**High Court Special Leave Database Code Book**

**Version 1**

**\*\*Do not cite or circulate without the express written permission of Professor Zoë Robinson (zoe.robinson@anu.edu.au).\*\***

Version 1: November 11, 2019

Introduction 4

General Instructions for Coders 5

Identification Variables 6

1. HCDBSL ID 7

2. Case Name 7

3. Case Number 7

4. Special Leave Citation 8

5. Multiple Matters 8

6. Number of Multiple Matters 8

7. Multiple Matters HCSLDB Identification 1 9

8. Multiple Matters HCSLDB Identification 2 9

9. Multiple Matters HCSLDB Identification 3 9

10. Multiple Matters HCSLDB Identification 4 9

11. Multiple Matters HCSLDB Identification 5 9

12. Multiple Matters HCSLDB Identification 6 9

13. Multiple Matters HCSLDB Identification 7 9

14. Multiple Matters HCSLDB Identification 8 9

15. Number of Appellants 9

16. Number of Respondents 9

17. Case Type 10

18. Primary Issue Area 10

19. Primary Issue Sub Area 12

20. Secondary Issue Area 12

21. Secondary Issue Sub Area 12

22. Manner in which Court takes Jurisdiction General 13

23. Manner in which Court takes Jurisdiction Specific 13

24. Case Source Cite 14

25. Source of Case General 14

26. Source of Case Specific 16

27. Source of Case State 18

28. Date of Lower Court Decision 19

29. Lower Court Disposition 20

30. Lower Court Dissent 20

31. Lower Court Panel Size 21

32. Number of Lower Court Dissents 21

33. Special Leave Method 21

34. Number of Justices on Special Leave Panel 22

35. Justice Granting Special Leave 1 22

36. Justice Granting Special Leave 2 23

37. Justice Granting Special Leave 3 24

38. Special Leave Location 24

39. Special Leave Date 24

40. Special Leave Outcome 25

41. HCDB ID 25

42. Natural Court 25

43. Term of Court Special Leave 29

44. Chief Justice at Special Leave 29

45. Prime Minister on Date of Decision 29

46. Political Power on Date of High Court Decision 31

47. Oral Argument Link 32

Introduction

This document reflects the coding rules for the High Court Special Lave Database.

General Instructions for Coders

1. Save the excel file to clearly identify the year you are coding. For example, a coder coding the decision in 2015 will save the supplied excel file as “HCDB 2015.”
   1. The excel document has three sheets. Sheet 1 is the main sheet where you will enter the data. Sheets 2 and 3 are discussed in the relevant variables below.
2. Access the High Court of Australia judgments website (<http://eresources.hcourt.gov.au/>) and select “browse by year” and your designated year.
3. Special leave and lower court decision information is variously available via
   1. <http://eresources.hcourt.gov.au/>
   2. <http://www8.austlii.edu.au/cgi-bin/viewdb/au/cases/cth/HCASL/>
   3. <https://jade.io/j/?clh=HCASL>
4. Enter data in accordance with the codebook, beginning with the first special leave decision of the year (in terms of earliest in the year in time). To find the data:
   1. You must first determine that the case belongs in the dataset. For dispositions on the paper, this is clear, they all belong. For transcript hearings, they must be marked “special leave” or “application for removal” at the top to remain in the dataset. If, for example, it is a directions hearing or something before a single justice, then the row should be deleted from the dataset.
   2. Once you determine the case belongs, you can assign it an identification number, “HCSLDBXXX” starting at 001 (e.g., HCSLDB001). You must save the relevant files in word documents (where possible) using this identification number. For hearings, this means saving the transcript and the lower court decision. For paper dispositions this means saving just the lower court decision. Example: transcript for HCSLDB001 will be saved as HCSLBD001TR and the lower court decision will be HCSLDB001LC. If the document refers to more than one matter (where the matter is the unit of analysis, not the case—see below), save it with the identifiers in the file name, e.g., “HCSLDB001TR, HCSLDB002TR”
   3. For dispositions on the papers: the source court (i.e. court from which the matter was appealed) is listed in the Notes column and was scraped from Austlii. The source court citation is also already in the spreadsheet. You will simply need to locate the lower court decision via Austlii using this citation. This should give you all relevant information you need.
   4. For dispositions after a hearing: this is more challenging. You will need to follow the link to the hearing and attempt to discern the court from which the case has been appealed and then search within this court on Austlii by case name. One helper is the matter number: if it begins with S, this indicates an appeal from either the Federal Court or from NSW state court, M is Melbourne, P is Perth and so on. This can help limit. If you cannot discern the court you will need to do a general search using variations of the party names to try to locate the lower court decision.

Identification Variables

1. HCDBSL ID

Variable Label: HCDBSLId

The Special Leave ID is the HCDBSL 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 are the special leave petition within the year (determined in date order of the date of decision), starting at 001 and counting up. For example, the HCDBSL ID for the fifth special leave petition heard in 2015 will 2015005.

--*End Content for Variable HCDBSL ID—*

1. Case Name

Variable Label: caseName

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. Case names have been scraped into the spreadsheet and coders should check each case name.

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

1. Case Number

Variable Label: caseNumber

This variable contains the case number that the High Court has assigned to the case (i.e. docket 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.

The Court can consolidate a number of cases, each with its own case number, under special leave citation. **Every case number must have its own entry (i.e. row) in the dataset.** Note that multiple case numbers under a single case citation will almost always contain the same issue(s) as the lead case, and the only difference will be the parties to the case, and the origin and source of the case.

For dispositions on the papers, the case numbers are already in the excel file, but may have multiple case numbers on one row that you need to remedy. For hearings, the case number(s) will appear at the top of the hearing transcript.

Coders: If you see multiple case numbers in a single case number cell/row, you will need to create a new row for each case number.

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

1. Special Leave Citation

Variable Label: specialLeaveCite

The special leave citation appears in one of two forms:

* “HCATrans”: indicating that special leave was granted or denied in oral argument
* “HCASL”: indicating that special leave was granted or denied on the papers

Citations were scraped into the excel file, so just cross check their accuracy.

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

1. Multiple Matters

Variable Label: multipleMatters

This variable identifies whether the special leave case relates to a single matter (case) or multiple matters. If the decision issued by the Court relates to more than one matter, as identified by the presence of more than one matter number, coders should code the matter as a multiple matter.

Values:

* 1 = not a multiple matter (i.e. a single matter case)
* 2 = is a multiple matter (i.e. 2 or more matters decided together under one special leave citation)

--*End Content for Variable Multiple Matters—*

1. Number of Multiple Matters

Variable Label: numMultipleMatters

Normalizations: N/A

Coders should hard code the total number of matters decided in the decision issues by the Court, including the matter being coded. For example, if the decision lists 3 matter numbers under one medium neutral citation, then “3” should be coded for this variable.

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

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

Variable Label: multipleMatterHCSLDBID

Normalizations: N/A

These 8 variables identify the HCSLDBID of all matters that were decided in the same decision of the Court. Each related matter should be coded by HCSLDBID and any irrelevant cells coded as 999.

--*End Content for Variable Multiple Matters HCSLDB Identification—*

1. Number of Appellants

Variable Label: numberAppellants

Normalizations: N/A

Denotes the number of appellants.

Values:

* 1 = 1 appellant
* 1 = 2 appellants (appears as “& Anor” on left hand side of the case name)
* 3 = 3 or more appellants (appears as “& Ors” on left hand side of the case name)

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

1. Number of Respondents

Variable Label: NumberRespondents

Normalizations: N/A

Denotes the number of respondents.

Values:

* 1 = 1 respondent
* 1 = 2 respondent (appears as “& Anor” on right hand side of the case name)
* 3 = 3 or more respondent (appears as “& Ors” on right hand side of the case name)

--*End Content for Variable Number of Respondents—*

1. Case Type

Variable Label: caseType

Normalizations: N/A

This variable denotes the broad case type, immigration (where case is brought by or against the Minister for Immigration (etc)), criminal (where the case is brought by or against the Queen/R), or civil (all other cases).

Values:

* 1 = Immigration
* 2 = Criminal
* 3 = Civil

--*End Content for Variable Case Type--*

1. Primary Issue Area

Variable Label: primaryIssueArea

There are two variables relating to identification of the issue considered by the Court in the matter. The difference between the two variables is in the level of generality at which the issue is coded. For special leave matters that proceeded by hearing, you should capture the issue coding via the transcript. For special leave matters that were determined on the papers you will need to capture the issue codes based on the lower court decision.

Further, 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. Coders should code the issue of primary important in the primary variable, and include a secondary issue only when necessary to capture the issues raised by the case.

At the most general level is the variable issueArea, which consists of a universe of 10 substantive issue codes. The narrower issueSubArea comprises a number of sub areas associated with the broader issue code.

Below is a list of both the broad level issueArea variable and the narrower issueSubArea. 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.

The relevant codes appear in brackets. For example, a negligence case would be coded as 1 for the issue area and 101 as the issue sub 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]  Succession (wills and estates) [607] |
| 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: issueSubArea

See variable primaryIssueArea.

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

1. Secondary Issue Area

Variable Label: secondaryIssueArea

See variable primaryIssueArea

--*End Content for Variable Issue Area—*

1. Secondary Issue Sub Area

Variable Label: SecondaryIssueSubArea

See variable primaryIssueArea.

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

1. Manner in which Court takes Jurisdiction General

Variable Label: jurisdictionGeneral

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 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. **The only relevant variables for the special leave dataset will be “special leave” and “removal.”**

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.

**Values:**

* 1 = special leave
* 2 = appeal as of right [not relevant for special leave dataset]
* 3 = original jurisdiction [not relevant for special leave dataset]
* 4 = reference [not relevant for special leave dataset]
* 5 = removal
* 6 = other

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

1. Manner in which Court takes Jurisdiction Specific

Variable Label: jurisdictionSpecific

Code the relevant variable that reflects the court from which the case has been appealed. For the special leave dataset the relevant values will be 1, 2, 3, 4, 5, or 6.

**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 [not relevant for special leave dataset]
* 8 = original (Constitution, section 75) [not relevant for special leave dataset]
* 9 = original—all matters arising under the Constitution or involving its interpretation (Judiciary Act sec 30, pursuant to Sec 76) [not relevant for special leave dataset]
* 10 = original—trials of indictable offenses against the laws of the Commonwealth (Judiciary Act sec 30, pursuant to Sec 76) [not relevant for special leave dataset]
* 11 = reference—matter referred to full court by single justice (Judiciary Act sec 18) [not relevant for special leave dataset]
* 12 = special—Court of Disputed Returns [not relevant for special leave dataset]
* 13 = other [not relevant for special leave dataset]

See variable varJurisdictionGeneral.

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

1. Case Source Cite

Variable Label: caseSourceCite

Coders should hard code the medium neutral citation for the decision of the court from which the matter was appealed. For special leave dispositions on the papers this has been scraped into the dataset, however for special leave dispositions via hearing, you will need to search Austlii for the lower court opinions and citation.

--*End Content for Variable Case Source Cite—*

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. In some years I have translated the scraped data from the dispositions into the relevant codes, in other years the court information for the scraped dispositions appears in the notes column.

**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

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

1. Source of Case Specific

Variable Label: caseSourceSpecific

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.

Note to coders: if the specific court in which the case originated is not listed in varCaseSourceSpecific, enter the code for “other” and note the court name in the notes column.

**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

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

1. Source of Case State

Variable Label: caseSourceState

Normalizations: varStates (11)

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, use the designated state code for federal.

**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

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

1. Date of Lower Court Decision

Variable Label: dateLcDecision

Normalizations: N/A

Hard code the date of the lower court (source court) opinion using the format YYYYMMDD (e.g., 14 February 2014 will be 20140214).

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

1. Lower Court Disposition

Variable Label: lcDisposition

This case denotes the disposition of the lower court. The disposition will reflect the orders of the majority of the court.

**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

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

1. Lower Court Dissent

Variable Label: lcDissent

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

Values:

1 No

2 Yes

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

1. Lower Court Panel Size

Variable Label: lcPanelSize

Coders are to hard code the number of judges issuing the decision of the court whose decision the HCA is reviewing.

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

1. Number of Lower Court Dissents

Variable Label: lcDissentNumber

Coders are to hard code 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, enter 0.

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

1. Special Leave Method

Variable Label: specialLeaveMethod

Normalizations: varSpecialLeaveMethod (2)

This variable identifies whether the Court heard the special leave application on the papers or after an oral hearing. This is indicated by the special leave citation, where “HCASL” indicates on the papers and “HCATrans” indicates oral hearing.

Values:

1 Oral hearing

2 Papers

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

1. Number of Justices on Special Leave Panel

Variable Label: numJusticesSL

Hard code the number of justices hearing special leave. Normally this will be either 2 or 3 justices. In the event there are more (unusual), make a note in the notes column with how many and who they are.

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

1. Justice Granting Special Leave 1

Variable Label: justiceSpecialLeave1

In Australia, the grant or denial of a petition for special leave is determined by two justices. This variable identifies the first of two 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. This variable is relevant for both written and oral grant or denial of special leave.

**Values:**

01 Griffith

02 Barton

03 O'Connor

04 Isaacs

05 Higgins

06 Duffy

07 Powers

08 Piddington09 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 Gleeson44 Heydon45 Crennan46 Kiefel47 French48 Bell49 Gageler50 Keane51 Nettle52 Gordon53 Edelman

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

1. Justice Granting Special Leave 2

Variable Label: justiceSpecialLeave2

See variable justiceSpecialLeave1.

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

1. Justice Granting Special Leave 3

Variable Label: justiceSpecialLeave2

See variable justiceSpecialLeave1.

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

1. Special Leave Location

Variable Label: justiceSpecialLeaveLocation

Special leave hearings occur in various locations (i.e. “registries”). This variable identifies the location in which the special leave hearing occurred. This variable will be blank if special leave was granted on the papers (i.e., without a hearing) unless the notice of grant of special leave is marked as originating from a specific registry. If the hearing was via videolink, the location should be listed as where the leave application was filed.

For the special leave via hearing, this information will be noted at the start of the transcript. For special leave by disposition (papers), this will be noted on the disposition list. The disposition lists can be found at <http://www.hcourt.gov.au/registry/special-leave-applications-results-2019>

Values:

1 Adelaide

2 Brisbane

3 Canberra

4 Darwin

5 Hobart

6 Melbourne

7 Perth

8 Sydney

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

1. Special Leave Date

Variable Label: specialLeaveDate

Normalizations:

This variable contained the year, month, and day that the Court announced its decision in the case. Hard code the date of the special leave decision using the format YYYYMMDD (e.g., 14 February 2014 will be 20140214).

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

1. Special Leave Outcome

Variable Label: specialLeaveOutcome

This variable identifies the outcome of the preliminary special leave or removal panel. Outcomes are denoted on the transcript at the end (be sure to ensure whether special leave was refused with costs or not) where it is a hearing, otherwise the scraping should have picked up the outcome and I have modified to the relevant code, but do cross check the coding.

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

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

1. HCDB ID

Variable Label: specialLeaveOutcome

Only relevant if granted. Leave blank and I will backfill later.

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

1. Natural Court

Variable Label: naturalCourtSpecialLeave

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.

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-XX)

46 Kiefel

49 Gageler50 Keane52 Gordon53 Edelman

54 Steward

55 Gleeson

1304 Kiefel 4 (-Current)

46 Kiefel

49 Gageler 52 Gordon53 Edelman

54 Steward

55 Gleeson

56 Jagot

--*End Content for Variable Natural Court Special Leave--*

1. Term of Court Special Leave

Variable Label: term

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

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

1. Chief Justice at Special Leave

Variable Label: chief

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

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

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

1. Prime Minister on Date of Decision

Variable Label: pmDecision

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.”

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)

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

1. Political Power on Date of High Court Decision

Variable Label: politicalPowerHcDecision

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.

Values:

1 Coalition House/Coalition Senate

2 Coalition House/Not Coalition Senate

3 Labour House/Labour Senate

4 Labour House/Not Labour Senate

5 Neither/Neither

|  |  |  |
| --- | --- | --- |
|  | 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 | Neither | Neither |
| Sept 7, 2013 | Coalition | Not Coalition |
| July 2, 2016 | Coalition | Not Coalition |
| May 18, 2019  May 21, 2022 | Coalition  Labor | Not Coalition  Not Labor |

1. Oral Argument Link

Variable Label: oralArgumentLink

Link already scraped in where relevant. Where not relevant (i.e. disposition on the papers), code 999.

--*End Content for Variable Oral Argument Link--*