongoing and non-ongoing full-time, part-time and casual staff by classification and gender, as at 30 June 2016.

Classification	Ongoing				Non-ongoing				Casual		Total		Total	
	full time		part time		full time		part time				2016		2015	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M
HCE1	-	1	-	-	-	-	-	-	-	-	-	1	0	1
HCE2	-	1	-	-	-	-	-	-	9	8	9	9	10	8
HCE3	2	-	1	-	-	-	2	-	10	1	15	1	13	1
HCE4	1	2	4	-	-	-	-	-	-	-	5	2	7	2
HCE5	3	1	2	-	6	8	-	-	-	-	11	9	13	7
HCE6	3	1	-	1	6	2	-	-	1	-	10	4	11	3
EL1	2	3	3	-	-	2	1	-	-	-	6	5	6	6
EL2	1	3	-	-	2	1	-	-	-	-	3	4	3	3
Senior Executive	-	-	-	-	1	2	-	-	-	-	1	2	2	2
Office Holder	-	-	-	-	-	1	-	-	-	-	-	1	-	1
<b>Total</b>	<b>12</b>	<b>12</b>	<b>10</b>	<b>1</b>	<b>15</b>	<b>16</b>	<b>3</b>	<b>-</b>	<b>20</b>	<b>9</b>	<b>60</b>	<b>38</b>	<b>65</b>	<b>34</b>
<b>Grand total</b>	<b>24</b>		<b>11</b>		<b>31</b>		<b>3</b>		<b>29</b>		<b>98</b>		<b>99</b>	

