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PRIME MINISTER'S SPEECH AT
HIGH COURT PLAQUE UNVEILING,
CANBERRA, 29 SEPTEMBER 1975

Mr Minister, Chief Justice, Your Honours, Your Excellencies, Ladies and Gentlemen.

Today for the first time in Australia's history the High Court of Australia is sitting in Canberra: the Chief Justice and all the Judges. And on a day like this it's well to recall how nobly they have fulfilled one of their tenets:

Let justice be done even though it pours.

But take good heart because on this site, one of Australia's national capital's great buildings will arise. There will be proper accommodation for the Supreme Court of this country, and for all those who have business before it.

It may be difficult to envisage, in this tent today, that the public hall of the High Court of Australia, on this site, will be nearly 80 feet high - I was told 24 metres high. Or, as you might expect me to say, 2.4 decametres. We've had to wait three quarters of a century to inaugurate the principal seat of the High Court of Australia at the seat of Government. Right from the beginning when the first, one of the greatest Attorneys-General, first introduced the legislation for the High Court, the Judiciary Act of 1903, it took a long time to get that piece of legislation through; several sessions in fact. But, in fact, it did finally get through both Houses. And right from the outset it was laid down that the principal seat of the High Court shall be at the seat of Government.

Now, until 1927 they both were seated in Melbourne. And then the Government came to Canberra, and now we are making it possible for the High Court's principal seat to come to Canberra also.

There are four great pillars of Australia's constitutional structure. The Constitution says, there shall be a Federal Executive; there shall be a Federal Parliament; there shall be a Federal Supreme Court of Australia, known as the High Court; there shall be an Interstate Commission. Now three, soon, will be seated in Canberra.

Throughout the English speaking world the High Court of Australia is acknowledged as without superior in the common law. The Judges who serve there are quoted increasingly everywhere where the common law has been inherited as it has been in Australia. I make that comment because it is well to recall how much of the business of the High Court; how much of the business that citizens bring before the High Court, is of the same nature as has been transacted before English Courts for centuries. And the High Court of Australia has contributed to the elucidation and the development of the common law as much as any court in the world in this century.

We naturally, in public life, are preoccupied with the functions of the High Court as a Constitutional Court, following, of course, the Supreme Court of the United States, the Supreme Court of Canada and followed, in turn, by the Supreme Court of India, and the Constitutional Court of West Germany. Because in Australia, as in the other Federal Democracies in the world, it has been thought proper that disputes, which inevitably arise, should be settled in the rational, properly argued atmosphere of court proceedings.

Here I quote Professor La Nauze's biography of Deakin: to explain it, the drive which Deakin brought to his grand design of having a High Court of Australia established right from the beginning of our Federation. So many people thought that it could be put off for years. But not Deakin, because to quote La Nauze, Deakin believed that:

"without the authority of the High Court the Commonwealth would be in constant danger from the forces of provincialism. It was not that he expected from a High Court judgments which would necessarily favour the Commonwealth at the expense of the States. What was essential was that disputes between them should from the earliest years views of the Federation be examined and finally settled by a Court, and in a mental atmosphere, free from provincial association."

I mention one other Chief Justice, the present Chief Justice. It came as no surprise to me, in the Parliament that Sir Garfield Barwick who had already proved himself a very great builder when he was the doyen of the profession in Australia - because those of us who then practised at the Sydney Bar would remember, with gratitude, how much our accommodation was improved because he devoted himself to seeing that the profession was adequately housed. Without him I doubt if there would have been adequate Inns for barristers in Sydney or in due course in Melbourne or elsewhere in Australia. And the Chief Justice, of course, had the idea that in Sydney the Australian Government and the New South Wales Government should co-operate in establishing new courts, so that the public would not be confused by a dividing, and divided apparently unco-ordinated judicial system - but he has for long been working for the High Court to be properly housed in its proper seat in Canberra, in a building worthy of the Supreme Courts, the Constitutional Courts of common law countries and of federal democracies.

In October 1973, he was one of the assessors to choose the successful architects. And on 8 October 1973 he and I announced the winners. And I think I must say, and in this I would be supported by the National Capital Development Commission, and a very great number of people in the profession, as well as in the administration, that since then Sir Garfield has been unremitting in seeing that this building proceeded. And I don't really believe that the plans could have been so far advanced but for the pressure, completely proper pressure, which he has brought to bear upon me in this way.

The building will be a noble one. It may not be as noble as the Chief Justice might have aspired to have it. But it's the best that the country can produce or afford and it will be in a splendid setting, it will be a worthy home for our Court which stands at the peak of our national judicial system. And all of us, I believe, on this occasion should pay tribute to those who over the decades have sought to have this court in Canberra. And not least to the Chief Justice and the present Justices who have spurred us to see that within not so many years - three or four - the principal seat of the High Court, a noble seat, will be at the seat of Government.