

FIRST SPEECH

the Premier propose to do about Dr. Coppel? He is entitled to some consideration.

Sir GEORGE KNOX (Scoresby).—I rise to a point of order, Mr. Speaker. I do not object to the honorable member for Benambra hitting out as hard as he likes on the principle of a Bill, but I consider that when an honoured citizen has been brought to the Bar of this House, and thanked on behalf of all members, his name should not be bandied about. This House, as a Parliamentary institution, owes a great deal to Sir Charles. I regret this personal outburst of the honorable member for Benambra. It is easy for us to put up with his humour, but when it turns to a diatribe on the judiciary, whom we all honour, I ask in the name of decency that you, Mr. Speaker, check the honorable member.

The SPEAKER (the Hon. W. J. F. McDonald).—I regret that I cannot uphold the point of order raised by the honorable member for Scoresby. However, I ask the honorable member for Benambra to refrain from pursuing the line that he has followed. References to Judges in their judicial capacity are deemed to be disorderly in this House, but if the honorable member for Benambra desires to continue to refer to the Judges in their private capacity, I am unable to prevent him.

Mr. MITCHELL (Benambra).—I appreciate your point of view, Mr. Speaker, and also that of the honorable member for Scoresby. Although there is no point of order, I withdraw. However, it is my duty as a representative of the people—no matter what the opinion of this House is—to ensure that the electors get a fair return for their money. One of the most cogent reasons why the Country party considered that it should support this Bill is contained in one of the points raised by the Leader of the Opposition, namely, that the State Government has to compete with the Commonwealth Administration to obtain Judges. Sir Owen Dixon is paid £8,000 a year as the Chief Justice of the High Court of Australia and receives much more than the Chief Justice of the

Supreme Court of Victoria. However, we must realize that when a person is considering whether he will serve the State or the Commonwealth he must take into account the reasons that may compel him to accept the higher salary. Whatever we may think about salaries, we have to realize that we may suddenly be deprived of the very men whose brains, talents and judgments we depend on so much.

Whichever way one may view it, the disparity between the Judge and the man who milks cows, unloads packages on the wharf, or digs holes for fence posts must be considered. The task of a Judge is a lonely one and involves considerable responsibility. He must keep awake all the time. I well remember Mr. Acting Justice Coppel in the trial of O'Meally. He was "on the ball" the whole time and did not miss one single point. Then we have the position of the father with a young son who is about to choose a career. Is he going to milk cows or seek a position on the Bench? If he is to make the latter choice, we must make it worth his while. If the salary decided upon is considered to be over generous, we should still agree to it. Nevertheless, I sound a note of warning in reference not only to Judges but also to other ranks of employment. Prices and salaries are increasing; where is it going to end?

Mr. WILCOX (Camberwell).—As one who has had some experience of the judiciary, I think it appropriate that I should speak in support of this Bill. This measure deals with one of the traditional branches of Government. Earlier to-night we dealt with another branch—the administrative heads. Mention of tradition leads me to preface my remarks by saying that one of my first impressions of this institution was the friendliness of members on all sides of the House and the officers and staff. I believe that friendly spirit augurs well for the future of this institution. In addition, I have been impressed with the grandeur of our Parliament building. I consider that as many people as possible should view it. I trust that the tone of debate will always be in keeping with the dignity

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and atmosphere of this building. From what I have seen and heard, I know that many honorable members can make excellent contributions to our debates, and I feel it is important that a high standard should be maintained both as to the quantity and the quality of the discussions.

I believe the salaries proposed in the Bill are reasonable. They are good salaries, and they need to be. It is true that in addition to their salaries, Judges receive substantial pension rights. Taking it all round, however, I consider that the proposed salaries are proper for the holders of these high offices. The sum of £6,250 has been mentioned as the salary proposed for the Chief Justice. The other Judges of the Supreme Court are to receive £5,500, and County Court Judges, £3,900. When we hear frequent reference to £6,250, we should bear in mind the fact that it is the highest judicial salary, and is to be paid to only one Judge.

For the benefit of honorable members who have not referred to a dictionary as I have recently, I would point out that Judges other than the Chief Justice of the Supreme Court are referred to as "puisne" Judges. The word means "younger." That term is not always appropriate in point of age, but it means that they are junior to the Chief Justice. Whilst I do not come here as the spokesman of the legal profession, I might say that it is frequently spoken of as a profession in which tremendous money is earned. As an ordinary member of that profession, I can only say that there is no doubt that the proposed figures are good figures.

One of the safeguards of our legal system is that in a state of society such as we have reached, in which a great deal of government is by regulation—this is a subject on which I have heard the honorable member for Scoresby address the House—it behoves us to bear in mind that Judges are appointed to do something that we cannot do, since we have virtually given over the regulation-making power to certain authorities or instrumentalities of the State. The Judges must ensure that the

Executive does not exceed its powers. That is a safeguard; it is a real function of the judiciary.

The two greatest benefits we have derived from England are our parliamentary system of responsible government and our common law system. There is no doubt that the latter is envied by those who do not possess it, and by countries that have not grown up with it. Honorable members will readily agree that the Judges are the corner-stone of that system. I do not intend to embark upon a discussion of comparative figures as to what should or should not be paid to Judges, because we cannot measure in terms of money the value and true worth of Judges to the community. The position of a Judge is unique. The honorable member for Benambra said that it was a lonely position, and that is a consideration. Judges are in a position of isolation. It seems to be one of the measures associated with taking judicial office that, to a large extent the man concerned is forced to cut himself off from many of the social contacts open to ordinary members of the community. He plays no part in this interesting game of politics; he has to be careful what he does, and where he goes. In court, the Judge cannot descend into the arena, nor can he do so in the community. That is something that requires compensation. If I were to be placed in a position of isolation like that, I would feel that I should be given compensation on that score alone.

In my experience, we are extremely fortunate in the Judges who hold office in this State. They apply the law in accordance with their oath, without fear or favour to all sections of the community. I can speak from experience. The high social or financial standing in the community of one party to a case has not the slightest bearing on the result, in my experience. When one has to appear for a client, and the other party to the proceedings is not represented, I do not think there is much doubt that one finds oneself in a worse position than if the other party is represented by a legal practitioner. That is

an indication to me of the real manner in which the Judges perform their duties.

I have said much in praise of Judges and I have not done it with my tongue in my cheek. I would point out, however, that Judges are human beings and they have human failings, but this is not the time for me to enlarge upon that subject. I mention it in case honorable members think that all I wish to do is to sing the praises of our Judges. I have in mind an illustration that may be of interest to honorable members. Towards the end of last century, while Queen Victoria was on the Throne, new Royal Courts of Justice were opened in England. On that occasion Judges in composing an address to Her Majesty prefaced it with the words "We, your Majesty's Judges, mindful of our manifold defects." The Judges went into conference over the matter, as they thought they could improve the wording. To illustrate their human personalities, they finally produced the address with this form of preface, "We, your Majesty's Judges, mindful of the manifold defects of each other!"

Honorable members will know that the rule of law, which is simply the supremacy of the law over all individuals and bodies in the community, is absolutely essential to our system of democracy. It provides a safeguard that we must have if that system is to work satisfactorily. To speak of a strong and independent judiciary is almost a platitude, but we should remember that it is a fundamental matter. If we endeavour to administer the law on the cheap, we will be asking for trouble. I support the Bill and urge all members to consider this matter in its proper perspective.

The SPEAKER (the Hon. W. J. F. McDonald).—As this is a Bill, the second reading of which requires to be passed by an absolute majority of the Legislative Assembly, I ask honorable members assenting to the motion to take their places on the right of the Chair so that they may be counted.

The motion for the second reading of the Bill having been carried by an absolute majority of the whole number

of the members of the House, as required by the Constitution Act, the Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2—(Supreme Court Judges).

Mr. BOLTE (Premier and Treasurer).—I have no wish to stonewall the Bill, but the Leader of the Opposition made certain comments to-night on the question of relativity. I agree that it is a question of relativity. I would point out that he made a statement as to what his Government did in relation to the salaries of Judges, but the matter should be considered in its right perspective. I can see no reason why the Labour Government gave an increase of £610. The salary of the Chief Justice was £4,390 when that legislation was being considered. The Labour Government raised his salary to £5,000, an increase of £610. I realize that at that time the Chief Justice of the High Court of Australia was in receipt of £5,000 also; therefore at that time the salaries were on the same level. However, in the meantime, the salary of the Chief Justice of the High Court has been raised to £8,000. The Leader of the Opposition some eighteen months ago considered that the Chief Justice of Victoria deserved the same salary as the Chief Justice of the High Court.

Mr. BLOOMFIELD.—He made a great point of that during the debate.

Mr. BOLTE.—That is so. The present salary of the Chief Justice in the Federal sphere is £8,000, and the Government is being accused of being over generous by increasing the salary of the Chief Justice of Victoria to £6,250.

Sir ALBERT LIND.—Don't start anything to-night.

Mr. BOLTE.—I do not wish to do so, but these questions are open to debate even though we may remain here until next week. I would point out that in the eight years I have been a member of Parliament I have not missed a sitting. I do not deny anyone the right to speak on measures that are brought forward. Further, I will never agree to a person's name being besmirched without opportunity being afforded to a member to reply. I deplore the out-

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