**Australian High Court Database Codebook**

**Release 1.0., March 2024**

**Zoe Robinson & Patrick Leslie**

To cite to the High Court Database, please employ the following citation: Zoe Robinson and Patrick Leslie. 2024 High Court Database, Version 2024 Release 1.0 URL: http//highcourtdatabase.org

To cite to this codebook, please employ the following citation: Zoe Robinson and Patrick Leslie. 2024 High Court Database Codebook, Version 2024 Release 1.0

[Introduction 10](#_Toc131608870)

[Identification Variables 12](#_Toc131608871)

[1. HCDB Case ID 13](#_Toc131608872)

[2. Commonwealth Law Reports Citation 14](#_Toc131608873)

[3. Australian Law Journal Report Citation 15](#_Toc131608874)

[4. Australian Law Report Citation 16](#_Toc131608875)

[5. High Court Citation 17](#_Toc131608876)

[6. Case Number 18](#_Toc131608877)

[7. Case Name 19](#_Toc131608878)

[8. Multiple Matters 20](#_Toc131608879)

[9. Number of Multiple Matters 21](#_Toc131608880)

[10. Multiple Matters HCDB Identification 1 22](#_Toc131608881)

[11. Multiple Matters HCDB Identification 2 22](#_Toc131608882)

[12. Multiple Matters HCDB Identification 3 22](#_Toc131608883)

[13. Multiple Matters HCDB Identification 4 22](#_Toc131608884)

[14. Multiple Matters HCDB Identification 5 22](#_Toc131608885)

[15. Multiple Matters HCDB Identification 6 22](#_Toc131608886)

[16. Multiple Matters HCDB Identification 7 22](#_Toc131608887)

[17. Multiple Matters HCDB Identification 8 22](#_Toc131608888)

[Background Variables 23](#_Toc131608889)

[18. Number of Appellants/Petitioners 24](#_Toc131608890)

[19. Number of Appellants, Federal Government 25](#_Toc131608891)

[20. Number of Appellants, State Government 26](#_Toc131608892)

[21. Number of Appellants, Corporation 27](#_Toc131608893)

[22. Number of Appellants, Non-Corporate Entity 28](#_Toc131608894)

[23. Number of Appellants, Individuals 29](#_Toc131608895)

[24. Appellant/Petitioner [1] to [34] 30](#_Toc131608896)

[25. Appellant/Petitioner State [1] to [34] 31](#_Toc131608897)

[26. Number of Respondents 32](#_Toc131608898)

[27. Number of Respondents, Federal Government 33](#_Toc131608899)

[28. Number of Respondent, State Government 34](#_Toc131608900)

[29. Number of Respondent, Corporation 35](#_Toc131608901)

[30. Number of Respondent, Non-Corporate Entity 36](#_Toc131608902)

[31. Number of Respondents, Individuals 37](#_Toc131608903)

[32. Respondent [1] to [49] 38](#_Toc131608904)

[33. Respondent State [1] to [49] 39](#_Toc131608905)

[34. Intervener 40](#_Toc131608906)

[35. Number of Interveners 41](#_Toc131608907)

[36. Intervener Identity [1] to [10] 42](#_Toc131608908)

[37. Amicus 43](#_Toc131608909)

[38. Number of Amici 44](#_Toc131608910)

[39. Manner in which Court takes Jurisdiction General 45](#_Toc131608911)

[40. Manner in which Court takes Jurisdiction Specific 47](#_Toc131608912)

[41. Administrative Action Preceding Litigation 48](#_Toc131608913)

[42. Administrative Review Preceding Litigation 1 49](#_Toc131608914)

[43. Administrative Review Preceding Litigation 2 50](#_Toc131608915)

[44. Origin of Case General 51](#_Toc131608916)

[45. Origin of Case Specific 52](#_Toc131608917)

[46. Origin of Case State 53](#_Toc131608918)

[47. Source of Case General 54](#_Toc131608919)

[48. Source of Case Specific 55](#_Toc131608920)

[49. Source of Case State 56](#_Toc131608921)

[50. Lower Court Disposition 57](#_Toc131608922)

[51. Lower Court Disposition Direction 58](#_Toc131608923)

[52. Lower Court Dissent 59](#_Toc131608924)

[53. Lower Court Panel Size 60](#_Toc131608925)

[54. Number of Lower Court Dissents 61](#_Toc131608926)

[Gatekeeping Variables 62](#_Toc131608927)

[55. Special Leave Method 63](#_Toc131608928)

[56. Number of Justices on Preliminary Special Leave Panel 64](#_Toc131608929)

[58. Preliminary Special Leave Hearing 65](#_Toc131608930)

[59. Preliminary Special Leave Date 66](#_Toc131608931)

[60. Natural Court at Preliminary Special Leave Hearing 67](#_Toc131608932)

[61. Referral Justice Where no Preliminary Special Leave Hearing 68](#_Toc131608933)

[62. Preliminary Special Leave Outcome 69](#_Toc131608934)

[63. Justice Granting Special Leave 1 70](#_Toc131608935)

[64. Justice Granting Special Leave 2 71](#_Toc131608936)

[65. Justice Granting Special Leave 3 72](#_Toc131608937)

[66. Special Leave Location 73](#_Toc131608938)

[67. Political Power on Date of Preliminary Special Leave Hearing 74](#_Toc131608939)

[68. Year of Preliminary Special Leave Hearing 75](#_Toc131608940)

[69. Term of Preliminary Special Leave Hearing 76](#_Toc131608941)

[70. Chief Justice Special Leave 77](#_Toc131608942)

[71. Prime Minister on Date of Preliminary Special Leave Hearing 78](#_Toc131608943)

[Chronological Variables 79](#_Toc131608944)

[72. Date of Decision 80](#_Toc131608945)

[73. Year of Court Decision 81](#_Toc131608946)

[74. Term of Court Decision 82](#_Toc131608947)

[75. Natural Court Decision 83](#_Toc131608948)

[76. Chief Justice of Date of Decision 84](#_Toc131608949)

[77. Political Power on Date of High Court Decision 85](#_Toc131608950)

[78. Prime Minister on Date of Decision 86](#_Toc131608951)

[79. Number of Justices on Panel 87](#_Toc131608952)

[80. Date of Commencement of Oral Argument 88](#_Toc131608953)

[81. Date Oral Argument Concluded 89](#_Toc131608954)

[82. Total Time for Oral Argument Days 90](#_Toc131608955)

[83. Total Time for Oral Argument Minutes 91](#_Toc131608956)

[84. Year of Court Oral Argument 92](#_Toc131608957)

[85. Term of Court Oral Argument 93](#_Toc131608958)

[86. Natural Court Oral Argument 94](#_Toc131608959)

[87. Chief Justice Oral Argument 95](#_Toc131608960)

[88. Political Power Oral Argument 96](#_Toc131608961)

[89. Prime Minister on Date of Oral Argument 97](#_Toc131608962)

[90. Location of Oral Argument 98](#_Toc131608963)

[91. Commonwealth Solicitor-General Representation at Oral Argument 99](#_Toc131608964)

[92. Commonwealth Solicitor-General Party Representation at Oral Argument 1 100](#_Toc131608965)

[93. Commonwealth Solicitor-General Party Representation at Oral Argument 2 101](#_Toc131608966)

[Substantive Variables 102](#_Toc131608967)

[94. Primary Issue Area 103](#_Toc131608968)

[95. Primary Issue Sub Area 105](#_Toc131608969)

[96. Primary Issue 106](#_Toc131608970)

[97. Secondary Issue Area 107](#_Toc131608971)

[98. Secondary Issue Sub Area 108](#_Toc131608972)

[99. Secondary Issue 109](#_Toc131608973)

[100. Tertiary Issue Area 110](#_Toc131608974)

[101. Tertiary Issue Sub Area 111](#_Toc131608975)

[102. Tertiary Issue 112](#_Toc131608976)

[103. Authority for Decision 1 113](#_Toc131608977)

[104. Authority for Decision 1 State 114](#_Toc131608978)

[105. Authority for Decision 2 115](#_Toc131608979)

[106. Authority for Decision 2 State 116](#_Toc131608980)

[107. Authority for Decision 3 117](#_Toc131608981)

[108. Authority for Decision 3 State 118](#_Toc131608982)

[109. Panel Special Leave Decision 119](#_Toc131608983)

[110. Panel Special Leave Outcome General 120](#_Toc131608984)

[111. Panel Special Leave Outcome Specific 121](#_Toc131608985)

[112. Costs Decision 122](#_Toc131608986)

[113. Costs Decision Related HCDBID 123](#_Toc131608987)

[114. Legal Provision Considered by the Court 1 124](#_Toc131608988)

[115. Legal Provision Supplement 1 125](#_Toc131608989)

[116. Legal Provision Considered by the Court 2 126](#_Toc131608990)

[117. Legal Provision Supplement 2 127](#_Toc131608991)

[118. Legal Provision Considered by the Court 3 128](#_Toc131608992)

[119. Legal Provision Supplement 3 129](#_Toc131608993)

[120. Decision Type 130](#_Toc131608994)

[121. Constitutional Matter 131](#_Toc131608995)

[122. Judicial Review 132](#_Toc131608996)

[123. Lower Court Constitutional Decision 133](#_Toc131608997)

[Outcome, Voting, and Opinion Variables 134](#_Toc131608998)

[124. Declaration of Unconstitutionality 135](#_Toc131608999)

[125. Disposition of Case 136](#_Toc131609000)

[126. Winning Party 137](#_Toc131609001)

[127. Decision Direction 138](#_Toc131609002)

[128. Decision Direction Dissent 141](#_Toc131609003)

[129. Majority Votes 142](#_Toc131609004)

[130. Minority Votes 143](#_Toc131609005)

[131. Justice ID 144](#_Toc131609006)

[132. Vote in the Case 145](#_Toc131609007)

[133. Direction of the Individual Justice’s Votes 146](#_Toc131609008)

[134. Majority and Minority Voting by Justice 147](#_Toc131609009)

[135. Justice Coalition 1 148](#_Toc131609010)

[136. Justice Coalition 2 148](#_Toc131609011)

[137. Justice Coalition 3 148](#_Toc131609012)

[138. Justice Coalition 4 148](#_Toc131609013)

[139. Justice Coalition 5 148](#_Toc131609014)

[140. Justice Coalition 6 148](#_Toc131609015)

[141. Ideological Distribution of Panel 149](#_Toc131609016)

[142. Ideological Distribution of Court 150](#_Toc131609017)

[143. Gender Distribution of Panel 151](#_Toc131609018)

[144. Gender Distribution of Court 152](#_Toc131609019)

[Justice Characteristics Variables 153](#_Toc131609020)

[145. RLS Justice Ideology Score 154](#_Toc131609021)

[146. Party of Prime Minister Appointing Justice 155](#_Toc131609022)

[147. Gender Identity of Justice 156](#_Toc131609023)

[148. Age of Justice 157](#_Toc131609024)

[HCDB Appendix 158](#_Toc131609025)

[A1 varAdminAction 158](#_Toc131609026)

[A2 varAdminReview 160](#_Toc131609027)

[A3 varAmicus 161](#_Toc131609028)

[A4 varAuthorityDecision 161](#_Toc131609029)

[A5 varCaseDisposition 162](#_Toc131609030)

[A6 varCaseSourceGeneral 162](#_Toc131609031)

[A7 varCaseSourceSpecific 163](#_Toc131609032)

[A8 varChief 165](#_Toc131609033)

[A9 varConstitutionalMatter 166](#_Toc131609034)

[A10 varCosts 166](#_Toc131609035)

[A11 varDecisionDirection 166](#_Toc131609036)

[A12 varDecisionDirectionDissent 166](#_Toc131609037)

[A13 varDecisionTypes 167](#_Toc131609038)

[A14 varDeclarationUncon 167](#_Toc131609039)

[A15 Gender Distribution 168](#_Toc131609040)

[A16 varIdeological Distribution 168](#_Toc131609041)

[A17 varIntervener 169](#_Toc131609042)

[A18 varIssues 169](#_Toc131609043)

[A19 varIssueArea 176](#_Toc131609044)

[A20 varIssueSubArea 177](#_Toc131609045)

[A21 varJudicialReview 178](#_Toc131609046)

[A22 varJurisdictionGeneral 179](#_Toc131609047)

[A23 varJurisdictionSpecific 179](#_Toc131609048)

[A24 varJustice 180](#_Toc131609049)

[A25 varJusticeDirection 181](#_Toc131609050)

[A26 varJusticeGender 181](#_Toc131609051)

[A27 varIdeology 182](#_Toc131609052)

[A28 varJusticeMajority 183](#_Toc131609053)

[A29 varJusticePM 183](#_Toc131609054)

[A30 varLawArea 184](#_Toc131609055)

[A31 varLegalProvisions 185](#_Toc131609056)

[A32 varLowerCourtConsitutionalOutcome 191](#_Toc131609057)

[A33 varLowerCourtDisposition 191](#_Toc131609058)

[A34 varLowerCourtDissent 192](#_Toc131609059)

[A35 varMultipleMatters 192](#_Toc131609060)

[A36 varNaturalCourt 192](#_Toc131609061)

[A37 varParties 196](#_Toc131609062)

[A38 varPartyWinning 198](#_Toc131609063)

[A39 varPoliticalPower 198](#_Toc131609064)

[A40 varPreliminarySpecialLeaveHearing 199](#_Toc131609065)

[A41 varPrimeMinister 199](#_Toc131609066)

[A42 varRegistry 200](#_Toc131609067)

[A43 varSG 201](#_Toc131609068)

[A44 varSGParty 201](#_Toc131609069)

[A45 varSpecialLeaveMethod 201](#_Toc131609070)

[A46 varSpecialLeaveOutcomeGeneral 201](#_Toc131609071)

[A47 varSpecialLeavePanel 202](#_Toc131609072)

[A48 varSpecialLeavePanelPreliminary 202](#_Toc131609073)

[A49 varSpecialLeaveOutcomePreliminary 202](#_Toc131609074)

[A50 varSpecialLeaveOutcomeSpecific 202](#_Toc131609075)

[A51 varStates 203](#_Toc131609076)

[A52 varTerm 203](#_Toc131609077)

[A53 varVote 204](#_Toc131609078)

Introduction

This document reflects the coding rules for the High Court Database. This codebook was specifically and deliberatively modelled off the Supreme Court Database Code Book in order to facilitate comparative judicial politics research, as well as provide a robust dataset for Australian researchers interested in engaging with the empirical study of judicial politics.

This first iteration of the database extends from April 1995 (beginning of the Brennan Court) to December 31, 2020. Future iterations will extend the dataset backwards to include decided cases from the beginning of the Mason Court in early 1987 and forwards to include 2021 onwards.

The dataset includes over 1 million data points, with approximately 315 variables coded for each case. With this much data, it is inevitable that errors will be present, despite our best efforts (which include triple coded variables and intercoder reliability tests). Please let us know of any errors, as well as any comments or feedback on the dataset via email at [zoe.robinson@anu.edu.au](mailto:zoe.robinson@anu.edu.au) or [patrick.leslie@anu.edu.au](mailto:patrick.leslie@anu.edu.au).

All variables were drawn from a combination of High Court opinions, High Court special leave dispositions (both individual and summary form), High Court special leave transcripts (where relevant), High Court transcripts of oral argument on the merits, and the lower court opinion appealed from to the High Court (where relevant). All sources were located from one of three online repositories: the High Court of Australia website (www.hcourt.gov.au), Austlii (www.austlii.edu.au), and/or Jade (www.jade.io). The online version of the database includes a link to all sources for each individual case coded (i.e., each database entry is accompanied by the High Court opinion for the case, the transcript of oral argument, the special leave transcript (where relevant), and the lower court opinion (where relevant)).

The variables are subdivided into 6 broad categories:

1. Identification variables, which provides the basic identification metrics including the unique database id number, various citations for the decision;
2. Background variables, which includes information about the parties to the case and the litigation history of the case;
3. Gatekeeping variables, which includes information about the special leave hearing (where relevant);
4. Chronological variables, which contains information about the litigation history in the High Court including oral argument data;
5. Substantive variables, which includes variables identifying the issue(s) of the case, legal authorities relied on, as well as further data where the matter is constitutional; voting and opinion variables, which captures the winning party, the votes of each justice, the various justice coalitions in written opinions, and the ideological direction of the outcome and of each justice’s vote; and
6. Justice characteristic variables, which includes a limited number of background characteristics of each individual justice, including ideology, gender, and age (further social background data will be released in a separate dataset).

Where a variable is irrelevant for the case being coded, 999 is the entry. Where information is unavailable for a variable, 888 is the entry. Most variables contain normalizations—the list of values from which a coder can choose to code a variable. Each variable has its own page and includes a descriptive variable name, the variable label deployed in the dataset, the relevant normalization, and a description of the variable. The values for the normalizations included in the Appendix.

We thank the Australian National University and the generous financial support of the Futures Scheme; this database is possible only because of this funding. We wish to thank to Ben Wickham, Special Senior Registrar at the High Court of Australia, for his assistance with the intricacies of High Court jurisdiction and opinion writing. We thank Andrew Lynch for his provision of his raw data of constitutional cases dating back to 2004, which we used, in part, for cross-checking the coding of variables relating to constitutional claims. We thank the many excellent research assistants who code this dataset: Jonathan Tjandra, Edmund Handby, Andrew Ray, Julia Rheinberger, Benjamin Durkin, Matthew Putt, Indira Wrigley, and Shreeya Smith.

*--End of Content for Introduction--*

Identification Variables

1. HCDB Case ID

Variable Label: HCDBcaseId

Normalizations: N/A

The Case ID is the HCDB unique internal identification number. The Case ID contains 7 digits; the first four digits are the year, as the year is reflective of the Term of the High Court, the next three identify the case within the year (determined in date order of the date of decision), starting at 001 and counting up.

For example, the HCDB ID for the fifth relevant case decided in 2015 will 2015005. Note the use of the term “relevant.” This indicates that the three numbers that reflect the case in the year is not the docket—or case—number assigned by the court, but rather is the number the coder will assign the case that the coder deems relevant for inclusion in the database.

--*End Content for Variable HCDB Case ID--*

1. Commonwealth Law Reports Citation

Variable Label: clrCite

Normalizations: N/A

The next four variables provide various citations for each case. This variable represents the Commonwealth Law Reports citation, the authorized reporter for the decisions of the High Court. This citation will not be present in all cases.

--*End Content for Variable Commonwealth Law Reports Citation--*

1. Australian Law Journal Report Citation

Variable Label: aljrCite

Normalizations: N/A

This variable represents the Australian Law Journal Report citation. This citation will not be present in all cases.

--*End Content for Variable Australian Law Journal Report Citation--*

1. Australian Law Report Citation

Variable Label: alrCite

Normalizations: N/A

This variable represents the Australian Law Report citation. This citation will not be present in all cases.

--*End Content for Variable Australian Law Report Citation--*

1. High Court Citation

Variable Label: hcaCite

Normalizations: N/A

This variable provides medium neutral citation for the decision; that is, the High Court’s internal citation for the case. This citation will always be present.

--*End Content for Variable High Court Citation--*

1. Case Number

Variable Label: caseNumber

Normalizations: N/A

This variable contains the case number that the High Court has assigned to the case (i.e. docket number/matter number). Case numbers are assigned by the state in which the case is filed (and the state in which the case is filed in the High Court is the state where the case was heard prior to the High Court appeal), and then numerically in the order in which they were filed. For example, the first case filed in Sydney in 2017 will have the case number S1, the third case filed in Perth will have the case number P3, and so on.

While the Court will sometimes consolidate a number of cases under one medium neutral citation (i.e. HCA citation), every individual case will have its own case number and therefore will have an independent HCDBID in the dataset. For example, [2007] HCA 50 is comprised of two cases, S373/2006 (Weston Aluminium Pty Limited v Environment Protection Authority) and S211/2006 (Weston Aluminium Pty Limited v Alcoa Australia Rolled Products). While multiple case numbers under a single case citation will almost always contain the same issue(s) as the lead case—with the only difference will be the parties to the case, and the origin and source of the case—the coding approach was to code each individual case. It is up to individual researchers whether they would prefer to deploy the more finely coded HCDBID as the unit of analysis or, rather to use the more general High Court’s medium neutral citation (HCA cite) as the unit of analysis. Researchers interested in oral argument and attorneys should use the more discrete HCDBID as the unit of analysis given that individual cases that are consolidated do not always share attorney representation.

--*End Content for Variable Case Number--*

1. Case Name

Variable Label: caseName

Normalizations: N/A

This is the name of the case. The case name is associated with the case number, therefore where cases are consolidated the case name is not that of the lead case but rather the particular case, although the HCA citation will remain the same.

--*End Content for Variable Case Name--*

1. Multiple Matters

Variable Label: multipleMatters

Normalizations: varMultipleMatters (2)

This variable identifies whether the decision of the Court relates to a single case (matter) or multiple cases. If the decision issued by the Court relates to more than one case, as identified by the presence of more than one case number under a single medium neutral (HCA) citation, it is coded as a multiple matter.

--*End Content for Variable Multiple Matters--*

1. Number of Multiple Matters

Variable Label: numMultipleMatters

Normalizations: N/A

This variable denotes the total number of matters decided in the single High Court decision issued by the Court (i.e. under a single medium neutral (HCA) citation), including the matter being coded. For example, if the decision lists 3 matter numbers under one medium neutral citation, then “3” will be coded for this variable.

--*End Content for Variable Number of Multiple Matters--*

1. Multiple Matters HCDB Identification 1
2. Multiple Matters HCDB Identification 2
3. Multiple Matters HCDB Identification 3
4. Multiple Matters HCDB Identification 4
5. Multiple Matters HCDB Identification 5
6. Multiple Matters HCDB Identification 6
7. Multiple Matters HCDB Identification 7
8. Multiple Matters HCDB Identification 8

Variable Label: multipleMatterHCDBID

Normalizations: N/A

These 8 variables identify the HCDBID of all cases that were decided in the same decision of the Court. Each related case is coded by HCDBID and any irrelevant cells coded as 999. The related cases only relate to those *decided* with the case being coded, not heard with the matter being coded (i.e. if oral argument is consolidated but the Court issues written opinions for each case then this is not coded as a multiple matter).

--*End Content for Variable Multiple Matters HCDB Identification--*

Background Variables

1. Number of Appellants/Petitioners

Variable Label: numAppellants

Normalizations: N/A

This variable identifies the total number of appellants/petitioners in any given matter. The total number of appellants listed are counted, with this information identified from the transcript of the hearing). In the instance where multiple parties are listed under one appellant (e.g. “first appellant, James Bond and Bob Builder”) this is coded as one party. The exception to this is where only one appellant is listed (e.g., “appellant”) and there are multiple parties that are distinct party type, such as an individual and a corporation (e.g., “first appellant, James Bond and Bob Builder Pty Ltd). In this instance the parties are disaggregated and coded as multiple parties.

--*End Content for Variable Appellant/Petitioner Type--*

1. Number of Appellants, Federal Government

Variable Label: numAppellantsFed

Normalizations: N/A

This variable identifies the total number of appellants/petitioners that can be categorized as the federal government in any given matter. This includes individuals involved in litigation in their capacity as a federal government employee, e.g., Minister for Employment.

--*End Content for Variable Number Appellant/Petitioner, Federal Government--*

1. Number of Appellants, State Government

Variable Label: numAppellantsState

Normalizations: N/A

This variable identifies the total number of appellants/petitioners that can be categorized as the state government in any given matter. This includes individuals involved in litigation in their capacity as a state or local government employee.

--*End Content for Variable Number Appellant/Petitioner, State Government--*

1. Number of Appellants, Corporation

Variable Label: numAppellantsCorp

Normalizations: N/A

This variable identifies the total number of appellants/petitioners that can be categorized as a corporate entity in any given matter. This includes any corporate form.

--*End Content for Variable Number Appellant/Petitioner, Corporation--*

1. Number of Appellants, Non-Corporate Entity

Variable Label: numAppellantsNonCorp

Normalizations: N/A

This variable identifies the total number of appellants/petitioners that can be categorized as a non-corporate entity in any given matter. This includes any unions, interests groups, and (less ideally), foreign nations.

--*End Content for Variable Number Appellant/Petitioner, Non-Corporate Entity--*

1. Number of Appellants, Individuals

Variable Label: numAppellantsIndividuals

Normalizations: N/A

This variable identifies the total number of appellants/petitioners that can be categorized as individuals.

--*End Content for Variable Number Appellant/Petitioner, Individuals--*

1. Appellant/Petitioner [1] to [34]

Variable Label: appellant

Normalizations: varParties (59)

This variable identifies the party who appealed to the High Court. Reference should be made to the variable “Appellant/Petitioner type” to identify whether this party is in fact an appellant, or a petitioner (applied in the HCA’s original jurisdiction).

The variable, along with the variable “respondent” provides information as to the identity of the parties in terms of the *capacity* in which the party is acting in the litigation. The exception to this is where the parties are states or a subdivision of the state, when this variable only identifies the party as a state and a subsequent variable identifies the particular state. Therefore, if a state or a subdivision of a state is a party, the value will reflect this, and the subsequent variable appellantState notes the identity of the specific state. Note that if the Commonwealth government is a party, then the state variable includes a code to reflect this.

The appellant(s) and respondent(s) are characterized as the Court’s opinion identifies them. That is, the parties are characterized as the opinion describes them in the context of the litigation. For example, an employer who is also a business is characterized as an employer if the litigation involves the businesses role as an employer, and a business if the litigation involves another capacity.

Each party is coded independently. Currently there 34 appellant variables, starting with appellant1 and continuing sequentially up to and including appellant34. Irrelevant cells are coded as “999” (i.e. if there is only 1 appellant, the remaining appellant variables from appellant2 to appellant34 will be coded 999).

Notes:

* In Australia, federal criminal matters can be brought in state court. Consequently, where the party is the Queen/King in a criminal matter, the party and related state code will reflect the legislation/code under which the defendant was originally charged. If the defendant was charged under the federal criminal law, despite the crime being prosecuted in a state court, the code will identify the party as the federal government.
* Where the varParties does not contain an option that describes the appellant or respondent, the code will be “other”. We endeavour to use this coding sparingly.

--*End Content for Variable Appellant/Petitioner--*

1. Appellant/Petitioner State [1] to [34]

Variable Label: appellantState

Normalizations: varStates (12)

Following the SCDB Codebook coding rules, this variable identifies if the state or any state actor (including prosecutors in criminal matters) is the petitioner, including federal government action, courts and judicial officers.

As noted above, each party is coded independently and consequentially each party variable has an associated state variable. Currently there 34 appellant variables and 34 associated appellant state variables. Irrelevant cells are coded as “999”.

--*End Content for Variable Appellant/Petitioner State--*

1. Number of Respondents

Variable Label: numRespondents

Normalizations: N/A

See variable numAppellants.

--*End Content for Variable Respondent--*

1. Number of Respondents, Federal Government

Variable Label: numRespondentsFed

Normalizations: N/A

This variable identifies the total number of respondents that can be categorized as the federal government in any given matter. This includes individuals involved in litigation in their capacity as a federal government employee, e.g., Minister for Employment.

--*End Content for Variable Number Respondent, Federal Government--*

1. Number of Respondent, State Government

Variable Label: numRespondentState

Normalizations: N/A

This variable identifies the total number of respondents that can be categorized as the state government in any given matter. This includes individuals involved in litigation in their capacity as a state or local government employee.

--*End Content for Variable Number Respondent, State Government--*

1. Number of Respondent, Corporation

Variable Label: numRespondentsCorp

Normalizations: N/A

This variable identifies the total number of respondents that can be categorized as a corporate entity in any given matter. This includes any corporate form.

--*End Content for Variable Number Respondent, Corporation--*

1. Number of Respondent, Non-Corporate Entity

Variable Label: numRespondentsNonCorp

Normalizations: N/A

This variable identifies the total number of respondents that can be categorized as a non-corporate entity in any given matter. This includes any unions, interest groups, and (less ideally), foreign nations.

--*End Content for Variable Number Respondents, Non-Corporate Entity--*

1. Number of Respondents, Individuals

Variable Label: numRespondentsIndividuals

Normalizations: N/A

This variable identifies the total number of respondents that can be categorized as individuals.

--*End Content for Variable Number Respondents, Individuals--*

1. Respondent [1] to [49]

Variable Label: respondent

Normalizations: varParties (59)

See appellant variable. Note that there are currently 49 respondent variables, starting with respondent1 and continuing sequentially up to and including respondent49. Irrelevant cells are coded as “999” (i.e. if there is only 1 appellant, the remaining appellant variables from respondent2 to respondent49 are coded 999).

--*End Content for Variable Respondent--*

1. Respondent State [1] to [49]

Variable Label: respondentState

Normalizations: varStates (12)

See variable appellantState.

--*End Content for Variable Respondent State--*

1. Intervener

Variable Label: intervener

Normalizations: varIntervener (2)

In the Australian context, there are two types of non-parties to a case—interveners and amicus curiae. This variable denotes whether there is an intervener participating in the case. An intervener must usually have a personal or direct interest in the outcome of the case. Intervention is either by right or by leave. Most notably, in constitutional matters state and federal governments are granted a right of intervention. This variable identifies whether there was an intervener in the case, regardless of whether the intervention was by leave or right.

--*End Content for Variable Intervener--*

1. Number of Interveners

Variable Label: numIntervener

Normalizations: N/A

This variable identifies the total number of interveners participating in the case. Note that this variable aggregates interveners only, and does not include amici.

--*End Content for Variable Number of Interveners--*

1. Intervener Identity [1] to [10]

Variable Label: intervener1 (2, 3, etc)

Normalizations: varState (12)

This variable identifies the intervener participating in the litigation. In most instances the intervener will be the federal government or a state government. In the case where the intervener is a statutory intervener that is not a state (e.g., Human Rights Commission), the code will be other.

--*End Content for Variable Intervener Identity--*

1. Amicus

Variable Label: amicus

Normalizations: varAmicus (2)

This variable identifies whether an amicus was granted leave to provide submissions (written or oral) in the case. Amicus are relatively rare in the High Court of Australia.

--*End Content for Variable Amicus--*

1. Number of Amici

Variable Label: numAmici

Normalizations: N/A

This variable identifies the total number of amici participating in the case. Note that this variable aggregates amici only, and does not include interveners.

--*End Content for Variable Number of Amici--*

1. Manner in which Court takes Jurisdiction General

Variable Label: jurisdictionGeneral

Normalizations: varJurisdictionGeneral (6)

The variable varJurisdictionGeneral and the subsequent variable varJurisdictionSpecific are concerned with the way in which the Court undertakes to hear a case it has been asked to consider. The High Court of Australia uses a variety of means by which it undertakes to consider cases. For the information of comparative scholars not familiar with Australian law and procedure, the High Court’s jurisdictional ambit is complex for a number of reasons that are important for researchers to consider:

* First, the Australian judicial system is, by and large, unitary in its function, and state courts are vested with federal jurisdiction.
* Second, the High Court’s exclusive jurisdiction is limited, with lower federal courts able to exercise much of the original jurisdiction assigned to the High Court under the Constitution.
* Third, the High Court has the power to hear cases in original jurisdiction sitting as a single justice, or to remit those cases to any federal or state court.
* Fourth, the High Court is the final court of appeal on matters of state law.
* Fifth, the Australian Constitution is far more specific than, e.g., the US Constitution with respect to the nature and ambit of federal jurisdiction, and in addition, the Constitution grants Parliament the power to add to the Court’s original jurisdiction via legislation, which it has done.

In light of the above, there are a large number of ways in which the Court can take jurisdiction. Because of the small N and in order to facilitate analysis, the decision was made to include two jurisdictional variables.

The first jurisdictional variable, varJurisdictionGeneral, identifies the general way in which the Court took jurisdiction. That is, this variable identifies whether the Court is hearing the case as a result of an appeal as of right, special leave, original jurisdiction, or reference question by a single High Court justice. The option “other” has also been included and should be used for, e.g., the court of disputed returns or any other manner the Court takes jurisdiction that is not accurately captured by the other options.

The second jurisdictional variable, varJurisdictionSpecific, identifies the specific way in which the Court took jurisdiction. Therefore, it disaggregates each of the general categories into more detailed categories of jurisdiction.

You will find that the general and specific codes “pair,” for example a case under the Court’s special leave jurisdiction will always have a general code 1, and a specific code of 3 (appeal from federal court) or 4 (appeal from state court), and a case coded 2 for general (appeal as of right) will always be coded 7 for specific. See normalizations for details regarding the values mentioned here.

Note that although the option of reference jurisdiction (general code 4, specific code 11), this should only be used where a more detailed coding cannot be sourced, which is unlikely.

Note: this database only captures cases decided by a panel of the High Court, which is defined pursuant to the Judiciary Act 1901 (Cth) as two or more justices sitting together. Therefore, any decision issued by a single justice sitting in the Court’s original jurisdiction is excluded.

--*End Content for Variable Manner in which Court takes Jurisdiction General—*

1. Manner in which Court takes Jurisdiction Specific

Variable Label: jurisdictionSpecific

Normalizations: varJurisdictionSpecific (13)

See variable varJurisdictionGeneral.

--*End Content for Variable Manner in which Court takes Jurisdiction Specific--*

1. Administrative Action Preceding Litigation

Variable Label: adminAction

Normalizations: varAdminAction (54)

This variable pertains to government administrative action preceding litigation. The activity includes that of an official as well as the associated department or statutory body. In other words, this variable captures the foundational government decision that gave rise to the litigation. This variable is relevant only where the administrative decision occurred in the context of the case. This variable includes decision of commissions in the first instance, including independent statutory bodies such as the Human Rights Commission.

Notably, the variable identifies the specific federal administrative action. If the administrative action occurred in the context of a state, the variable identifies only that the administrative action occurred with within the specific state or territory rather than identifying the specific state governmental agency decision-maker.

We determined whether administrative action occurred in the context of the case by reading the material that appears in the summary of the case and the background facts of the opinion.

--*End Content for Variable Administrative Action Preceding Litigation--*

1. Administrative Review Preceding Litigation 1

Variable Label: adminReview1

Normalizations: varAdminReview (46)

If administrative review via a tribunal occurred prior to the matter entering the judiciary, this variable indicates the identity of that tribunal. In the event that there are multiple levels of administrative review prior to the case entering the judiciary, adminReview1 denotes the tribunal of origin and the subsequent variable adminReview2 denotes the second level (i.e. appellate) tribunal.

Multiple levels of review were frequent in cases prior to July 1, 2015, when initial administrative review occurred in the Migration Review Tribunal, Social Security Review Tribunal, and Refugee Review Tribunal, with subsequent appellate merits review in the Administrative Appeals Tribunal (AAT). In that instance, the initial tribunal will appear in this variable, and the AAT will appear in adminReview2.

All efforts were taken to include every possible federal and state tribunal, however, in the event that the specific tribunal is not included in the normalizations, options are given for “other” at the federal and specific state level.

--*End Content for Variable Administrative Review Preceding Litigation 1--*

1. Administrative Review Preceding Litigation 2

Variable Label: adminReview2

Normalizations: varAdminReview (46)

See variable Administrative Review Preceding Litigation 1.

--*End Content for Variable Administrative Review Preceding Litigation 2--*

1. Origin of Case General

Variable Label: caseOriginGeneral

Normalizations: varCaseSourcesGeneral (7)

This variable focuses on the general level of court in which the case originated—that is, the type of court in which the case entered the judicial system. Because this is a general designation, where relevant (i.e. in appellate cases) this variable should be used in conjunction with the variable Origin of Case State. This general designation, then, can, for example, facilitate comparisons of the High Court’s treatment of similar matters from different states.

Because some cases are appealed directly from an administrative agency to a state or federal appeals court, the court of origin will sometimes be an appellate court. Courts that have subsequently been disbanded or are defunct are included with their own codes. This variable has no entry (999) if the case arose under the High Court’s original jurisdiction.

Note: cases that are removed to federal court from state court or vice-versa are coded as originating in the court that hears and issues a substantive opinion in the case (i.e. the court which the case was removed to).

--*End Content for Variable Origin of Case General--*

1. Origin of Case Specific

Variable Label: caseOriginSpecific

Normalizations: varCaseSourceSpecific (88)

This variable focuses on the specific court in which the case originated—that is, the specific court in which the case entered the judicial system. The difference between this variable and the prior variable (caseOriginGeneral), then, is the level of generality. This variable identifies the specific court, rather than the general level of the originating court in the judicial system. As with the prior variable, because some cases are appealed directly from an administrative agency to a state or federal appeals court, the court of origin will sometimes be an appellate court. Courts that have subsequently been disbanded or are defunct are included with their own codes.

--*End Content for Variable Origin of Case Specific--*

1. Origin of Case State

Variable Label: caseOriginState

Normalizations: varStates (12)

If the case originated in a state court, this variable identifies the state. If the case originated in the federal system, the designated state code for federal jurisdiction is used. For purposes of analysis, this variable should be used in conjunction with the variable, Origin of Case General.

--*End Content for Variable Origin of Case State--*

1. Source of Case General

Variable Label: caseSourceGeneral

Normalizations: varCaseSourcesGeneral (7)

This variable identifies the general level of court whose decision the High Court reviewed. It is a generalized version of the variable caseSourceSpecific. If the case originated in the same court whose decision the High Court reviewed, the entry in the variable caseOriginGeneral will be the same as here. This variable has no entry (999) if the case arose under the High Court’s original jurisdiction.

--*End Content for Variable Source of Case General--*

1. Source of Case Specific

Variable Label: caseSourceSpecific

Normalizations: varCaseSourceSpecific (88)

This variable identifies the specific court whose decision the High Court reviewed. The difference between this variable and the prior variable (caseSourceSpecific), then, is the level of generality. This variable identifies the specific court, rather than the general level of the source court in the judicial system. If the case originated in the same court whose decision the High Court reviewed, the entry in the caseOrigin should be the same here. This variable has no entry (999) if the case arose under the High Court’s original jurisdiction.

--*End Content for Variable Source of Case Specific--*

1. Source of Case State

Variable Label: caseSourceState

Normalizations: varStates (12)

This variable is to be used in conjunction with the variable caseSourceGeneral, as it will identify the associated state. If the source of the case is a state court, this variable identifies the state. If the case originated in the federal system, the designated state code for federal jurisdiction is used.

--*End Content for Variable Source of Case State--*

1. Lower Court Disposition

Variable Label: lcDisposition

Normalizations: varLowerCourtDisposition (3)

This variable specifies the treatment the court whose decision the High Court reviewed accorded the decision of the court it reviewed, e.g., appeal allowed, appeal denied, matter remitted etc. The coding for lower court disposition is general and captures whether the appeal was allowed (in whole or part) or dismissed.

This variable will not contain an entry where the decision the High Court reviewed is that of an administrative agency, a trial court, or if the case arose under the Court’s original jurisdiction and proceeded directly to a full court hearing.

--*End Content for Variable Lower Court Disposition--*

1. Lower Court Disposition Direction

Variable Label: lcDispositionDirection

Normalizations: varDecisionDirection (3)

This variable specifies whether the decision of the court whose decision the High Court reviewed was itself liberal or conservative, as the terms are defined in the direction of decision normalization (varDecisionDirection). This variable permits determination of whether the High Court’s disposition of the case upheld or overturned a liberal or conservative lower court decision.

For the purposes of coding:

* If the High Court allowed, either in whole or part, the appeal or application, the lower court’s decision direction is the opposite of the High Court’s and not the same as the High Court’s decision direction. For example, if the High Court allowed an appeal and set the order below aside and this decision was liberal, the lower court’s direction is conservative.
* If the High Court dismissed the application/appeal, either in whole or part, the lower court’s decision direction is the same as the High Court’s.
* If the jurisdiction is original jurisdiction and the case proceeded directly to the High Court’s full court for hearing, then the lower court’s direction is unspecifiable.
* If the direct of the High Court’s decision is unspecifiable, the lower court’s decision is also unspecifiable.

--*End Content for Variable Lower Court Disposition Direction--*

1. Lower Court Dissent

Variable Label: lcDissent

Normalizations: varLowerCourtDissent (2)

This variable identifies whether there was a dissent in the court below—i.e. whether there was a dissent in the decision that the HCA is reviewing. This variable captures dissent from the outcome only (i.e. orders), not divergence in opinion on points of law.

--*End Content for Variable Lower Court Dissent--*

1. Lower Court Panel Size

Variable Label: lcPanelSize

Normalizations: N/A

This variable identifies the number of judges issuing the decision of the court whose decision the High Court is reviewing. If there is no lower court decision, this variable will be coded 999.

--*End Content for Variable Lower Court Panel Size--*

1. Number of Lower Court Dissents

Variable Label: lcDissentNum

Normalizations: N/A

This variable denotes the number of judges dissenting from the outcome (orders) of the court issuing the decision being reviewed by the HCA. Where there are no dissents, the code will be 0.

--*End Content for Variable Number of Lower Court Dissents--*

Gatekeeping Variables

1. Special Leave Method

Variable Label: specialLeaveMethod

Normalizations: varSpecialLeaveMethod (2)

Special leave is the High Court’s gatekeeping mechanism, analogous to certiorari in the US. This variable identifies whether the Court granted special leave on the papers or after an oral hearing.

Prior to 1984, the High Court’s appellate jurisdiction functioned as of right. That is, there was no filtering process for appeals to the High Court and the Court was required to hear all cases appealed to it. In 1984, amendments to the Commonwealth Judiciary Act of 1901 stipulated that appeal to the High Court would be possible only if “special leave” was granted by one or two justices. Grant or denial of special leave was to be decided after an oral hearing.

From January 2005, the High Court Rules stated that special leave could be granted or denied on the papers, but in practice the Court held an oral hearing expect in the case of unrepresented litigants. In 2016, the Court issued a notice stating that they would determine the grant or denial of special leave on most matters on the papers, however some matters would still require an oral hearing.

Note: special leave grants are coded as via oral argument only if representative appearances were made and parties were prepared to make oral argument to the Court. If the Court simply announces leave is to be granted without any appearances, this is coded as a grant of special leave on the papers.

Where the question is removal rather than special leave, the variable is equally applicable. Pursuant to High Court Rule 26.07, any two justices of the Court may determine a removal application on the papers, or they may list the matter for hearing on the question of whether removal should be granted. Consequently, the same codes are applicable for removal method as for special leave method.

--*End Content for Variable Special Leave Method--*

1. Number of Justices on Preliminary Special Leave Panel

Variable Label: numJusticesSL

Normalizations: N/A

This variable denotes the number of justices sitting on a preliminary special leave or removal panel. This will number either 2 or 3 justices.

--*End Content for Variable Number of Justices on Preliminary Special Leave Panel--*

1. Preliminary Special Leave Hearing

Variable Label: prelimSLHearing

Normalizations: varPreliminarySpecialLeaveHearing (2)

This variable identifies whether there was a preliminary special leave or removal hearing prior to the matter being granted special leave, or the special leave application being heard by the full court. For special leave, generally the answer will be yes, but infrequently a special leave application will be referred directly to the full court by a single justice in a directions hearing. If the matter is referred to the full court by the preliminary special leave panel without consideration by the panel this is to be coded as if there was a special leave hearing given that the panel was constituted, with the outcome code reflecting the referral of the special leave question to the full panel. For removal, it will be extremely rare that they code will not be yes.

This variable is only relevant where the Court takes jurisdiction by special leave or removal. If the matter arose under the Court’s original jurisdiction, leave as of right, or reference, this variable is coded 999.

--*End Content for Variable Preliminary Special Leave Hearing--*

1. Preliminary Special Leave Date

Variable Label: prelimSLDate

Normalizations: N/A

This variable identifies the date of the preliminary special leave or removal panel (if oral argument), the date special leave or removal granted on the papers, or the date of referral to a full panel. The date is in the format YEARMONTHDAY. For example, 1 July 2018 will be entered as 20180701.

--*End Content for Variable Preliminary Special Leave Date--*

1. Natural Court at Preliminary Special Leave Hearing

Variable Label: preliminarySpecialLeaveNaturalCourt

Normalizations: varNaturalCourt (18)

This variable identifies the natural court on the date of the preliminary special leave hearing.

Natural court refers to the period during which no personnel change occurs on the Court. Each natural court begins on the date of swearing in of a new justice or chief justice. The courts are numbered consecutively by chief justice, and the relevant period is noted next to the values in the normalizations. Sometimes there is a lag between the departure of a justice and their replacement being sworn in. In this instance the decision was made that the new natural court does not commence until the swearing in of the new justice (i.e. the prior natural court will be coded until the date of the swearing in of the new justice, even where the prior justice has already formally departed the Court). In this iteration of the HCDB, the natural courts are coded only from Chief Justice Brennan forward.

--*End Content for Variable Reason for Natural Court at Preliminary Special Leave Hearing--*

1. Referral Justice Where no Preliminary Special Leave Hearing

Variable Label: referralJustice

Normalizations: varJustice (56)

This variable is only relevant if the response to the prior variable was that there was no hearing on the question of special leave or removal, referred directly to full court on question of special leave or removal. In this instance, this variable identifies the justice referring the matter to the full court for hearing on the special leave or removal question.

--*End Content for Variable Referral Justice--*

1. Preliminary Special Leave Outcome

Variable Label: prelimSLOutcome

Normalizations: varSpecialLeaveOutcomePreliminary (5)

This variable identifies the outcome of the preliminary special leave panel.

--*End Content for Variable Preliminary Special Leave Outcome--*

1. Justice Granting Special Leave 1

Variable Label: justiceSpecialLeave1

Normalizations: varJustice (56)

In Australia, the grant or denial of a petition for special leave is determined by two or three justices. This variable identifies the first of three justices that make the decision to grant special leave in the case. The subsequent variables, justiceSpecialLeave2 and justiceSpecialLeave3 identify additional justices that make the decision to grant special leave. The justices are listed in the order that appears on the special leave disposition/transcript, which is in order of seniority (where the by chief justice is the most senior justice, followed by the pusine justices in order of appointment). This variable is relevant for both written and oral grant or denial of special leave—that is, if special leave is granted on the papers, code those justices that granted the special leave petition on the papers.

--*End Content for Variable Justice Granting Special Leave 1--*

1. Justice Granting Special Leave 2

Variable Label: justiceSpecialLeave2

Normalizations: varJustice (56)

See variable justiceSpecialLeave1.

--*End Content for Variable Justices Granting Special Leave 2--*

1. Justice Granting Special Leave 3

Variable Label: justiceSpecialLeave2

Normalizations: varJustice (56)

See variable justiceSpecialLeave1.

--*End Content for Variable Justices Granting Special Leave 3--*

1. Special Leave Location

Variable Label: justiceSpecialLeaveLocation

Normalizations: varRegistry (8)

While principal location of the High Court is Canberra. However, the High Court maintains “registries” in each capital city of each State and justices frequently reside outside of Canberra with a primary office in a state registry. Consequently, special leave hearings often occur in locations outside of Canberra. This variable identifies the location in which the special leave hearing occurred. If the hearing was via videolink, the location will be listed as where the leave application was filed.

--*End Content for Variable Special Leave Location--*

1. Political Power on Date of Preliminary Special Leave Hearing

Variable Label: politicalPowerSpecialLeave

Normalizations: varPoliticalPower (5)

This variable indicates the controlling political party in both the House of Representatives and the Senate on the date of the preliminary special leave hearing. The normalizations contain both the coding options as well as the necessary information for political power in any given year.

--*End Content for Variable Political Power on Date of Preliminary Special Leave Hearing—*

1. Year of Preliminary Special Leave Hearing

Variable Label: yearSL

Normalizations: N/A

This variable identifies the year in which the Court heard the special leave application. This will be the year in which the special leave application was decided.

--*End Content for Variable Year of Court Special Leave--*

1. Term of Preliminary Special Leave Hearing

Variable Label: termSL

Normalizations: varTerm (37)

This variable identifies the term in which the Court heard the special leave application. A term runs from July 1 through to June 30 of the subsequent year. Given this dataset will eventually extend back to the start of Chief Justice Mason’s term in 1987, the first term will be 1986-1987.

--*End Content for Variable Term of Court Special Leave--*

1. Chief Justice Special Leave

Variable Label: chiefSL

Normalizations: varChief (13)

This variable identifies the chief justice during whose tenure the special leave hearing occurred.

--*End Content for Variable Chief Justice Special Leave--*

1. Prime Minister on Date of Preliminary Special Leave Hearing

Variable Label: pmSL

Normalizations: varPrimeMinister (37)

This variable indicates the Prime Minister on the date of the preliminary special leave hearing. Where a Prime Minister served multiple consecutive terms, this is not specifically disaggregated. However, where a Prime Minister was re-elected following a period of non-service, this is specified. For example, while John Howard served multiple consecutive terms as Prime Minister, he has only one entry “Howard,” whereas Alfred Deakin served multiple non-consecutive terms and has three entries, “Deakin 1,” “Deakin 2,” and “Deakin 3.”

--*End Content for Variable Prime Minister on Date of Preliminary Special Leave Hearing—*

Chronological Variables

1. Date of Decision

Variable Label: dateDecision

Normalizations: N/A

This variable contained the year, month, and day that the Court announced its decision in the case. Example, 13 March 2018 is coded as 20180313.

--*End Content for Variable Date of Decision--*

1. Year of Court Decision

Variable Label: yearDecision

Normalizations: N/A

This variable identifies the year in which the Court handed down its decision. This will be the year in which the case was decided.

--*End Content for Variable Year of Court Decision--*

1. Term of Court Decision

Variable Label: termDecision

Normalizations: varTerm (37)

This variable identifies the term in which the Court decided the case. A term runs from July 1 through to June 30 of the subsequent year. Given this dataset will eventually extend back to the start of Chief Justice Mason’s term in 1987, the first term will be 1986-1987.

--*End Content for Variable Term of Court Decision--*

1. Natural Court Decision

Variable Label: naturalCourtDecision

Normalizations: varNaturalCourt (18)

This variable identifies the natural court that was responsible for the decision. Natural court refers to the period during which no personnel change occurs on the Court. Each natural court begins on the date of swearing in of a new justice or chief justice. The courts are numbered consecutively by chief justice, and the relevant period is noted next to the values in the normalizations. Sometimes there is a lag between the departure of a justice and her replacement being sworn in. In this instance the decision was made that the new natural court does not commence until the swearing in of the new justice (i.e. the prior natural court will be coded until the date of the swearing in of the new justice, even where the prior justice has already formally departed the Court).

Note that in this iteration of the HCDB, the natural courts are coded only from Chief Justice Brennan forward.

--*End Content for Variable Natural Court Decision--*

1. Chief Justice of Date of Decision

Variable Label: chiefDecision

Normalizations: varChief (13)

This variable identifies the chief justice during whose tenure the case was decided.

--*End Content for Variable Chief Justice Decision--*

1. Political Power on Date of High Court Decision

Variable Label: politicalPowerHcDecision

Normalizations: varPoliticalPower (5)

This variable indicates the controlling political party in both the House of Representatives and the Senate on the date of the High Court decision. The normalizations contain both the coding options as well as the necessary information for political power in any given year.

--*End Content for Variable Political Power on Date of High Court Decision—*

1. Prime Minister on Date of Decision

Variable Label: pmHcDecision

Normalizations: varPrimeMinister (37)

This variable indicates the Prime Minister on the date of the decision. Where a Prime Minister served multiple consecutive terms, this is not specifically disaggregated. However, where a Prime Minister was re-elected following a period of non-service, this is specified. For example, while John Howard served multiple consecutive terms as Prime Minister, he has only one entry “Howard,” whereas Alfred Deakin served multiple non-consecutive terms and has three entries, “Deakin 1,” “Deakin 2,” and “Deakin 3.”

--*End Content for Variable Prime Minister on Date of Decision--*

1. Number of Justices on Panel

Variable Label: numberJustices

Normalizations: N/A

Pursuant to the Judiciary Act 1901, Section 19, a full court panel comprises two or more justices sitting together. This variable identifies the size of the panel that decided the case.

--*End Content for Variable Number of Justices on Panel--*

1. Date of Commencement of Oral Argument

Variable Label: dateArgumentBegin

Normalizations: N/A

This variable identifies the date (YYYYMMDD) that oral argument commenced. Because oral argument is not time limited in the High Court as in other jurisdictions, oral argument often spans a number of days. In conjunction with the variable dateArgumentConclude, this variable identifies the number of calendar days that the case was listed for hearing before the Court.

--*End Content for Variable Date of Commencement of Oral Argument--*

1. Date Oral Argument Concluded

Variable Label: dateArgumentConclude

Normalizations: N/A

See variable dateArgumentBegin.

--*End Content for Variable Date Oral Argument Concluded--*

1. Total Time for Oral Argument Days

Variable Label: totalTimeArgumentDays

Normalizations: N/A

This variable provides an aggregation of the prior two variables by denoting the number of calendar days that the case was heard before the High Court. Researchers should note that this is a rough measure of oral argument time given that each calendar day is counted as a full day; i.e., even where a case is heard for only 30 minutes it is counted as a day.

--*End Content for Variable Total Time for Oral Argument Days--*

1. Total Time for Oral Argument Minutes

Variable Label: totalTimeArgumentMins

Normalizations: N/A

This variable provides researchers with a precise calculation of the time given to oral argument before the Court in minutes. Time is calculated excluding any breaks in argument for lunch or other reasons. This variable, then, provides an exact measure of the time the justices and attorneys interacted in formal oral argument.

--*End Content for Variable Total Time for Oral Argument Minutes—*

1. Year of Court Oral Argument

Variable Label: yearArgument

Normalizations: N/A

This variable identifies the year in which the Court heard the merits case. This will be the year in which the case was heard.

--*End Content for Variable Year of Court Oral Argument--*

1. Term of Court Oral Argument

Variable Label: termArgument

Normalizations: varTerm (37)

This variable identifies the term in which the Court held oral argument in the case. A term runs from July 1 through to June 30 of the subsequent year. Given this dataset will eventually extend back to the start of Chief Justice Mason’s term in 1987, the first term will be 1986-1987.

--*End Content for Variable Term of Court Oral Argument--*

1. Natural Court Oral Argument

Variable Label: naturalCourtOralArgument

Normalizations: varNaturalCourt (18)

This variable identifies the natural court when the Court heard the case on the merits.

Natural court refers to the period during which no personnel change occurs on the Court. Each natural court begins on the date of swearing in of a new justice or chief justice. The courts are numbered consecutively by chief justice, and the relevant period is noted next to the values in the normalizations. Sometimes there is a lag between the departure of a justice and her replacement being sworn in. In this instance the decision was made that the new natural court does not commence until the swearing in of the new justice (i.e. the prior natural court will be coded until the date of the swearing in of the new justice, even where the prior justice has already formally departed the Court).

--*End Content for Variable Natural Court Oral Argument--*

1. Chief Justice Oral Argument

Variable Label: chiefArgument

Normalizations: varChief (13)

This variable identifies the chief justice during whose tenure the case was heard.

--*End Content for Variable Chief Justice Oral Argument--*

1. Political Power Oral Argument

Variable Label: politicalPowerArgument

Normalizations: varPoliticalPower (5)

This variable indicates the controlling political party in both the House of Representatives and the Senate on the date of the High Court decision. The normalizations contain both the coding options as well as the necessary information for political power in any given year.

--*End Content for Variable Political Power on Date of High Court Oral Argument--*

1. Prime Minister on Date of Oral Argument

Variable Label: pmArgument

Normalizations: varPrimeMinister (37)

This variable indicates the Prime Minister on the date of the decision. Where a Prime Minister served multiple consecutive terms, this is not specifically disaggregated. However, where a Prime Minister was re-elected following a period of non-service, this is specified. For example, while John Howard served multiple consecutive terms as Prime Minister, he has only one entry “Howard,” whereas Alfred Deakin served multiple non-consecutive terms and has three entries, “Deakin 1,” “Deakin 2,” and “Deakin 3.”

--*End Content for Variable Prime Minister on Date of Oral Argument--*

1. Location of Oral Argument

Variable Label: locationOralArgument

Normalizations: varRegistry (8)

This variable identifies the location where oral argument occurred.

--*End Content for Variable Location of Oral Argument--*

1. Commonwealth Solicitor-General Representation at Oral Argument

Variable Label: cthSGRepOralArgument

Normalizations: varSG (2)

This variable denotes whether the Commonwealth Solicitor General appeared at the oral argument for the matter.

--*End Content for Variable Commonwealth Solicitor General Representation--*

1. Commonwealth Solicitor-General Party Representation at Oral Argument 1

Variable Label: cthSGRepPartyOralArgument1

Normalizations: varSGParty (4)

This variable captures who the Commonwealth Solicitor General represented at oral argument, appellant/petitioner, respondent, intervener, or amici. In some instances, the Commonwealth Solicitor General represents multiple parties during one oral argument hearing. In this instance, the subsequent variable captures this situation of multi-party representation.

--*End Content for Variable Commonwealth Solicitor General Representation Party 1--*

1. Commonwealth Solicitor-General Party Representation at Oral Argument 2

Variable Label: cthSGRepPartyOralArgument2

Normalizations: varSGParty (4)

See variable cthSGRepPartyOralArgument1

--*End Content for Variable Commonwealth Solicitor General Representation Party 2--*

Substantive Variables

1. Primary Issue Area

Variable Label: primaryIssueArea

Normalizations: varIssueArea (11)

There are three variables relating to identification of the issue considered by the Court in the decision. The difference between the three variables is in the level of generality at which the issue is coded. Unlike other jurisdictions, which grant final court review on extremely specific questions, final court review in Australia tends to be more generalized. For that reason, we have included capacity for a primary issue area and its related sub area and issue, and a secondary issue area and its related sub area and issue. The issue of primary importance is captured in the primary variable, and a secondary issue is included only where it was relevant to the outcome of the case. Given the complexity of many constitutional cases, an option for a tertiary issue area was added, and is coded only in public law cases where necessary.

At the most general level is the variable issueArea, which consists of a universe of 10 substantive issue codes. The areas were chosen to reflect both the general understanding of legal categorization in Australia as well as categories that are useful for analysis for scholars and commentators. The categories were developed after an extensive examination of judicial records, practice areas in the federal and state courts, discussions with legal scholars, examination of legal scholarship, and discussions with Court personnel.

The categorization is imperfect, and some readers might disagree with some categorizations. In this instance, the more specific issues variables issueSubArea (which disaggregates the broader categories into sub-areas) and issues (which provides the most detailed level of issue) permits recategorization of the broad issue area.

Below is a list of both the broad level issueArea variable and the narrower issueSubArea. The inclusion of this list here is for ease of understanding, and coders should refer to the relevant normalizations for the coding options. The issue sub areas are ordered and coded by their larger issue area. For example, Common Law is coded as “1” under the issueArea variable, and Common Law—Torts is coded as “101,” Common Law—Contract as “102,” and so on, under the issueSubArea variable. In 2 issue sub areas, the sub areas are identical to the broader issue area because of the discrete nature of the general area.

|  |  |
| --- | --- |
| **Issue Area** | **Issue Sub Area** |
| Common Law (includes traditional common law areas now governed by statute) [1] | Tort [101]  Contract [102]  Equity [103]  Trusts [104] |
| Public Law—Federal [2] | Constitutional law [201]  Administrative law [202] |
| Public Law—State [3] | Constitutional law [301]  Administrative law [302] |
| Civil Rights (non-constitutional) [4] | Statutory rights [401]  State bills of rights [402]  Common law rights [403]  Indigenous rights (including native title) [404]  Refugees [405] |
| Criminal Law and Procedure [5] | Federal criminal law [501]  Federal criminal procedure [502]  State criminal law [503]  State criminal procedure [504] |
| Economic Relations [6] | Corporate and business [601]  Bankruptcy and insolvency [602]  Property [603]  Intellectual property [604]  Consumer and competition [605]  Taxation [606]  Banking and finance [607]  Succession (wills and estates) [608] |
| Employment and Industrial Relations [7] | Employment and industrial relations [701] |
| Admiralty and Maritime [8] | Admiralty and maritime [801] |
| Procedure and Ethics [9] | Civil procedure/litigation [901]  Evidence [902]  Statutory interpretation (Acts Interpretation Act) [903]  Legal profession (ethics) [904]  Inherent power of the Court [905] |
| Miscellaneous [10] | International law [1001]  Family law [1002]  Migration (non-refugee) [1003]  Environmental law [1004]  Vulnerable persons (e.g. child protection, disabled persons etc) [1005] |
| Costs [11] | Costs [1101] |

--*End Content for Variable Primary Issue Area--*

1. Primary Issue Sub Area

Variable Label: primaryIssueSubArea

Normalizations: varIssueSubArea (38)

See variable primaryIssueArea.

--*End Content for Variable Primary Issue Sub Area--*

1. Primary Issue

Variable Label: primaryIssue

Normalizations: varIssue (214)

This variable captures the most specific of the issues levels variables (see above, variable issueArea for overview). The variable identifies the issue for each decision. The objective is to categorize the case from a public policy standpoint, a perspective that the legal basis for the decision commonly disregards. In identifying the issue for each decision, then, the focus is on the subject matter of the controversy (e.g. religious liberty), rather than the legal basis for the case (e.g. section 116 of the Constitution). For the legal basis of the decision, see variable lawType. Necessarily, then, the issue variable, despite it being the most specific of the issues coding, may prove to lack the specificity desired for analysis. To that end, the legal provisions variables provide a more specific level of identification.

The variable codes multiple specific issues, ordered by their larger issue area and issue sub area. For example, Common Law is coded as “1” under issue area, Common Law—Tort is coded as “101” under issue sub area, and Common Law—Tort—Negligence is coded as 10101 under issues.

Some of the issues are simply coded as “general” rather than broken into narrow and specific areas, simply because the small number of cases in the issue sub area meant that it was not beneficial for analysis to break the sub area down any further.

--*End Content for Variable Primary Issue--*

1. Secondary Issue Area

Variable Label: secondaryIssueArea

Normalizations: varIssueArea (11)

See variable primaryIssueArea.

--*End Content for Variable Secondary Issue Area--*

1. Secondary Issue Sub Area

Variable Label: SecondaryIssueSubArea

Normalizations: varIssueSubArea (38)

See variable primaryIssueArea.

--*End Content for Variable Issue Sub Area--*

1. Secondary Issue

Variable Label: secondaryIssue

Normalizations: varIssue (214)

See variable primaryIssue.

--*End Content for Variable Secondary Issue--*

1. Tertiary Issue Area

Variable Label: tertiaryIssueArea

Normalizations: varIssueArea (11)

See variable primaryIssueArea

--*End Content for Variable Tertiary Issue Area--*

1. Tertiary Issue Sub Area

Variable Label: tertiaryIssueSubArea

Normalizations: varIssueSubArea (38)

See variable primaryIssueArea.

--*End Content for Variable Tertiary Issue Sub Area--*

1. Tertiary Issue

Variable Label: tertiaryIssue

Normalizations: varIssue (212)

See variable primaryIssue.

--*End Content for Variable Tertiary Issue--*

1. Authority for Decision 1

Variable Label: authorityDecision1

Normalizations: varAuthorityDecision (12)

This variable and the next (authorityDecision2) specify the basis on which the High Court rested its decision with regard to each legal provision that the Court considered in the case (see variable lawType). Where the numeric indicator is based on state law, the variable authorityDecision1State should be used to identify the specific state. Coding this variable requires judgment, because many cases arguably rest on more than two bases for decision, however the job of the coder is to determine the primary bases for decision.

There are 12 possible options:

* First: judicial review—federal constitution. This option is chosen where the Court considers whether the challenged law or action is contrary to the Commonwealth Constitution. This includes instances where the Court interprets a statute narrowly so as to render it constitutional.
* Second: judicial review—state constitution. This option is chosen where the Court considers whether the challenged law or action is contrary to the Constitution of a state. This includes instances where the Court interprets a statute narrowly so as to render it constitutional.
* Third: High Court supervision of state and federal courts or state and federal administrative decision-maker. These options are chosen where a “jurisdictional error” has occurred; that is, where a decision-maker (judicial or administrative) has failed to exercise or has exceeded the jurisdiction that has been conferred by the constitution (federal or state) or legislation. There will be no jurisdictional error where an incorrect decision has been made; this is coded as an interpretation issue.
* Fourth: inherent power of the High Court.
* Fifth: interpretation of a federal or state statute or rule. The option of interpretation is chosen where the Court rests its decision on the interpretation of a federal or state statute or regulation.
* Sixth: common law. The option of common law is chosen where the Court rests its decision on common law.

This variable and the variable lawType are related, and congruence should exist between this variable and the code that appears in the lawType variable. For example, if a constitutional provision appears the lawType variable, then the authorityDecision will reflect the Constitution as the authority for the decision.

--*End Content for Variable Authority for Decision 1—*

1. Authority for Decision 1 State

Variable Label: authorityDecision1State

Normalizations: varState (12)

This variable identifies the source (federal or specific state) of the law.

--*End Content for Variable Authority for Decision 1 State--*

1. Authority for Decision 2

Variable Label: authorityDecision2

Normalizations: varAuthorityDecision (12)

See variable AuthorityDecision1.

--*End Content for Variable Authority for Decision 2--*

1. Authority for Decision 2 State

Variable Label: authorityDecision2State

Normalizations: varState (12)

See variable AuthorityDecision1State.

--*End Content for Variable Authority for Decision 2 State--*

1. Authority for Decision 3

Variable Label: authorityDecision3

Normalizations: varAuthorityDecision (12)

See variable AuthorityDecision1.

--*End Content for Variable Authority for Decision 3--*

1. Authority for Decision 3 State

Variable Label: authorityDecision3State

Normalizations: varState (12)

See variable AuthorityDecision1State.

--*End Content for Variable Authority for Decision 3 State--*

1. Panel Special Leave Decision

Variable Label: panelSLDecision

Normalizations: varSpecialLeavePanel (2)

This binary variable identifies whether the decision of the panel related to special leave instead of, or as well as, the merits hearing. The standard answer will be no, however there are instances where the merits panel will consider the special leave question.

--*End Content for Variable Panel Special Leave Decision--*

1. Panel Special Leave Outcome General

Variable Label: panelSLOutcomeGen

Normalizations: varSpecialLeaveOutcomesGeneral (2)

This binary variable and the following variable are relevant only where the prior variable is coded yes, meaning that the full panel of the HCA decided a special leave question. This variable provides a general answer on the question of special leave.

--*End Content for Variable Panel Special Leave Outcome General--*

1. Panel Special Leave Outcome Specific

Variable Label: panelSLOutcomeSpecific

Normalizations: varSpecialLeaveOutcomeSpecific (7)

This variable provides specific information as to the panel’s decision on special leave, providing 7 possible outcomes.

--*End Content for Variable Panel Special Leave Outcome Specific--*

1. Costs Decision

Variable Label: costsDecision

Normalizations: varCosts (2)

Occasionally the question of costs in a case heard by the High Court is reserved and an opinion additional to the merits opinion is issued on the question of costs. This variable identifies whether the panel decision of the Court was exclusively a costs decision issued in relation to a merits decision previously handed down by the Court.

--*End Content for Variable Costs Decision--*

1. Costs Decision Related HCDBID

Variable Label: costsRelationHCDBID

Normalizations: N/A

Where the variable “costsDecision” indicates that the case decided was on the question of costs relating to a previously issued opinion, this variable identifies the specific HCDBID of the earlier case for which the costs decision was issued.

--*End Content for Variable Costs Decision Related HCDBID--*

1. Legal Provision Considered by the Court 1

Variable Label: lawType1

Normalizations: varLawArea (10)

This variable and the related variable lawSupp, identify the variable constitutional provision(s), statute(s), or rules(s) that the Court considered in the case. lawType1 identifies the primary basis for decision, and lawType2 the secondary basis. We have allowed for 2 legal provisions, in all instances except in constitutional cases, where we have allowed an additional variable, lawType3.

The difference between lawType and lawSupp is that lawSupp is coded finely and identifies the specific law, constitutional provision or rule at issue (e.g. Constitution, section 75(v)(i)), whereas lawType is coded broadly (e.g. Constitution, federal statute). The criterion to determine the legal provision(s) is the legislation specified in the Court’s own headnotes.

Importantly, users should note that this variable is relevant only where two conditions are met:

* First, the law area involves federal or state constitution, statute, or rule/regulation, or rules of a court. That is, if the case involves common law and other areas not fitting this description, this variable will be left blank (999).
* Second, an entry will only exist where the majority discusses the legal provision. The headnote will usually indicate this. The mere fact that the Court refers to or exercises a certain provision is insufficient for an entry.

Note that a case challenging the constitutionality of a law will have two entries, one being the constitutional challenge, and the other being the statute.

--*End Content for Variable Legal Provision Considered by the Court 1--*

1. Legal Provision Supplement 1

Variable Label: lawSupp1

Normalizations: varLegalProvisions (1051)

This variable identifies the specific legal provision on which the case was determined by the Court. Each lawSupp variable is linked to its related lawType variable (e.g. lawSupp1 and lawType1 are related). For example, if lawType1 denotes that the law type is the federal constitution, lawSupp1 will list the specific constitutional provision. Similarly, if lawType1 denotes the law type is a federal statute, lawSupp1 will state the specific statute and section (e.g., Commonwealth Anti-Discrimination Act of 2003, section 14).

--*End Content for Variable Legal Provision Supplement 1--*

1. Legal Provision Considered by the Court 2

Variable Label: lawType2

Normalizations: varLawArea (10)

See variable lawType1.

--*End Content for Variable Legal Provision Considered by the Court 2--*

1. Legal Provision Supplement 2

Variable Label: lawSupp2

Normalizations: varLegalProvisions (1051)

See variable lawSupp1.

--*End Content for Variable Legal Provision Supplement 2--*

1. Legal Provision Considered by the Court 3

Variable Label: lawType3

Normalizations: varLawArea (10)

See variable lawType1.

--*End Content for Variable Legal Provision Considered by the Court 3--*

1. Legal Provision Supplement 3

Variable Label: lawSupp3

Normalizations: varLegalProvisions (1051)

See variable lawsupp1.

--*End Content for Variable Legal Provision Supplement 3--*

1. Decision Type

Variable Label: decisionType

Normalizations: varDecisionType (4)

This variable identifies the type of decision delivered by the High Court. Explanation of each numeric code is as follows:

* Decision Type 1: Cases of the Court decided by a signed opinion, or multiple opinions after oral argument.
* Decision Type 2: Cases decided with an opinion but without oral argument (e.g. per curiam decisions).
* Decision Type 3: Cases decided with an evenly divided vote that that was appealed from a justice of the High Court, the Supreme Court of a State or Territory, a decision of the Federal Court of Australia, or a decision of the Family Court of Australia. In this instance, the decision appealed is affirmed.
* Decision Type 4: Cases decided with an evenly divided vote that do not fit within the description in Decision Type 3. In these cases, the opinion of the Chief Justice, or most senior justice if the Chief does not sit, shall prevail.

--*End Content for Variable Decision Type--*

1. Constitutional Matter

Variable Label: lwConMatter

Normalizations: varConstitutionalMatter (2)

This binary variable indicates whether the case involves a constitutional matter. A constitutional matter is defined as “that subset of cases decided by the High Court in the application of legal principle identified by the Court as being derived from the Australian Constitution. That definition is framed deliberately to take in a wider category of cases than those simply involving matters within the constitutional description of ‘a matter arising under this Constitution or involving its interpretation.’” (Stephen Gageler, ‘The High Court on Constitutional Law: The 2001 Term’ (2002) 25 University of New South Wales Law Journal 194, 195. Cited in Lynch, Andrew and George Williams, “The High Court on Constitutional Law: The 2005 Statistics” UNSW Law Journal, 29:2, 182-197, 184).

The coding of this variable was cross-checked against that of Andrew Lynch and George Williams in their series of descriptive statistics on constitutional cases before the High Court, hence the variable name “lwConMatter”, referring to Lynch and Williams.

--*End Content for Variable Constitutional Matter--*

1. Judicial Review

Variable Label: judicalReview

Normalizations: varJudicialReview (9)

This variable denotes whether the Court engaged in judicial review and the nature of that review. In this context, we take judicial review to mean the review of a statute or executive action (e.g., executive order issued under authority of the Constitution rather than statutory authority) for compliance with the terms of the Constitution. This variable does not capture the outcome, simply whether the Court reviewed legislative or executive action. Specifically, we are capturing the cases where the Court deliberately defined and enforced constitutional limits (whether in favour or against the interests of the legislature or executive). Note that the values delineate between judicial review of law vis-à-vis the federal Constitution or a state constitution.

--*End Content for Variable Judicial Review--*

1. Lower Court Constitutional Decision

Variable Label: lcConDecision

Normalizations: varLowerCourtConstitutionalOutcome (5)

This variable captures the lower court’s treatment of the constitutional challenge, specifically whether the constitutional challenge was successful or unsuccessful as well as the nuances relating to the outcome (e.g., whether the law was declared invalid or the scope of the law was narrowed).

--*End Content for Variable Lower Court Constitutional Decision--*

Outcome, Voting, and Opinion Variables

1. Declaration of Unconstitutionality

Variable Label: declarationUncon

Normalizations: varDeclarationUncon (11)

This variable provides nuance as to whether the Court declared an act of Parliament, federal regulation, or state law or regulation, unconstitutional pursuant to either the federal constitution or a state constitution. This includes values that indicates whether the Court read the statute or regulation narrowly to avoid a declaration of unconstitutionality.

--*End Content for Variable Declaration of Unconstitutionality--*

1. Disposition of Case

Variable Label: caseDisposition

Normalizations: varCaseDisposition (17)

This variable indicates the treatment the majority of the Court accorded the court whose decision it reviewed, e.g., appeal allowed, appeal denied, matter remitted etc. This variable provides significant nuance over the binary variable “partyWinning”, which simply denotes which party was successful before the Court.

--*End Content for Variable Disposition of Case--*

1. Winning Party

Variable Label: partyWinning

Normalizations: varPartyWinning (3)

This variable indicates whether the appellant/petitioner won in the High Court. The victory may not be total and complete (e.g. a remand rather than a reversal), but the disposition is nonetheless favourable to the appellant/petitioner.

The following coding rules apply:

* Appellant/petitioner lost if the High Court affirmed the lower court decision or dismissed the case/denied the motion;
* In all other instances the petitioning party is deemed to have won, however there is a value for those rare cases when the winner of a case was unclear.

--*End Content for Variable Winning Party--*

1. Decision Direction

Variable Label: decisionDirection

Normalizations: varDecisionDirection (3)

In order to determine whether the Court supports or opposes the issue to which the case pertains, this variable does the ideological “direction” of the decision. Specifications of direction comports with conventional usage in the context of Australian public policy. Unspecifiable is an option where a liberal or conservative value is not identifiable.

The rules for the direction of the decision are as follows:

In the context of issues pertaining to criminal law, criminal procedure, statutory civil rights, common law rights, and any cases coded as constitutional rights, “liberal” =

* Pro-person accused or convicted of a crime
* Pro-civil liberties or civil rights claimant
* Pro-state in a state bill of rights case, where the challenge is to the validity of the statute and the state is defending the statute
* Pro-indigent
* Pro- rights claimant in a constitutional rights claim
* Pro-privacy
* Pro-Indigenous rights, including pro-Native Title

Conservative = reverse of the above.

In the context of issues pertaining to constitutional and administrative law, “liberal” =

* Pro-exercise of judicial power
* Pro-judicial “activism”
* Pro-federal power
* Anti-state
* Pro disclosure in FOI issues
* Pro-accountability and/or anti-corruption in elections cases
* Pro-individual in administrative law claims against the government
* Pro-judicial review in administrative law cases
* Pro-tribunal power in administrative law cases
* Pro-national government in federalism disputes

In the context of issues pertaining to common law, economic relations, employment law, and bankruptcy and insolvency, “liberal” =

* Pro-injured party in tort claims
* Against statutory limitations of tort liability
* Against tort reform
* Pro-compensation
* Pro-small business versus large business
* Pro-economic underdog
* Pro-indigent
* Anti-business
* Pro-union
* Anti-employer/pro-employee
* Pro-state/anti-business in state tax cases
* Pro-debtor
* Pro-bankrupt
* Pro-competition
* Pro-consumer
* Pro-accountability of businesses
* Anti-union in union antitrust or union closed shop
* Pro-trial in arbitration
* Anti-union member or employee vis-à-vis union
* Anti-person alleging infringement of patent, copyright, or trademark
* In taxation matters: pro-government in individual versus government claims; pro-federal government in federal versus state government claims; and pro-government in corporations versus government claims

Conservative = reverse of above.

In the context of issues pertaining to procedure and ethics, “liberal” =

* Pro-purposive and expansive interpretation in statutory interpretation
* Pro-judicial power in inherent power issues
* Broadly inclusive of evidence for a plaintiff or criminal defendant

Conservative = reverse of above.

In the context of issues pertaining to family law, migration, international law, and vulnerable persons, “liberal” =

* Pro-immigrant
* Pro-international agreement in public international law
* Pro-human rights
* Pro-female
* Pro-indigent
* Pro-vulnerable person
* Pro-underdog
* Pro-environment

Conservative = reverse of above.

--*End Content for Variable Decision Direction--*

1. Decision Direction Dissent

Variable Label: decisionDirectionDissent

Normalizations: varDecisionDirectionDissent (2)

Occasionally the majority and dissenting opinion in a case will both support or oppose the issue in the case, with the difference between the opinions being the outcome (e.g. majority remitted the case, dissent reversed the decision). This should be a rare occurrence.

In these cases, the entry in the prior variable decisionDirection should be determined based on whether the majority or the dissent more substantively supported the issue to which the case pertains, and an entry reflecting the opposite outcome should appear in this variable. For example, if both the majority and dissent held that the right to a trial by jury had been violated, but the majority voted to reverse the conviction and order a new trial and the dissent voted to reverse the conviction period, the decisionDirection (majority) would be coded conservative and the dissent liberal, because the dissent would have provided the appellant with more relief, therefore the appellant received less of a victory than the dissent would have provided.

--*End Content for Variable Decision Direction Dissent--*

1. Majority Votes

Variable Label: majVotes

Normalizations: N/A

This variable specifies the number of justices voting in the majority. The subsequent variable minVotes indicates the number of justices voting in dissent. The number of votes refers to the number of justices who agree with the overall disposition of the case (i.e. the order), not to the vote on any particular issues in the case.

Where the vote is evenly divided, e.g. 3-3, and the majority and minority votes will reflect this (i.e., majority vote will be entered as 3).

--*End Content for Variable Majority Votes--*

1. Minority Votes

Variable Label: minVotes

Normalizations: N/A

This variable specifies the number of votes in dissent on the disposition of the case. See variable majVotes.

--*End Content for Variable Minority Votes--*

1. Justice ID

Variable Label: justice

Normalizations: varJustice (56)

This variable provides a unique identification number for each of the justices.

--*End Content for Variable Justice ID--*

1. Vote in the Case

Variable Label: vote

Normalizations: varVote (12)

This variable provides information about the natures of each justice’s vote in the case, e.g., whether the justice joined the majority opinion, was part of a concurrence, dissented etc.

Whereas the variables relating to majority and minority voting focus on the outcome, this variable is largely concerned with how the justice engaged with the other justices on the panel. International researchers unfamiliar with Australian legal traditions should be aware of two traditions in the High Court complicate this variable: first, opinion writers are rarely, if ever, identified in a joint opinion or dissent, instead the justices are listed by seniority; and second, there is a tradition of individual opinion writing, meaning that it is possible to have up to 7 separate opinions in a case, even where the outcome is unanimous.

--*End Content for Variable Vote in the Case--*

1. Direction of the Individual Justice’s Votes

Variable Label: direction

Normalizations: varJusticeDirection (2)

This variable indicates whether the justice cast a liberal or conservative vote. For the definitions of liberal and conservative, see the variable decisionDirection. A missing value (999) indicates that the decisionDirection was unspecifiable or that the justice did not participate.

--*End Content for Variable Direction of the Individual Justice’s Vote--*

1. Majority and Minority Voting by Justice

Variable Label: majority

Normalizations: varJusticeMajority (2)

Public policy analysts and lawyers commonly want to know the frequency with which a given justice votes with the majority and/or dissent overall, or in a subset of cases. This variable provides that information for each justice, noting whether the justice voted with the majority or dissent in the case.

--*End Content for Variable Majority and Minority Voting by Justice--*

1. Justice Coalition 1
2. Justice Coalition 2
3. Justice Coalition 3
4. Justice Coalition 4
5. Justice Coalition 5
6. Justice Coalition 6

Variable Label: justiceCoalition [1][2][3][4][5][6]

Normalizations: varJustice (56)

Public policy analysts and lawyers commonly want to know with whom and the frequency with which a given justice joins in coalition with other justices overall, or in a subset of cases. This variable provides that information for each justice, noting the justices with whom the justice joins an opinion.

--*End Content for Variables Justice Coalition--*

1. Ideological Distribution of Panel

Variable Label: proportionLiberalPanel

Normalizations: varIdeologicalDistribution (21)

This variable indicates the proportion of ideologically liberal justices sitting on the panel that decided the case. The subsequent variable, proportionLiberalCourt indicates the proportion of ideologically liberal justices sitting on the Court at the time of decision. Whereas the latter variable is static for the period of each natural court, because the High Court sits on variable panels, both size and personnel, the variable proportionLiberalPanel varies by case.

We use the Robinson, Leslie, and Sheppard ideology score as the measure for ideology, where 0.0 represents the most ideologically conservative justice and 1.0 represents the most ideologically liberal justice. (Robinson, Zoe, Patrick Leslie, and Jill Sheppard, 2021. “Judicial Ideology in the Absence of Rights: Evidence from Australia.” Journal of Law and Courts, pp. 1-35.) The RLS ideology score for each justice can be found in the normalization varIdeology. The variable deploys a rudimentary bifurcation of the justices into “liberal” and conservative”, where justices with an ideology score of 0.50 and below are deemed conservative, and 0.51 and above are deemed liberal.

--*End Content for Variable Ideological Distribution of Panel--*

1. Ideological Distribution of Court

Variable Label: proportionLiberalCourt

Normalizations: varIdeologicalDistribution (21)

See variable proportionLiberalPanel.

--*End Content for Variable Ideological Distribution of Court--*

1. Gender Distribution of Panel

Variable Label: proportionWomenPanel

Normalizations: varGenderDistribution (21)

This variable indicates the proportion of women justices sitting on the panel that decided the case. The gender identity of each justice can be found in the normalization varGender. The subsequent variable, proportionWomenCourt indicates the proportion of women justices sitting on the Court at the time of decision. Whereas the latter variable is static for the period of each natural court, because the High Court sits on variable panels, both size and personnel, the variable proportionWomenPanel varies by case.

--*End Content for Variable Gender Distribution of Panel--*

1. Gender Distribution of Court

Variable Label: proportionWomenCourt

Normalizations: varGenderDistribution (21)

See variable proportionWomenPanel.

--*End Content for Variable Gender Distribution of Court--*

Justice Characteristics Variables

1. RLS Justice Ideology Score

Variable Label: rlsIdeologyScore

Normalizations: varIdeology (23)

We use the Robinson, Leslie, and Sheppard ideology score as the measure for ideology, where 0.0 represents the most ideologically conservative justice and 1.0 represents the most ideologically liberal justice. For a full description of the methodology employed to generate the RLS Ideology Score, see Robinson, Zoe, Patrick Leslie, and Jill Sheppard, 2021. “Judicial Ideology in the Absence of Rights: Evidence from Australia.” Journal of Law and Courts, pp. 1-35.)

--*End Content for Variable RLS Justice Ideology Score--*

1. Party of Prime Minister Appointing Justice

Variable Label: appPMParty

Normalizations: varJusticePM (2)

This variable identifies the political party of the Prime Minister on the date the nomination was announced.

--*End Content for Variable Party of PM Appointing Justice--*

1. Gender Identity of Justice

Variable Label: gender

Normalizations: varGender (2)

This variable identifies whether the justices is a woman or a man.

--*End Content for Variable Gender Identity of Justice--*

1. Age of Justice

Variable Label: yearBirth

Normalizations: N/A

This variable identifies the year of birth of the justice, providing a measure that identifies the age of the justice.

--*End Content for Variable Age of Justice--*

HCDB Appendix

This Appendix contains the complete list of numeric codes for all numeric variables in the HCDB (i.e. normalizations).

A1 varAdminAction

[54] distinct values

varAdminAction is used in conjunction with:

*adminAction*

**Values:**

**Commonwealth Administrative Agencies**

100 Australian Crime Commission

101 Australian Information Commissioner, and Related Delegates

102 Comcare, and Related Delegates

103 Commissioner of Patents, and Related Delegates

104 Commissioner of Taxation, and Related Delegates

105 Comptroller General of Customs, and Related Delegates

106 Copyright Tribunal of Australia

107 Human Rights and Equal Opportunity Commission

108 Migration Agents Registration Authority

109 Military Rehabilitation and Compensation Commission

110 Minister for Justice and Home Affairs, and Related Delegates (including Secretary)

111 Minister for Treasury (Treasurer), and Related Delegates (including Secretary)

112 Minister for Immigration and Border Protection, and Related Delegates (including Secretary)

113 Minister for Immigration and Citizenship, and Related Delegates (including Secretary)

114 Minister for Immigration and Multicultural Affairs, and Related Delegates (including Secretary)/Minister for Immigration and Ethnic Affairs, and Related Delegates

115 Minister for Immigration and Multicultural and Indigenous Affairs, and Related Delegates (including Secretary)

116 Minister for Immigration, Multicultural Affairs and Citizenship, and Related Delegates (including Secretary)

117 Minister for Lands, Planning and Environment, and Related Delegates (including Secretary)

118 National Competition Council

119 Australian Communications and Media Authority

120 Minister for Home Affairs, and Related Delegates (including Secretary)

121 Minister for Justice, and Related Delegates (including Secretary)

122 Professional Services Review

123 Australian Prudential Regulation Authority, and Related Delegates

124 Minister for Employment and Workplace Relations, and Related Delegates (including Secretary

125 Companies Auditors and Liquidators Disciplinary Board

126 Australian Competition and Consumer Commission

127 Repatriation Commission

128 Minister for Customs and Justice, and Related Delegates (including Secretary)

129 Commonwealth Attorney-General

130 Development Allowance Authority

131 Commissioner of Australian Federal Police

132 Australian Heritage Commission

133 Minister for Social Security, and Related Delegates (including Secretary)

134 Other

**State**

200 ACT Government Minister, and Related Delegates

201 ACT Independent Body, and Related Delegates

202 NSW Government Minister, and Related Delegates

203 NSW Independent Body, and Related Delegates

204 Northern Territory Government Minister, and Related Delegates

205 Northern Territory Independent Body, and Related Delegates

206 Queensland Government Minister, and Related Delegates

207 Queensland Independent Body, and Related Delegates

208 South Australia Government Minister, and Related Delegates

209 South Australia Independent Body, and Related Delegates

210 Tasmania Government Minister, and Related Delegates

211 Tasmania Independent Body, and Related Delegates

212 Victoria Government Minister, and Related Delegates

213 Victoria Independent Body, and Related Delegates

214 Western Australia Government Minister, and Related Delegates

215 Western Australia Independent Body, and Related Delegates

216 Norfolk Island Government Minister, and Related Delegates

217 Norfolk Island Independent Body, and Related Delegates

218 Nauru Government Minister, and Related Delegates

219 Nauru Independent Body, and Related Delegates

A2 varAdminReview

46 distinct values

varAdminReview is used in conjunction with:

*adminReview1*

*adminReview2*

**Values:**

1 Australian Competition Tribunal

2 Australian Conciliation and Arbitration Commission

3 Australian Coal Industry Tribunal

4 Australian Copyright Tribunal

5 Australian Industrial Relations Commission

6 Commonwealth Administrative Appeals Tribunal (pre June 30, 2015)

7 Commonwealth Amalgamated Administrative Appeals Tribunal (post July 1, 2015)

8 Commonwealth Conciliation and Arbitration Commission

9 Commonwealth Defence Force Remuneration Review Tribunal

10 Commonwealth Defence Force Discipline Appeal Tribunal

11 Commonwealth Fair Work Australia

12 Commonwealth Fair Work Commission

13 Commonwealth Federal Police Disciplinary Tribunal

14 Commonwealth Migration Review Tribunal

15 Commonwealth Native Title Tribunal

16 Commonwealth Refugee Review Committee

17 Commonwealth Refugee Review Tribunal

18 Commonwealth Social Security Appeals Tribunal

19 Commonwealth Superannuation Complaints Tribunal

20 Commonwealth Other

21 Australian Capital Territory Civil and Administrative Tribunal

22 Australian Capital Territory Other

23 New South Wales Industrial Relations Commission

24 New South Wales Civil and Administrative Tribunal

25 New South Wales Workers Compensation Commission

26 New South Wales Guardianship Tribunal

27 New South Wales Independent Commission Against Corruption

28 New South Wales Administrative Decisions Tribunal

29 New South Wales Chief Industrial Magistrate’s Court

30 New South Wales Local Government Pecuniary Interest and Disciplinary Tribunal

31 New South Wales Mental Health Review Tribunal

32 New South Wales Victims Support Scheme

33 New South Wales Other

34 Queensland Industrial Relations Commission

35 Queensland Civil and Administrative Tribunal

36 Queensland Other

37 Victorian Civil and Administrative Tribunal

38 Victorian Victims of Crime Assistance Tribunal

39 Victoria Other

40 South Australian Civil and Administrative Tribunal

41 State Administrative Tribunal of Western Australia

42 South Australia Other

43 Nauru Refugee Status Review Tribunal

44 Administrative Tribunal of Western Australia

45 Land and Mining Tribunal of the Northern Territory

46 Western Australia Other

A3 varAmicus

[2] distinct values

varAmicus is used in conjunction with:

*amicus*

1 no amici appeared in the case

2 one or more amici appeared in the case

A4 varAuthorityDecision

[12] distinct values

varAuthorityDecision is used in conjunction with:

*authorityDecision1*

*authorityDecision2*

*authorityDecision3*

**Values:**

1 judicial review—federal constitution

2 judicial review—state constitution

3 High Court supervision of lower federal courts

4 High Court supervision of state courts

5 High Court supervision of administrative decision makers—federal

6 High Court supervision of administrative decision makers—state

7 inherent power

8 statutory interpretation—federal

9 statutory interpretation—state

10 regulation/administrative rule interpretation—federal

11 regulation/administrative rule interpretation—state

12 common law

A5 varCaseDisposition

[17] distinct values

varCaseDisposition is used in conjunction with:

*caseDisposition*

**Values:**

1 Appeal/application allowed

2 Appeal/application allowed, order below set aside and/or varied

3 Appeal/application allowed, order below set aside and/or varied in part

4 Appeal/application allowed, order below set aside and/or varied, matter remitted

5 Appeal/application allowed, order below set aside and/or varied in part, matter remitted

6 Appeal/application dismissed

7 Appeal/application allowed, remit for further determination

8 Appeal/application allowed in part, remit for further determination

9 Appeal/application allowed in part, order below set aside and/or varied

10 Appeal/application allowed in part, order below set aside and/or varied in part

11 Appeal/application allowed in part, order below set aside and/or varied, matter remitted

12 Appeal/application allowed in part, order below set aside and/or varied in part, matter remitted

13 Special leave revoked

14 Appeal granted and appeal allowed instantia

15 Other disposition

16 Questions answered (special case, case referred, etc)

17 Special leave denied by enlarged bench

A6 varCaseSourceGeneral

[7] distinct values

varCaseSourceGeneral is used in conjunction with:

*caseOriginGeneral*

*caseSourceGeneral*

**Values:**

1 Federal court—trial level

2 Federal court—appellate level

3 State supreme court—trial level

4 State supreme court—appellate level

5 State district court (county court)

6 State local court (magistrates court)

7 State speciality court

A7 varCaseSourceSpecific

[88] distinct values

varCaseSourceSpecific is used in conjunction with:

*caseOriginSpecific*

*caseSourceSpecific*

**Values:**

1 Family Court of Australia—Single Judge

2 Federal Magistrates Court

3 Federal Circuit Court of Australia

4 Federal Court of Australia—Single Judge

5 Federal Court of Australia—Full Court

6 Australian Industrial Court

7 Australia Military Court

8 Commonwealth Court of Conciliation and Arbitration

9 Commonwealth Industrial Court

10 Federal Court of Bankruptcy

11 Industrial Relations Court of Australia

12 Supreme Court of New South Wales—Common Law Division

13 Supreme Court of New South Wales—Equity Division

14 Supreme Court of New South Wales—Court of Appeal

15 Supreme Court of New South Wales—Court of Criminal Appeal

16 Land and Environment Court of New South Wales

17 District Court of New South Wales

18 Local Court of New South Wales

19 New South Wales Industrial Court

20 The Children’s Court of New South Wales

21 New South Wales Dust Diseases Tribunal

22 Drug Court of New South Wales

23 New South Wales Chief Industrial Magistrate’s Court

24 New South Wales Coroner’s Court

25 Supreme Court of Queensland—Court of Appeal

26 Supreme Court of Queensland—Trial Division (Criminal)

27 Supreme Court of Queensland—Trial Division (Civil)

28 Industrial Court of Queensland

29 Queensland Planning and Environment Court

30 Queensland Land Appeal Court

31 District Court of Queensland

32 Magistrates Court of Queensland

33 Queensland Children’s Court

34 Queensland Mental Health Court

35 Queensland Murri Court

36 Queensland Domestic Violence Court

37 Queensland Drug and Alcohol Court

38 Queensland Coroner’s Court

39 Supreme Court of Victoria—Court of Appeals

40 Supreme Court of Victoria—Trial Court Common Law Division

41 Supreme Court of Victoria—Trial Court Commercial Division

42 Supreme Court of Victoria—Trial Court Criminal Division

43 County Court of Victoria

44 Magistrates’ Court of Victoria

45 Children’s Court of Victoria

46 Victorian Coroner’s Court

47 Supreme Court of South Australia—Trial Division

48 Supreme Court of South Australia—Criminal Appeal Division

49 Supreme Court of South Australia—Civil Appeal Division

50 District Court of South Australia

51 Magistrates Court of South Australia

52 Environment, Resources, and Development Court of South Australia

53 South Australia Industrial Relations Court

54 Wardens Court of South Australia

55 Youth Court of South Australia

56 South Australia Coroner’s Court

57 Supreme Court of Western Australia—Court of Appeals

58 Supreme Court of Western Australia—General (Trial) Division

59 Family Court of Western Australia

60 District Court of Western Australia

61 Magistrates Court of Western Australia

62 Aboriginal Community Court of Western Australia

63 Children’s Court of Western Australia

64 Drug Court of Western Australia

65 Geraldton Family Violence Court, Western Australia

66 Western Australia Coroner’s Court

67 Supreme Court of Tasmania—Criminal Division

68 Supreme Court of Tasmania—Civil Division

69 Supreme Court of Tasmania—Court of Appeals

70 Magistrates Court of Tasmania

71Tasmanian Coroner’s Court

72 Supreme Court of the Northern Territory—Court of Appeal

73 Supreme Court of the Northern Territory—Court of Criminal Appeal

74 Supreme Court of the Northern Territory—Civil Trial

75 Supreme Court of the Northern Territory—Criminal Trial

76 Northern Territory Local Court (Magistrate’s Court)

77 Coroner’s Court of the Northern Territory

78 Supreme Court of the Australian Capital Territory

79 Supreme Court of the Australian Capital Territory—Court of Appeal

80 Magistrates Court of the Australian Capital Territory

81 Coroner’s Court of the Australian Capital Territory

82 Supreme Court of Norfolk Island

83 Court of Petty Sessions for Norfolk Island

84 Nauru Supreme Court

85 Other

86 Family Court of Australia—Full Court

87 Warden’s Court of Western Australia

88 Nauru District Court

A8 varChief

[13] distinct values

varChief is used in conjunction with:

*chiefSpecialLeave*

*chiefOralArgument*

*chiefDecision*

**Values:**

1 Griffith

2 Knox

3 Isaacs

4 Duffy

5 Latham

6 Dixon

7 Barwick

8 Gibbs

9 Mason

10 Brennan

11 Gleeson

12 French

13 Kiefel

A9 varConstitutionalMatter

[2] distinct values

varConstitutionalMatteris used in conjunction with:

*lwConMatter*

1 case does not involve a constitutional law matter

2 case does involve a constitutional law matter

A10 varCosts

[2] distinct values

varCosts is used in conjunction with:

*costsDecision*

**Values:**

1 no

2 yes

A11 varDecisionDirection

[3] distinct values

varDecisionDirection is used in conjunction with:

*decisionDirection*

*lcDispositionDirection*

**Values:**

1 conservative

2 liberal

3 unspecifiable

A12 varDecisionDirectionDissent

[2] distinct values

varDecisionDirectionDissent is used in conjunction with:

*decisionDirectionDissent*

**Values:**

0 dissent in opposite direction

1 majority and dissent in same direction

A13 varDecisionTypes

[4] distinct values

varDecisionTypes is used in conjunction with:

*decisionType*

**Values:**

1 Cases of the Court decided by a signed opinion, or multiple opinions after oral argument.

2 Cases decided with an opinion but without oral argument

3 Cases decided with an evenly divided vote that that was appealed from a justice of the High Court, the Supreme Court of a State or Territory, a decision of the Federal Court of Australia, or a decision of the Family Court of Australia

4 Cases decided with an evenly divided vote that do not fit within the description in Decision Type 3

A14 varDeclarationUncon

[11] distinct values

varDeclarationUncon is used in conjunction with:

*declarationUncon*

**Values:**

1 no declaration of unconstitutionality

2 act of Parliament declared unconstitutional pursuant to Commonwealth Constitution

3 state or territorial law, regulation, or constitutional provision unconstitutional pursuant to Commonwealth Constitution

4 local government regulation/ordinance unconstitutional pursuant to Commonwealth Constitution

5 state or territorial law, regulation, or constitutional provision unconstitutional pursuant to state constitution

6 local government regulation/ordinance unconstitutional pursuant to state constitution

7 act of Parliament restricted in scope to avoid declaration of unconstitutionality pursuant to Commonwealth Constitution

8 state or territorial law, regulation, or constitutional provision restricted in scope to avoid declaration of unconstitutionality pursuant to Commonwealth Constitution

9 local government regulation/ordinance restricted in scope to avoid declaration of unconstitutionality pursuant to Commonwealth Constitution

10 state or territorial law, regulation, or constitutional provision restricted in scope to avoid declaration of unconstitutionality pursuant to state constitution

11 local government regulation/ordinance restricted in scope to avoid declaration of unconstitutionality pursuant to state constitution

A15 Gender Distribution

[21] distinct values

varGenderDistribution is used in conjunction with:

*proportionWomenPanel*

*proportionWomenCourt*

**Values:**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 0 Female Justices | 1 Female Justice | 2 Female Justices | 3 Female Justices | 4 Female Justices | 5 Female Justices | 6 Female Justices | 7 Female Justices | Total Number of Justices |
| 0 | 0.50 | 1.00 | NA | NA | NA | NA | NA | 2 |
| 0 | 0.33 | 0.66 | 1.00 | NA | NA | NA | NA | 3 |
| 0 | 0.25 | 0.50 | 0.75 | 1.00 | NA | NA | NA | 4 |
| 0 | 0.20 | 0.40 | 0.60 | 0.80 | 1.00 | NA | NA | 5 |
| 0 | 0.17 | 0.33 | 0.50 | 0.66 | 0.83 | 1.00 | NA | 6 |
| 0 | 0.14 | 0.29 | 0.43 | 0.57 | 0.71 | 0.86 | 1.00 | 7 |

A16 varIdeological Distribution

[21] distinct values

varIdeologicalDistribution is used in conjunction with:

*proportionLiberalPanel*

*proportionLiberalCourt*

**Values:**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 0 Liberal Justices | 1 Liberal Justice | 2 Liberal Justices | 3 Liberal Justices | 4 Liberal Justices | 5 Liberal Justices | 6 Liberal Justices | 7 Liberal Justices | Total Number of Justices |
| 0 | 0.50 | 1.00 | NA | NA | NA | NA | NA | 2 |
| 0 | 0.33 | 0.66 | 1.00 | NA | NA | NA | NA | 3 |
| 0 | 0.25 | 0.50 | 0.75 | 1.00 | NA | NA | NA | 4 |
| 0 | 0.20 | 0.40 | 0.60 | 0.80 | 1.00 | NA | NA | 5 |
| 0 | 0.17 | 0.33 | 0.50 | 0.66 | 0.83 | 1.00 | NA | 6 |
| 0 | 0.14 | 0.29 | 0.43 | 0.57 | 0.71 | 0.86 | 1.00 | 7 |

A17 varIntervener

[2] distinct values

varIntervener is used in conjunction with:

*intervener*

**Values:**

1 no intervener participated in the case

2 one or more intervener(s) participated in the case

A18 varIssues

214 distinct values

varIssues is used in conjunction with:

*primaryIssue*

*secondaryIssue*

*tertiaryIssue*

**Values:**

10100 Common Law—Tort—Negligence

10101 Common Law—Tort—Professional malpractice

10102 Common Law—Tort—Breach of public and statutory duties

10103 Common Law—Tort—Misrepresentation (including defamation)

10104 Common Law—Tort—Trespass against person

10105 Common Law—Tort—Trespass against property

10106 Common Law—Tort—Occupation or possession of land

10107 Common Law—Tort—Intentional damage to economic interest

10108 Common Law—Tort—Interference with employment and family relations

10109 Common Law—Tort—Limitation of actions

10110 Common Law—Tort—Defenses to tort liability

10111 Common Law—Tort—Remedies

10112 Common Law—Tort—Responsibility for liability (vicarious liability etc)

10113 Common Law—Tort—Other

10200 Common Law—Contract—Formation

10201 Common Law—Contract—Scope and content

10202 Common Law—Contract—Avoidance

10203 Common Law—Contract—Performance and termination

10204 Common Law—Contract—Remedies

10205 Common Law—Contract—Other

10300 Common Law—Equity—Fraud, undue influence, and breach of confidence

10301 Common Law—Equity—Estoppel

10302 Common Law—Equity—Fiduciary law

10303 Common Law—Equity—Other equitable relief (including set-off, contribution etc)

10400 Common Law—Trusts—General

20100 Public Law—Federal constitutional law—Executive power—general

20101 Public Law—Federal constitutional law—Executive power—prerogative powers

20102 Public Law—Federal constitutional law—Executive power—nationhood power

20103 Public Law—Federal constitutional law—Legislative power

20104 Public Law—Federal constitutional law—Legislative power—Trade and commerce power

20105 Public Law—Federal constitutional law— Legislative power—Taxation power

20106 Public Law—Federal constitutional law— Legislative power—Corporations power

20107 Public Law—Federal constitutional law—Legislative power—Races power

20108 Public Law—Federal constitutional law—Legislative power—External affairs power

20109 Public Law—Federal constitutional law—Legislative power—Appropriations and grants

20110 Public Law—Federal constitutional law—Legislative power—Territories power

20111 Public Law—Federal constitutional law—Legislative power—conciliation and arbitration power

20112 Public Law—Federal constitutional law—Legislative power—defense power

20113 Public Law—Federal constitutional law—Legislative power—other

20114 Public Law—Federal constitutional law—Federal judicial power

20115 Public Law—Federal constitutional law—Federal judicial power—definition and scope of judicial power

20116 Public Law—Federal constitutional law—Federal judicial power—limits on judicial power

20117 Public Law—Federal constitutional law—Federal judicial power—other

20118 Public Law—Federal constitutional law—Separation of powers

20119 Public Law—Federal constitutional law—Federalism—general

20120 Public Law—Federal constitutional law—Federalism—inconsistency (section 109)

20121 Public Law—Federal constitutional law—Federalism—Cooperative federalism

20122 Public Law—Federal constitutional law—Constitutional rights—Section 80

20123 Public Law—Federal constitutional law—Constitutional rights—Section 116

20124 Public Law—Federal constitutional law—Constitutional rights—Section 117

20125 Public Law—Federal constitutional law—Constitutional rights—Section 92

20126 Public Law—Federal constitutional law—Constitutional rights—Section 51(xxxi), “just terms” property acquisition

20127 Public Law—Federal constitutional law—Constitutional rights—Implied freedom of political communication

20128 Public Law—Federal constitutional law—Constitutional rights—Other

20129 Public Law—Federal constitutional law—Elections

20130 Public Law—Federal constitutional law—other

20200 Public Law—Federal administrative law—Relevant and irrelevant considerations

20201 Public Law—Federal administrative law—Power of tribunal

20202 Public Law—Federal administrative law—Natural justice and/or procedural fairness

20203 Public Law—Federal administrative law—Judicial review of delegated legislation

20204 Public Law—Federal administrative law—Judicial review of government action, including scope of power, improper exercise of power, consequences of unlawful exercise of power, limits on judicial review

20205 Public Law—Federal administrative law—Delegated legislation other

20206 Public Law—Federal administrative law—Freedom of information

20207 Public Law—Federal administrative law—Merits review of administrative decisions

20208 Public Law—Federal administrative law—Other

30100 Public Law—State constitutional law—legislative power

30101 Public Law—State constitutional law—executive power

30102 Public Law—State constitutional law—judicial power

30200 Public Law—State administrative law—General

40100 Civil Rights—Statutory rights—Race discrimination

40101 Civil Rights—Statutory rights—Sex discrimination

40102 Civil Rights—Statutory rights—Age discrimination

40103 Civil Rights—Statutory rights—Religious discrimination

40104 Civil Rights—Statutory rights—Disability discrimination

40105 Civil Rights—Statutory rights—Other federal rights

40106 Civil Rights—Statutory rights—Other state rights (excluding statutory bills of rights)

40200 Civil Rights—State bills of rights—Australian Capital Territory

40201 Civil Rights—State bills of rights—Victoria

40202 Civil Rights—State bills of rights—Other

40300 Civil Rights—Common law rights—General

40400 Civil Rights—Indigenous rights—Native title

40401 Civil Rights—Indigenous rights—Other rights

40500 Civil Rights—Refugees—general

50100 Criminal Law and Procedure—Federal criminal law—offenses against the Commonwealth

50101 Criminal Law and Procedure—Federal criminal law—other offenses, individual crime

50100 Criminal Law and Procedure—Federal criminal law—other offenses, corporate crime

50200 Criminal Law and Procedure—Federal criminal procedure—misconduct of government actor

50201 Criminal Law and Procedure—Federal criminal procedure—misconduct of counsel

50202 Criminal Law and Procedure—Federal criminal procedure—sentencing

50203 Criminal Law and Procedure—Federal criminal procedure—questioning and arrest

50204 Criminal Law and Procedure—Federal criminal procedure—pre-trial

50205 Criminal Law and Procedure—Federal criminal procedure—trial conduct, general

50206 Criminal Law and Procedure—Federal criminal procedure—Other

50300 Criminal Law and Procedure—State criminal law—offenses against the person leading to death (e.g. murder, manslaughter)

50301 Criminal Law and Procedure—State criminal law—other offenses against the person leading (e.g. assault, armed robbery, kidnap)

50302 Criminal Law and Procedure—State criminal law—attempted offenses against the person

50303 Criminal Law and Procedure—State criminal law—sexual violence (including rape and attempted rape)

50304 Criminal Law and Procedure—State criminal law—offenses against property

50305 Criminal Law and Procedure—State criminal law—drug offenses

50306 Criminal Law and Procedure—State criminal law—morality offenses (e.g. disorderly conduct, alcohol-related offenses, gambling offenses)

50307 Criminal Law and Procedure—State criminal law—white collar crime

50308 Criminal Law and Procedure—State criminal law—political crimes, including corruption

50309 Criminal Law and Procedure—State criminal law—other

50400 Criminal Law and Procedure—State criminal procedure—misconduct of government actor

50401 Criminal Law and Procedure—State criminal procedure—misconduct of counsel

50402 Criminal Law and Procedure—State criminal procedure—sentencing

50403 Criminal Law and Procedure— State criminal procedure—questioning and arrest

50404 Criminal Law and Procedure—State criminal procedure—pre-trial

50405 Criminal Law and Procedure— State criminal procedure—trial conduct, general

50406 Criminal Law and Procedure— State criminal procedure—other

50407 Criminal Law and Procedure— State criminal procedure—evidence

60100 Economic Relations—Corporate and business—Actions by or against ASIC

60101 Economic Relations—Corporate and business—Corporations law—Company formation

60102 Economic Relations— Corporate and business—Corporations law—Shareholders rights

60103 Economic Relations— Corporate and business—Corporations law—Directors’ duties

60104 Economic Relations— Corporate and business—Corporations law—Shareholder litigation

60105 Economic Relations— Corporate and business—Corporations law—Takeovers

60106 Economic Relations— Corporate and business—Corporations law—General corporate governance

60107 Economic Relations— Corporate and business—International commercial arbitration

60108 Economic Relations— Corporate and business—Insurance

60109 Economic Relations— Corporate and business—Commercial disputes

60110 Economic Relations— Corporate and business—Disputes between individuals and banking and finance organizations (includes guarantor issues)

60111 Economic Relations— Corporate and business—Creditor-debtor disputes

60112 Economic Relations— Corporate and business—Other

60200 Economic Relations—Bankruptcy and Insolvency—Individual

60201 Economic Relations—Bankruptcy and Insolvency—Corporate Insolvency

60202 Economic Relations—Bankruptcy and Insolvency—Liquidation

60203 Economic Relations—Bankruptcy and Insolvency—Director Liability

60204 Economic Relations—Bankruptcy and Insolvency—Restructuring (voluntary administration, deed of company arrangement)

60205 Economic Relations—Bankruptcy and Insolvency—Avoidance of transactions

60206 Economic Relations—Bankruptcy and Insolvency—Other

60300 Economic Relations—Property—Landlord-tenant disputes

60301 Economic Relations—Property—Disputes over entitlement to land

60302 Economic Relations—Property—Disputes between landowners

60303 Economic Relations—Property—Other

60400 Economic Relations—Intellectual property—patents

60401 Economic Relations—Intellectual property—exclusive rights but not patents

60402 Economic Relations—Intellectual property—trademarks

60403 Economic Relations—Intellectual property—copyright disputes

60404 Economic Relations—Intellectual property—design and other disputes

60500 Economic Relations—Consumer and competition law—restrictive trade practices—cartel conduct and price fixing

60501 Economic Relations—Consumer and competition law—restrictive trade practices—anti-competitive agreements

60502 Economic Relations—Consumer and competition law— restrictive trade practices—exclusionary provisions

60503 Economic Relations—Consumer and competition law— restrictive trade practices—misuse of market power

60504 Economic Relations—Consumer and competition law— restrictive trade practices—exclusive dealing

60505 Economic Relations—Consumer and competition law— restrictive trade practices—resale price maintenance

60506 Economic Relations—Consumer and competition law— restrictive trade practices—mergers

60507 Economic Relations—Consumer and competition law—consumer protection—misleading and deceptive conduct

60508 Economic Relations—Consumer and competition law— consumer protection—unconscionable conduct

60509 Economic Relations—Consumer and competition law— consumer protection—conditions or warranties in consumer agreements

60510 Economic Relations—Consumer and competition law— consumer protection—other unfair practices

60511 Economic Relations—Consumer and competition law—access to services

60512 Economic Relations—Consumer and competition law—violation of statutory industry code

60513 Economic Relations—Consumer and competition law—immunity and cooperation

60514 Economic Relations—Consumer and competition law—remedies

60515 Economic Relations—Consumer and competition law—restraint of trade

60516 Economic Relations—Consumer and competition law—telecommunications

60517 Economic Relations—Consumer and competition law—product liability general

60518 Economic Relations—Consumer and competition law—Other

60600 Economic Relations—Taxation—Individual income taxation liability disputes

60601 Economic Relations—Taxation—Corporate taxation liability disputes

60602 Economic Relations—Taxation—Charitable taxation liability disputes

60603 Economic Relations—Taxation—Individual taxation other

60604 Economic Relations—Taxation—Corporate taxation other

60605 Economic Relations—Taxation—Charitable taxation other

60606 Economic Relations—Taxation—Conduct of Taxation Commissioner

60607 Economic Relations—Taxation—GST disputes

60608 Economic Relations—Taxation—Land taxation disputes

60609 Economic Relations—Taxation—Taxation recovery

60610 Economic Relations—Taxation—Civil or criminal penalties

60611 Economic Relations—Taxation—Departure Prohibition Order

60612 Economic Relations—Taxation—Other

60700 Economic Relations—Banking and finance—General

60800 Economic Relations—Succession—General

70100 Employment and Industrial Relations—nature and scope of employment

70101 Employment and Industrial Relations—unlawful termination

70102 Employment and Industrial Relations—employer contract violations

70103 Employment and Industrial Relations—workplace conduct

70104 Employment and Industrial Relations—employee entitlements

70105 Employment and Industrial Relations—independent contractors

70106 Employment and Industrial Relations—workers compensation

70107 Employment and Industrial Relations—actions between government-employer and individual(s)

70108 Employment and Industrial Relations—actions brought by union, either for itself or on behalf of workers

70109 Employment and Industrial Relations—conduct of unions (including boycotts and conduct of unions)

70110 Employment and Industrial Relations—Other

80100 Admiralty and Maritime—in rem proceedings

80101 Admiralty and Maritime—in person proceedings

80102 Admiralty and Maritime—maritime insurance

80103 Admiralty and Maritime—cargo claims

80104 Admiralty and Maritime—other

90100 Procedure and Ethics—Civil procedure/litigation—Choice of law

90101 Procedure and Ethics—Civil procedure/litigation—Mediation, negotiation, and settlement

90102 Procedure and Ethics—Civil procedure/litigation—Judgment enforcement

90103 Procedure and Ethics—Civil procedure/litigation—Trial procedure

90104 Procedure and Ethics—Civil procedure/litigation—Pre-trial procedure (e.g. directions hearings, motions, subpoenas, judgment before trial etc)

90105 Procedure and Ethics—Civil procedure/litigation—other

90200 Procedure and Ethics—Evidence—Interpretation of rule or principle

90201 Procedure and Ethics—Evidence—Admissibility of evidence (documentary and testimonial)

90202 Procedure and Ethics—Evidence—Privilege

90203 Procedure and Ethics—Evidence—Witness credibility

90204 Procedure and Ethics—Evidence—Sufficiency of evidence

90205 Procedure and Ethics—Evidence—Other

90300 Procedure and Ethics—Statutory interpretation (Acts Interpretation Act)—General

90400 Procedure and Ethics—Legal profession (ethics)—General

90500 Procedure and Ethics—Inherent power of the Court—General

100100 Miscellaneous —International law—Public international law

100101 Miscellaneous —International law—Private international law

100200 Miscellaneous —Family law—General

100300 Miscellaneous —Migration (non-refugee)—immigration

100301 Miscellaneous —Migration (non-refugee)—deportation

100302 Miscellaneous —Migration (non-refugee)—citizenship

100400 Miscellaneous —Environmental law—General

100500 Miscellaneous —Vulnerable persons—General

110100 Costs—Costs

A19 varIssueArea

[11] distinct values

varIssueArea is used in conjunction with:

*primaryIssueArea*

*secondaryIssueArea*

*tertiaryIssueArea*

**Values:**

1 Common Law (Civil)

2 Public Law—Federal

3 Public Law—State

4 Civil Rights (non-constitutional)

5 Criminal Law and Procedure

6 Economic Relations

7 Employment and Industrial Relations

8 Admiralty and Maritime

9 Procedure and Ethics

10 Miscellaneous

11 Costs

A20 varIssueSubArea

[38] distinct values

varIssueSubArea is used in conjunction with:

*primaryIssueSubArea*

*secondaryIssueSubArea*

*tertiaryIssueSubArea*

**Values:**

101 Common Law—Tort (including negligence)

102 Common Law—Contract

103 Common Law—Equity

104 Common Law—Trusts

201 Public Law—Federal constitutional law

202 Public Law—Administrative law

301 Public Law—State constitutional law

302 Public Law—State Administrative law

401 Civil Rights—Statutory rights

402 Civil Rights—State bills of rights

403 Civil Rights—Common law rights

404 Civil Rights—Indigenous rights

405 Civil Rights—Refugees

501 Criminal Law and Procedure—Federal criminal law

502 Criminal Law and Procedure—Federal criminal procedure

503 Criminal Law and Procedure—State criminal law

504 Criminal Law and Procedure—State criminal procedure

601 Economic Relations—Corporations law

602 Economic Relations—Bankruptcy

603 Economic Relations—Property (including liquor, gaming, and hospitality)

604 Economic Relations—Intellectual property

605 Economic Relations—Competition and consumer law

606 Economic Relations—Taxation

607 Economic Relations—Banking and finance

608 Economic Relations—Succession

701 Employment and Industrial Relations

801 Admiralty and Maritime

901 Procedure and Ethics—Civil procedure/litigation

902 Procedure and Ethics—Evidence

903 Procedure and Ethics—Statutory interpretation (Acts Interpretation Act)

904 Procedure and Ethics—Legal profession (ethics)

905 Procedure and Ethics—Inherent power of the Court

1001 Miscellaneous —International law

1002 Miscellaneous —Family law

1003 Miscellaneous —Migration (non-refugee)

1004 Miscellaneous —Environmental law

1005 Miscellaneous —Vulnerable persons (e.g. child protection, disabled persons)

1101 Costs—Costs

A21 varJudicialReview

[9] distinct values

varJudicialReview is used in conjunction with:

*judicialReview*

**Values**:

1 judicial review

2 judicial review of federal statute vis-à-vis federal Constitution

3 judicial review of federal executive action vis-à-vis federal Constitution

4 judicial review of state statute vis-à-vis federal Constitution

5 judicial review of state executive action vis-à-vis federal Constitution

6 judicial review of state statute vis-à-vis state Constitution

7 judicial review of state executive action vis-à-vis state Constitution

8 judicial review of local government action vis-à-vis federal Constitution

9 judicial review of local government action vis-à-vis federal Constitution

A22 varJurisdictionGeneral

[6] distinct values

varJurisdictionGeneral is used in conjunction with:

*jurisdictionGeneral*

**Values:**

1 special leave

2 appeal as of right

3 original jurisdiction

4 reference

5 removal

6 other

A23 varJurisdictionSpecific

[13] distinct values

varJurisdictionSpecific is used in conjunction with:

*jurisdictionSpecific*

**Values:**

1 leave (appellate)—from High Court justice exercising original jurisdiction

2 special leave (appellate)—from any court exercising original jurisdiction upon remittal from HCA

3 special leave (appellate)—from lower federal court

4 special leave (appellate)—from state or territory supreme court

5 special leave (appellate)—other

6 removal from lower court (pursuant to Sec 40, Judiciary Act)

7 appeal as of right

8 original (Constitution, section 75)

9 original—all matters arising under the Constitution or involving its interpretation (Judiciary Act sec 30, pursuant to Sec 76)

10 original—trials of indictable offenses against the laws of the Commonwealth (Judiciary Act sec 30, pursuant to Sec 76)

11 reference—matter referred to full court by single justice (Judiciary Act sec 18)

12 special—Court of Disputed Returns

13 other

A24 varJustice

[56] distinct values

varJustices is used in conjunction with:

*justice*

*justiceName*

*justicespecialleave*

**Values:**

1 Griffith2 Barton3 O'Connor4 Isaacs5 Higgins6 Duffy7 Powers8 Piddington9 Rich10 Knox11 Starke12 Dixon13 Evatt14 McTiernan15 Latham16 Williams17 Webb18 Fullagar19 Kitto20 Taylor21 Menzies22 Windeyer23 Owen24 Barwick25 Walsh26 Gibbs27 Stephen28 Mason29 Jacobs30 Murphy31 Aickin32 Wilson33 Brennan34 Deane35 Dawson36 Toohey37 Gaudron38 McHugh39 Gummow40 Kirby41 Hayne42 Callinan43 Gleeson, M44 Heydon45 Crennan46 Kiefel47 French48 Bell49 Gageler50 Keane51 Nettle52 Gordon53 Edelman

54 Steward

55 Gleeson, J

56 Jagot

A25 varJusticeDirection

[3] distinct values

varJusticeDirection is used in conjunction with:

*direction*

**Values:**

1 conservative

2 liberal

3 unspecifiable

A26 varJusticeGender

[2] distinct values

varJusticeGender is used in conjunction with:

*gender*

**Values:**

1 female justice

2 male justice

***Justice Gender Codes***

2 Brennan2 Deane2 Dawson2 Toohey1 Gaudron2 McHugh2 Gummow2 Kirby2 Hayne2 Callinan2 Gleeson, M2 Heydon1 Crennan1 Kiefel2 French1 Bell2 Gageler2 Keane2 Nettle1 Gordon2 Edelman

2 Steward

1 Gleeson, J

1 Jagot

A27 varIdeology

[23] distinct values

varIdeology is used in conjunction with:

*rlsIdeologyScore*

0.524 Brennan0.731 Deane0.150 Dawson0.823 Toohey0.823 Gaudron0.810 McHugh0.220 Gummow0.849 Kirby0.256 Hayne0.055 Callinan0.148 Gleeson, M0.096 Heydon0.329 Crennan0.228 Kiefel0.616 French0.759 Bell0.833 Gageler0.270 Keane0.292 Nettle0.500 Gordon0.382 Edelman

ADD Steward

ADD Gleeson, J

ADD Jagot

A28 varJusticeMajority

[2] distinct values

varJusticeMajority is used in conjunction with:

*majority*

**Values:**

1 dissent

2 majority

A29 varJusticePM

[2] distinct values

varJusticePM is used in conjunction with:

*appPMParty*

**Values:**

1 justice appointed by a liberal party Prime Minister

2 justice was appointed by a labor party Prime Minister

***Justice Appointing Party Codes***

1 Brennan1 Deane1 Dawson2 Toohey2 Gaudron2 McHugh2 Gummow2 Kirby1 Hayne1 Callinan1 Gleeson, M1 Heydon1 Crennan1 Kiefel2 French2 Bell2 Gageler2 Keane1 Nettle1 Gordon1 Edelman

1 Steward

1 Gleeson, J

2 Jagot

A30 varLawArea

[10] distinct values

varLawArea is used in conjunction with:

*lawType1*

*lawType2*

*lawType3*

**Values:**

1 Federal Constitution

2 Federal statute

3 Federal regulation

4 Court rules

5 Common law (federal)

6 State constitution

7 State or local statute or regulation

8 Common law (state)

9 No legal provision

10 Other

A31 varLegalProvisions

[1051] distinct values

varLegalProvisions is used in conjunction with:

*lawSupp1*

*lawSupp2*

*lawSupp3*

**Values:**

**Federal Constitution**

Note: the specific trumps the general. For example, if the issue involves the interpretation of Section 75(v), then the code 109 (specific code) rather than 128 (general Chapter III code) is used.

100 Constitution, Sections 7-10, Composition of Senate

101 Constitution, Section 24, 31-31, Composition of House of Representatives

102 Constitution, Sections 7-10 and 24, 30-31, Composition of Both Senate and House of Representatives

103 Constitution, Section 44, Disqualification of Member or Senator

104 Constitution, Section 51 Legislative Power

105 Constitution, Section 52-56, Legislative Power Other than Section 51

106 Constitution, Section 61, Executive Power

107 Constitution, Section 71, Judicial Power

108 Constitution, Section 73-74, Appellate Jurisdiction

109 Constitution, Section 75-76, Original Jurisdiction

110 Constitution, Section 77, Power to Define Jurisdiction of Courts Other than High Court

111 Constitution, Section 80, Right to Trial by Jury

112 Constitution, Sections 81-83, Appropriations

113 Constitution, Section 90, Power over Customs, Excise, and Bounty

114 Constitution, Section 92, Freedom of Interstate Trade

115 Constitution, Section 96, Grant Power

116 Constitution, Section 109, Inconsistency of Laws

117 Constitution, Section 116, Religious Liberty

118 Constitution, Section 117, Rights of Residents in States

119 Constitution, Section 122, Government of Territories

120 Constitution, Section 128, Amendment of Constitution

121 Constitution, Implied Freedom of Political Communication

122 Constitution, Chapter I, Part I, General

123 Constitution, Chapter I, Part II, Senate

124 Constitution, Chapter I, Part III, House of Representatives

125 Constitution, Chapter I, Part IV, Both Houses

126 Constitution, Chapter I, Part V, Legislative Power Other than Sections 51-57

127 Constitution, Chapter II, Executive Government Other than Section 61

128 Constitution, Chapter III Judicial Power, General

129 Constitution, Chapter IV, Finance and Trade General

130 Constitution, Chapter V, States, General

131 Constitution, Other

**Federal statute**

***Commonly Cited Legislation***

200 A New Tax System (Goods and Services Tax) Act 1999 (Cth)

201 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

202 Appropriation Act (Cth), any version

203 Australia Act 1986 (Cth)

204 Australian Crime Commission Act 2002 (Cth)

205 Australian Securities and Investments Commission Act 2001 (Cth), or related prior version

206 Bankruptcy Act 1966 (Cth)

207 Broadcasting Services Act 1992 (Cth)

208 Commonwealth Electoral Act 1918 (Cth)

209 Copyright Act 1968 (Cth)

210 Corporations Act 1989 (Cth)

211 Corporations Act 2001 (Cth)

212 Corporations Law 1989 (Cth)

213 Crimes Act 1914 (Cth)

214 Customs Act 1901 (Cth)

215 Designs Act 1906 (Cth)

216 Excise Act 1901 (Cth)

217 Extradition Act 1988 (Cth)

218 Fair Work Act 2009 (Cth)

219 Family Law Act 1975 (Cth)

220 Freedom of Information Act 1982 (Cth)

221 Income Tax Assessment Act 1936 (Cth)

222 Income Tax Assessment Act 1997 (Cth)

223 Industrial Relations Act 1988 (Cth)

224 Insurance Act 1973 (Cth)

225 Insurance Contracts Act 1984 (Cth)

226 Lands Acquisition Act 1955 or 1989 (Cth)

227 Marriage Act 1961 (Cth)

228 Migration Act 1958 (Cth)

229 Native Title Act 1993 (Cth)

230 Navigation Act 1912 (Cth)

231 Patents Act 1952 or 1990 (Cth)

232 Safety, Rehabilitation and Compensation Act 1988 (Cth)

233 Social Security (Administration) Act 1999 (Cth), or other social security legislation

234 Telecommunications Act 1997 (Cth)

235 Trade Marks Act 1955 or 1995 (Cth)

236 Trade Practices Act 1974 (Cth)

237 Veterans' Entitlements Act 1986 (Cth)

238 Workplace Relations Act 1996 (Cth)

239 Workplace Relations Amendment (Work Choices) Act 2005 (Cth)

240 Criminal Code (Cth)

***Less Common Legislation, Category Coding***

250 Aboriginal and Indigenous Affairs

251 Admiralty and Maritime

252 Agriculture

253 Aviation

254 Commonwealth authorities and commissions, establishment legislation

255 Communication, generally conceived (including advertising etc)

256 Customs and excise

257 Crimes, including legislation relating to DPP, proceeds of crime

258 Defense legislation, including defense force management

259 Migration other, including deportation and extradition

260 Discrimination

261 Economic general

262 Education

263 Elections, including member qualifications and entitlements

264 Family and children

265 Health

266 Insurance

267 Mining and land management

268 Taxation

269 Territory management and governance, including independence legislation

270 Workplace relations, including superannuation and OH&S

271 Other

**3 Federal regulation**

300 Bankruptcy

301 Customs

302 Corporations

303 Criminal

304 Defense

305 Environment

306 Extradition

307 Family Law

308 Migration

309 National Security

310 Tax

311 Trade Practices

312 Other

**4 Legislation and Rules Relating to Courts and Tribunal Establishment, governance, and procedures**

\*Add relevant two digit state code to end of 3 digit legislation code:

01 Federal

02 Australian Capital Territory

03 NSW

04 NT

05 Qld

06 South Australia

07 Tasmania

08 Victoria

09 Norfolk Island

10 Nauru

11 Western Australia

Example: Supreme Court Act for NSW would be coded as 42003

***Cth***

401 High Court of Australia Act, all versions

402 High Court of Australia Rules, all versions

403 Federal Court of Australia Act, all versions

404 Federal Court of Australia Rules, all versions

405 Act Interpretation Act (Cth), all versions

406 Administrative Tribunal Act, all versions

407 Administrative Decisions (Judicial Review) Act, all versions

408 Criminal Appeal Act (Cth), all versions

409 Evidence Act (Cth), all versions

410 Federal Proceedings (Costs) Act (Cth), all versions

411 Foreign Judgments Act (Cth), all versions

412 Judicial Act (Cth), all versions

413 Juries Act (Cth), all versions

414 Nauru (High Court Appeals) Act, all versions

415 Territory courts legislation, all versions

416 Legislation relating to costs of proceedings

417 Legislation relating to service and execution of process

418 Foreign States Immunities Act (Cth), all versions

419 Other

***State***

420 Supreme Court Act, any version

421 Lower court legislation, any level, any version

422 Court rules, any level, any version

423 Legislation or rules relating to tribunal and/or administrative, any version

424 Criminal procedure legislation or rules, any version, including criminal appeals acts

425 Civil procedure legislation or rules, any version, including civil appeals acts and limitation of actions

426 Evidence legislation or rules, any version

427 Interpretation legislation or rules, any version

428 Juries legislation, any version

429 Legislation relating to costs of proceedings

430 Other relevant legislation or rules

431 Legislation relating to service and execution of process

**5 Common law (federal)**

N/A

**6 State constitution**

602 Australian Capital Territory Constitution (self-government legislation)

603 New South Wales Constitution, any version

604 Northern Territory Constitution (self-government legislation)

605 Queensland Constitution, any version

606 South Australia, any version

607 Tasmania, any version

608 Victoria, any version

609 Norfolk Island, any version ((self-government legislation)

610 Nauru, any version (self-government legislation)

611 Western Australia, any version

612 Other

**7 State or local statute or regulation**

\*Add relevant two digit state code to end of 3 digit legislation code code:

02 Australian Capital Territory

03 NSW

04 NT

05 Qld

06 South Australia

07 Tasmania

08 Victoria

09 Norfolk Island

10 Nauru

11 Western Australia

700 Aboriginal and Indigenous, legislation and regulations

701 Civil wrongs, including wrongs legislation, civil liability, defamation, accident liability, compensation

702 Community regulation general, including roads acts, community welfare, animals, police regulations

703 Corporations, including commercial activity, business regulations

704 Criminal law legislation and regulations, including parole, witness protection, substantive crimes

705 Government legislation, including elections, FOI, anti-corruption, police regulations

706 Environment

707 Families and children, including births, deaths, and marriages legislation, succession law

708 Fishing and farming, and related legislation

709 Human rights, including discrimination legislation and legislation relating to vulnerable persons

710 Land, development and planning legislation

711 Land, government entitlement

712 Land, non-government including conveyancing

713 Law reform

714 Legal profession

715 Local government, regulation of, legislation and regulations

716 Industry regulation

717 Morality legislation, including gambling, racing, alcohol, firearms

718 Natural resources and mining, including water, coal, gas pipelines

719 Property, general, including property act, conveyancing, leases

720 Refugees and migration

721 Taxation, including stamp duty

722 Trade practices, including consumer legislation

723 Trusts

724 Workplace relations, broadly conceived, including superannuation

725 Other

**8 Common law**

N/A

**9 No legal provision**

N/A

**10 Other**

1000 Foreign Statute

1001 Imperial Statute

1002 International Convention

1003 Treaty

1004 Other

A32 varLowerCourtConsitutionalOutcome

[5] distinct values

varLowerCourtConstitutionalOutcome is used in conjunction with:

*lcConDecision*

**Values:**

1 lower held law constitutional

2 lower court held law unconstitutional (void)

3 lower court narrowed scope of law in order to uphold as constitutional

4 lower court didn’t consider constitutionality of law

5 no lower court decision in the matter (e.g., original jurisdiction, Court of Disputed Returns etc)

A33 varLowerCourtDisposition

[3] distinct values

varLowerCourtDisposition is used in conjunction with:

*lcDisposition*

**Values:**

1 Appeal/application allowed, in whole or in part, and/or order below set aside and/or varied in whole or in part, and/or matter remitted

2 Appeal/application dismissed

3 Other disposition

A34 varLowerCourtDissent

[2] distinct values

varLowerCourtDissent is used in conjunction with:

*lcDissent*

**Values:**

1 No

2 Yes

A35 varMultipleMatters

[2] distinct values

varMultipleMatters is used in conjunction with:

*multipleMatters*

**Values:**

1 case does not involve a decision in multiple matters

2 case does involve two or more matters

A36 varNaturalCourt

[18] distinct values

varNaturalCourt is used in conjunction with:

*naturalCourtSpecialLeave*

*naturalCourtOralArgument*

*naturalCourtOpinion*

**Values:**

1001 Brennan 1 (21-Apr-95-5-Feb-96)

33 Brennan

34 Deane

35 Dawson

36 Toohey

37 Gaudron

38 McHugh

39 Gummow

1002 Brennan 2 (6-Feb-96-21 Sep-97)

33 Brennan

35 Dawson

36 Toohey

37 Gaudron

38 McHugh

39 Gummow

40 Kirby

1003 Brennan 3 (22-Sep-97-2-Feb-98)

33 Brennan

36 Toohey

37 Gaudron

38 McHugh

39 Gummow

40 Kirby

41 Hayne

1004 Brennan 4 (3-Feb-98-21-May-98)

33 Brennan

37 Gaudron

38 McHugh

39 Gummow

40 Kirby

41 Hayne

42 Callinan

1101 Gleeson 1 (22-May-98-10-Feb-03)

43 Gleeson

37 Gaudron

38 McHugh

39 Gummow

40 Kirby

41 Hayne

42 Callinan

1102 Gleeson 2 (11-Feb-03-7-Nov-05)

43 Gleeson

38 McHugh

39 Gummow

40 Kirby

41 Hayne

42 Callinan

44 Heydon

1103 Gleeson 3 (8-Nov-05-2-Sep-07)

43 Gleeson

39 Gummow

40 Kirby

41 Hayne

42 Callinan

44 Heydon

45 Crennan

1104 Gleeson 4 (3-Sep-07-31-Aug-08)

43 Gleeson

39 Gummow

40 Kirby

41 Hayne

44 Heydon

45 Crennan

46 Kiefel

1201 French 1 (1-Sep-08-2-Feb-09)

47 French

39 Gummow

40 Kirby

41 Hayne

44 Heydon

45 Crennan

46 Kiefel

1202 French 2 (3-Feb-09-8-Oct-12)

47 French

39 Gummow

41 Hayne

44 Heydon

45 Crennan

46 Kiefel

48 Bell

1203 French 3 (9-Oct-12-02-Mar-13)

47 French

41 Hayne

44 Heydon

45 Crennan

46 Kiefel

48 Bell49 Gageler

1204 French 4 (3-Mar-13-2-Feb-15)

47 French

41 Hayne

45 Crennan

46 Kiefel

48 Bell49 Gageler50 Keane

1205 French 5 (3-Feb-15-8-Jun-15)

47 French

41 Hayne

46 Kiefel

48 Bell49 Gageler50 Keane51 Nettle

1206 French 6 (9-Jun-15-29-Jan-17)

47 French

46 Kiefel

48 Bell49 Gageler50 Keane51 Nettle52 Gordon

1301 Kiefel 1 (30-Jan-17-30-Nov-2020)

46 Kiefel

48 Bell49 Gageler50 Keane51 Nettle52 Gordon53 Edelman

1302 Kiefel 2 (01-Dec-20-28-02-21)

46 Kiefel

48 Bell49 Gageler50 Keane52 Gordon53 Edelman

54 Steward

1303 Kiefel 3 (01-03-21-16-10-22)

46 Kiefel

49 Gageler50 Keane52 Gordon53 Edelman

54 Steward

55 Gleeson

1304 Kiefel 4 (17-10-22-Current)

46 Kiefel

49 Gageler52 Gordon53 Edelman

54 Steward

55 Gleeson

56 Jagot

A37 varParties

[59] distinct values

varParties is used in conjunction with:

*appellant*

*respondent*

**Values:**

1 Bankrupt person or business, or business in reorganization

2 Buyer/purchaser

3 Corporation

4 Creditor

5 Criminal defendant, female

6 Criminal defendant, male

7 Criminal defendant, minority (non-white)

8 Distributor

9 Employer, including government where litigation in capacity as employer

10 Federal government, including non-corporate and corporate entities, and Commonwealth companies (e.g. NBN)

11 Federal government official

12 Foreign nation or instrumentality

13 Foreign non-government entity

14 Heir or beneficiary, or person claiming to be

15 Injured person, physical or emotional

16 Injured person, economic (including defamed person)

17 Insurance company

18 International entity

19 Investor

20 IP rights-holder (e.g. patent holder, author, copyright holder)

21 Journalist

22 Lawyer

23 Manufacturer

24 Medical professional, including doctor, dentist etc

25 Migrant, all classifications, including persons seeking to migrate to Australia

26 Military personnel, including veterans

27 Military, including army, navy, airforce

28 Minority, female

29 Minority, male

30 Non-profit organization or association

31 Parent

32 Prisoner or inmate of penal institution

33 Professional association

34 Public interest group (including environmental, social rights etc)

35 Real property developer

36 Real property holder, corporation

37 Real property holder, individual or collective of individuals

38 Religious person

39 Small business

40 State government (including local government entities, e.g., city council)

41 State government official (including local government officials, e.g., city councillor)

42 Stockholder, bondholder, or shareholder

43 Student

44 Taxpayer

45 Tenant or lessee

46 Unemployed person, including applicant for unemployment benefits

47 Unidentifiable

48 Union

49 Utility company

50 Voter

51 Vulnerable person (defined as child, disabled person (mental or physical), elderly person, indigent person, etc)

52 Other

53 Company director

54 Person discriminating against another in discrimination action

55 Spouse

56 Individual, unable to be characterised by any other designation in party list

57 Fiduciary (including trustee)

58 Body corporate

59 Guarantor

A38 varPartyWinning

[3] distinct values

varPartyWinning is used in conjunction with:

*partyWinning*

**Values:**

0 no favourable disposition for appealing/petitioning party apparent

1 appealing/petitioning party received a favourable disposition

2 favourable disposition for petitioning party unclear

A39 varPoliticalPower

[5] distinct values

varPoliticalPower is used in conjunction with:

*politicalPowerOralArgument*

*politicalPowerSpecialLeave*

*politicalPowerDecision*

**Values**:

1 Coalition House/Coalition Senate

2 Coalition House/Not Coalition Senate

3 Labour House/Labour Senate

4 Labour House/Not Labour Senate

5 Minority Labour House/Not Labour Senate

|  |  |  |
| --- | --- | --- |
|  | **Party in Control** | |
| **Election** | **House** | **Senate** |
| Dec 1, 1984 | Labor | Not Labor |
| July 11, 1987 | Labor | Not Labor |
| Mar 24, 1990 | Labor | Not Labor |
| Mar 13, 1993 | Labor | Not Labor |
| Oct 3, 1998 | Coalition | Not Coalition |
| Nov 10, 2001 | Coalition | Not Coalition |
| Oct 9, 2004 | Coalition | Coalition |
| Nov 24, 2007 | Labor | Not Labor |
| Aug 21, 2010 | Minority Labour House | Not Labour Senate |
| Sept 7, 2013 | Coalition | Not Coalition |
| July 2, 2016 | Coalition | Not Coalition |
| May 18, 2019  May 21, 2022 | Coalition  Labor | Not Coalition  Not Labor |

A40 varPreliminarySpecialLeaveHearing

[2] distinct values

varPreliminarySpecialLeaveHearing is used in conjunction with

*prelimSLHearing*

**Values:**

1 There was a preliminary special leave hearing on the application

2 There was no preliminary special leave hearing, the case was referred directly to full court on special leave question

A41 varPrimeMinister

[37] distinct values

varPrimeMinister is used in conjunction with:

*primeMinisterOralArgument*

*primeMinisterrSL*

*primeMinisterHcDecision*

Values:

1 Barton (01.01.1901 – 24.09.1903)

2 Deakin1 (24.09.1903 – 27.04.1904)

3 Watson (27.04.1904 – 17.08.1904)

4 Reid (18.08.1904 – 05.07.1905)

5 Deakin 2 (05.07.1905 – 13.11.1908)

6 Fisher 1 (13.11.1908 – 02.06.19090

7 Deakin 3 (02.06.1909 – 29.04.1910)

8 Fisher 2 (29.04.1910 – 24.06.1913)

9 Cook (24.06.1913 – 17.09.1914)

10 Fisher 3 (17.09.1914 – 27.10.1915)

11 Hughes (27.10.1915 – 09.02.1923)

12 Bruce (09.02.1923 – 22.10.1929)

13 Scullin (22.10.1929 – 06.01.1932)

14 Lyons (06.01.1932 – 07.04.1939)

15 Page (07.04.1939 – 26.04.1939)

16 Menzies 1 (26.04.1939 – 29.08.194)

17 Fadden (29.08.1941 – 07.10.1941)

18 Curtin (07.10.1941 – 05.07.1945)

19 Forde (06.07.1945 – 13.07.1945)

20 Chifley (13.07.1945 – 19.12.1949)

21 Menzies 2 (19.12.1949 – 26.01.1966)

22 Holt (26.01.1966 – 19.12.1967)

23 McEwen (19.12.1967 – 10.01.1968)

24 Gorton (10.01.1968 – 10.03.1971)

25 McMahon(10.03.1971 – 05.12.1972)

26 Whitlam (05.12.1972 – 11.11.1975)

27 Fraser (11.11.1975 – 11.03.1983)

28 Hawke (11.03.1983 – 20.12.1991)

29 Keating (20.12.1991 – 11.03.1996)

30 Howard (11.03.1996 – 3.12.2007)

31 Rudd 1 (03.12.2007 – 24.06.2010)

32 Gillard (24.06.2010 – 27.06.2013)

33 Rudd 2 (27.06.2013 – 18.09.2013)

34 Abbott (18.09.2013 – 15.09.2015)

35 Turnbull (15.09.2015 – 24.08.2018)

36 Morrison (24.08.2018 – 23.05.2022)

37 Albanese (23.05.2022 – present)

A42 varRegistry

[8] distinct values

varRegistry is used in conjunction with:

*registry*

**Values:**

1 Adelaide

2 Brisbane

3 Canberra

4 Darwin

5 Hobart

6 Melbourne

7 Perth

8 Sydney

A43 varSG

[2] distinct values

varSG is used in conjunction with:

*cthSGRepOralArgument*

**Values:**

1 Commonwealth Solicitor-General appeared in the case

2 Commonwealth Solicitor-General did not appear in the case

A44 varSGParty

[4] distinct values

varSGParty is used in conjunction with:

*cthSGRepOralArgument1*

*cthSGRepOralArgument2*

**Values:**

1 appellant

2 respondent

3 intervener

4 amicus

A45 varSpecialLeaveMethod

[2] distinct values

varSpecialLeaveMethod is used in conjunction with:

*varSpecialLeaveMethod*

**Values:**

1 Oral hearing

2 Papers

A46 varSpecialLeaveOutcomeGeneral

[2] distinct values

varSpecialLeaveOutomeGeneral is used in conjunction with:

*panelSLOutcomeGeneral*

**Values:**

1 Denied

2 Granted

A47 varSpecialLeavePanel

[2] distinct values

varSpecialLeavePanell is used in conjunction with:

*panelSLDecision*

**Values:**

1 a decision on special leave was not made by the full panel

2 a decision on special leave was made by the full panel

A48 varSpecialLeavePanelPreliminary

[2] distinct values

varPreliminarySpecialLeavePanel is used in conjunction with:

*preliminarySLPanel*

**Values:**

1 No

2 Yes

A49 varSpecialLeaveOutcomePreliminary

[5] distinct values

varSpecialLeaveOutomePreliminary is used in conjunction with:

*varprelimSLOutomce*

**Values:**

1 Special leave granted

2 Special leave referred to full court

3 Appeal and special leave determined concurrently

4 Special leave refused

5 Special leave refused with costs

A50 varSpecialLeaveOutcomeSpecific

[7] distinct values

varSpecialLeaveOutcomeSpecific is used in conjunction with:

*panelSLOutcomeSpecific*

**Values:**

1 Special leave denied (refused)

2 Special leave revoked

3 Special leave granted, heard instanter, appeal dismissed

4 Special leave granted, heard instaner, appeal allowed

5 Special leave granted, appeal allowed

6 Special leave granted, appeal dismissed

7 Other

A51 varStates

[12] distinct values

varStates is used in conjunction with:

*appellantState*

*respondentState*

*adminActionState*

*caseOriginState*

*caseSourceState*

*authorityDecision1State*

*authorityDecision2State*

*authorityDecision3State*

**Values:**

1 Australia (federal actor)

2 Australian Capital Territory

3 New South Wales

4 Northern Territory

5 Queensland

6 South Australia

7 Tasmania

8 Victoria

9 Norfolk Island

10 Nauru

11 Western Australia

12 Other

A52 varTerm

[37] distinct values

varTerm is used in conjunction with:

*termSL*

**Values:**

1 1986-1987

2 1987-1988

3 1988-1989

4 1989-1990

5 1990-1991

6 1991-1992

7 1992-1993

8 1993-1994

9 1994-1995

10 1995-1996

11 1996-1997

12 1997-1998

13 1998-1999

14 1999-2000

15 2000-2001

16 2001-2002

17 2002-2003

18 2003-2004

19 2004-2005

20 2005-2006

21 2006-2007

22 2007-2008

23 2008-2009

24 2009-2010

25 2010-2011

26 2011-2012

27 2012-2013

28 2013-2014

29 2014-2015

30 2015-2016

31 2016-2017

32 2017-2018

33 2018-2019

34 2019-2020

35 2020-2021

36 2021-2022

37 2022-2023

A53 varVote

[12] distinct values

varVote is used in conjunction with:

*vote*

**Values:**

1 wrote the opinion of the Court (i.e. majority opinion)

2 wrote opinion for plurality opinion of Court majority

3 participated in opinion of the Court (i.e. majority opinion)

4 participated in plurality opinion of Court majority

5 wrote substantive concurring opinion

6 participated in substantive concurring opinion

7 wrote formal concurring opinion

8 participated in formal concurring opinion

9 wrote dissenting opinion

10 participated in dissenting opinion

11 judgment of the Court (unanimous, single judgment)

12 other