

JUDGES' SALARIES

Mr. Justice Else-Mitchell's proposal that there be a Supreme Court of Judicature for the whole of the Commonwealth must arouse interest in the legal profession.¹ It is probably a fact of political life that the Australian states are unlikely to surrender responsibility for the appointment and payment of their judiciaries. Nevertheless the broader subject prompts an examination of the salaries paid to the judges in Australia.

How much do the states pay their Supreme Court judges? Since the end of World War II judges' salaries have been the subject of regular review in the Australian legislatures. The tables in Appendix I to this article indicate how much the judges in the Australian superior courts receive by way of annual remuneration. By way of interest the tables in Appendix II show the salaries paid to judges in other comparable jurisdictions. Appendix III compares the salaries paid to Australian puisne judges with those paid elsewhere.

Clearly it is preferable from the remunerative point of view to be a judge of the Supreme Court of New South Wales rather than a judge of the Supreme Court of Tasmania. South Africa does not appear to be particularly generous to its superior judges, whilst American judges do not receive sums that are appreciably different from those pertaining to Australia.

PRINCIPLES IN DETERMINING SALARIES

In attempting to analyse the principles governing the amount of money which judges of the superior courts should be paid for their services, the legislatures of Australia have considered a number of different factors. During debates on the Bills, which have been presented with such frequency during the 1960s, the underlying necessity for such continuous review has been the rapid inflation. The purchasing power of the dollar has diminished and salaries and wages in all walks of life have increased. Therefore it has been found necessary to increase the salaries of judges in common with all other persons rendering public service.

¹ *The Judicial System—The Myth of Perfection and the Need for Unity*, (1970) 44 A.L.J. 516.

Comparison between states

But there are other factors which have been considered relevant. High on this list is what might be termed "keeping-up-with-other-states". Because State A has raised the salaries of its judges, then State B must follow suit. Thus in introducing the second reading of the Judges' Salaries and Pensions Bill 1968 in the Queensland Legislative Assembly, the Minister of Justice (Dr. Delamothe) gave as his main reason for introducing the measure the fact that 'the salaries of judges have got out of line with the salaries being paid to judges of the Commonwealth and other States'.² He explained that 'the judges of Queensland do exactly the same work as the judges in other States'.³ To arrive at an appropriate figure he took 'as a fair and equitable yardstick an average of the four States of New South Wales, Victoria, South Australia and Western Australia'.⁴ The Premier of Western Australia (Sir David Brand) likewise said in 1969 that 'in view of the fact that the salaries of judges in the Eastern States have been increased the government considers that the time has again come to reach a decision on the increases and the amounts which should apply to our own judiciary'.⁵ But he accepted that the judges in New South Wales and Victoria 'have greater responsibilities' due to larger populations.⁶

Clearly in respect of Chief Justices, the Chief Justice who has, say, 20 puisne judges to lead has a more difficult and responsible task than the Chief Justice who has, say, six puisne judges. Correspondingly the number of inferior judges and magistrates has to be taken into account. But is there any distinction between the burden and responsibilities which a puisne judge has to bear in New South Wales compared to his brother in Western Australia? Are the cases simpler in Tasmania than in Victoria? They may be fewer; even if a larger population inevitably leads to greater complexity in the law, Australia is sufficiently integrated to make the distinction questionable. However, in the United States there is considerable variation in judicial salaries from one state to the next.⁷ Canada and South Africa avoid these disparities by having uniform pay scales for all superior court judges.

² (1967-1968) 247 QUEENSLAND PARL. DEB. 2115.

³ *Id.* at 2116.

⁴ *Ibid.*

⁵ (1969) 182 WESTERN AUSTRALIAN PARL. DEB. 3320.

⁶ *Ibid.*

⁷ See Appendix II.

In introducing the Judges' Remuneration Bill 1969 to the House of Representatives the Attorney-General (Mr. Bowen) stated that the Bill was necessary because of the increases in salaries in New South Wales and Victoria.⁸ There was no debate and no division in that House. In 1903 when the Attorney-General (Mr. Deakin) discussed the question of judges' salaries he reviewed the salaries paid to judges in other common law jurisdictions.⁹ He examined the salaries paid to judges in the United States, the United Kingdom, Canada and in the Australian states. In fixing the salary of the Chief Justice of Australia at \$7,000 he was influenced by the fact that New South Wales and Victoria paid a similar sum to their Chief Justices. But it now seems to be accepted that the judges in the High Court should be paid more than the State judges,¹⁰ although the Premier of Victoria (Sir Henry Bolte) would have it that the Victorian judiciary is 'second to none' and suggested that 'Federal courts are no more important than Victorian courts'.¹¹ The Premier of New South Wales (Mr. Askin) thought '[i]t might be argued successfully that the justices of the High Court have more onerous responsibilities than those of the judges of a State's Supreme Court'.¹²

The competitive element between states in assessing the remuneration of judges has without doubt been an important factor in maintaining the upward trend.

Comparisons with the civil service

Should a judge of a superior court receive the same as, more than or less than the permanent head of a government department? Should this be used as a means of assessing a fair salary? Do their responsibilities compare? Which has the greater responsibility? Both make decisions which can have far-reaching effects. In the Commonwealth Government a judge of the High Court receives \$27,000 but the head of a department receives only £24,250. Broadly speaking the salaries of judges have been reviewed separately from other public servants in Australian legislatures. When the Victorian Legislative Assembly considered them together some dissatisfaction was expressed in the

⁸ (1969) H. OF R. 63 COMMONWEALTH PARL. DEB. 1953.

⁹ (1903) 13 COMMONWEALTH PARL. DEB. 613.

¹⁰ E.g., Mr. Askin (Premier of New South Wales), [1969-1970] N.S.W. PARL. DEB. 4622: 'It is not contended that there should be full parity as between the salaries of the Commonwealth and State judicial offices'.

¹¹ (1967-1968) 287 VICTORIAN PARL. DEB. 934.

¹² [1967-1970] N.S.W. PARL. DEB. 4622.

debate on the Judges and Public Officers Salaries Bill 1967.¹³ But it may well be that there will be an increasing trend to review all the top salaries of the public sector together. Certainly some of the debates reveal this trend. The salary of the chairman of a public board is now often measured against that of a judge and vice versa. It has not been the English practice to link the salaries of the higher judiciary with those of the top civil service.¹⁴ Some of the English traditions die hard in Australia; this is one that could safely be abandoned.

Comparisons with private practice

It is commonly said that a financial sacrifice has to be made to move from private practice to the bench.¹⁵ Figures are quoted of the high earnings prevailing at the bar and in solicitors' practices; the argument runs that judges' salaries must be such as to attract "the right people". As the Leader of the Opposition in the Western Australian House of Assembly (Mr. Tonkin) said, 'it is imperative that we should attract good men' and '[s]o it is that judges are amongst the most highly paid servants of a State'.¹⁶ But in this context Senator Gair's remark in the Commonwealth Senate about people who accept appointment to the judiciary making 'a tremendous sacrifice in taking these positions' was that he had 'never experienced any hesitation on anyone's part in accepting a position in the judiciary when it was offered to him'.¹⁷ He thought that 'the prestige of being a judge must be assessed pretty highly'.¹⁸

Apart from questions of salary and prestige there are other elements which an offeree of a judicial appointment is likely to consider. It is the natural culmination of any legal career. It offers security of tenure, a pension, and although it carries a different type of responsibility it removes one from the hurly burly of practice with its continuous worry of a claim for negligence or whether one is providing an efficient, reliable service for clients. In short, it is possible to exaggerate the so-called sacrifice element.

¹³ (1967-1968) 288 VICTORIAN PARL. DEB. 1881.

¹⁴ See (1970) 120 NEW L.J. 421.

¹⁵ A member of the Legislative Council, (1969-1970) 298 VICTORIAN PARL. DEB. 3561: 'I agree that if members of the judiciary were employed in private practice, they would receive considerably more than their present salaries'.

¹⁶ (1969) 182 WESTERN AUSTRALIAN PARL. DEB. 3376.

¹⁷ (1969) S. 41 COMMONWEALTH PARL. DEB. 2002.

¹⁸ Ibid.

Comparisons with other occupations

Attempts are made to measure judges' salaries with the earnings in the private as well as in the public sector. The Premier of New South Wales (Mr. Askin) referred to the earnings of 'Qantas pilots' and 'executives in senior positions' as being a factor justifying the proposed increase in judges' salaries.¹⁹ He spoke of the raise being necessary 'on the basis of salary trends generally'.²⁰

Cost of living; hardship

In recent years simple hardship has not been suggested as a reason for the increases. It was the principal reason for the increases granted in South Africa in 1968 when the Minister of Justice (Mr. Pelser) said that it was 'becoming more and more difficult for them to make ends meet'.²¹ This is not surprising when one compares the judicial salaries earned in South Africa with those earned in Australia. However, in Australia, the increasing cost of living is frequently referred to. The Queensland Minister of Justice (Dr. Delamothe) said: 'The escalation in average salary and wages between 1957 and 1968 is about 60 per cent'.²² The inflationary trend of prices and incomes has been the underlying necessity for such frequent reviews.

Market value

When a High Court judge in England resigned in 1970 after a mere two years' service eyebrows were raised. It was almost unprecedented for a judge to leave the judiciary and seek alternative employment. This raises the question of whether judges have a market value. If they lost their jobs tomorrow would they be able to obtain comparable positions and salaries? Traditionally, they do not return to private practice. But would they, for example, be in line for directorships? Obviously a lot would depend upon the personal ability, flair, age, and adaptability of the person concerned. Assimilating ex-military and ex-colonial personnel into other occupations has had its difficulties. They may tend to hark back to the days when things were done differently, and, by implication, more efficiently. Not everyone would be eager to re-employ ex-judges. Nevertheless one suspects that some of the more brilliant judges would have a high market value outside the law; others would be candidates for unemployment benefit.

¹⁹ [1969-1970] N.S.W. PARL. DEB. 4622.

²⁰ *Id.* at 4623.

²¹ (1968) 23 SOUTH AFRICAN H. OF A. DEB. 4798.

²² (1967-1968) 247 QUEENSLAND PARL. DEB. 2128.

Desire to maintain quality

In nearly all the debates in Australia on judges' salaries in the 1960s a general desire was expressed to maintain the high standards of the judiciary. The Premier of Victoria (Sir Henry Bolte) said to the Legislative Assembly that 'honourable members will acknowledge the importance of maintaining the high standards and impartiality of the judiciary, and the need to keep their salaries not only at a level commensurate with their responsibilities but also at a level which will attract the most able men in the legal profession to these offices'.²³ In the House of Representatives, the Attorney-General (Mr. Bowen) spoke of the existing salaries as 'no longer in keeping with the standing of the judges'.²⁴ It is argued that as guardians of the liberty of the individual it is desirable that they should have the standing and status that a substantial salary can give them. In 1954 Sir Winston Churchill spoke of the 'honour and future of citizens being in the hands of judges who carried great responsibility'.²⁵

It has also been argued that it is necessary to pay judges well in order to avoid any possibility of their being open to a bribe. The answer to this argument is that either a man is honest or dishonest; the size of his wage packet is not going to make him honest if he is dishonest. Senator Gair once said: 'I have never gone along with the suggestion that we have to pay judges a big salary to put them beyond the temptation of graft, because I do not believe that a high salary will make a dishonest man honest'.²⁶ Nevertheless it may be nearer the truth to argue that a fair wage, which takes the worry out of whether the judge's wife can meet her milk bill each week, makes it easier for the judge to devote his whole attention to his work.

PERKS

In arriving at a just decision as to the wages to be paid to the judiciary other conditions of employment are relevant. First, the posts are pensionable; judges are not required to contribute from their salaries towards a pension fund, that is, the salaries are non-contributory (South Australia excepted). Secondly, allowances, where payable, are not subject to income tax; however they are not taken into account in calculating pensions. Thirdly, the retiring age is generally 70 and therefore the judiciary are treated differently from personnel

²³ (1967-1968) 287 VICTORIAN PARL. DEB. 934.

²⁴ (1969) H. OF R. 63 COMMONWEALTH PARL. DEB. 1953.

²⁵ See (1966) NEW L.J. 689.

²⁶ (1969) S. 41 COMMONWEALTH PARL. DEB. 2002.

in most other occupations where the retiring age is generally 65. Fourthly, they obtain leave in addition to annual leave. In Victoria they are entitled to 12 months leave after 7 years service, in New South Wales 6 months after 5 years and in Western Australia 6 months after 7 years. The purpose of this leave was described by the Queensland Minister of Justice as being to enable them 'to renew their knowledge and rejuvenate their thinking'.²⁷ One irreverent member of the Legislative Assembly had feared that they might during leave 'go to the beach if they wanted to'.²⁸

PENSIONS

Judges do not contribute towards their pensions in five states; they are non-contributory. The details vary from state to state but broadly speaking a judge is entitled to a pension amounting to 50% of his salary after 10 years' service. In New South Wales the maximum pension entitlement is 60 per cent which is attained after 12 years' service.²⁹

Pension schemes for judges have been regularly examined by all the state legislatures in the 1960s and improved. For example, in Victoria the Judges Pensions Act 1970 had the effect of relating pensions to salaries for the time being payable in place of the previous system which related pensions to a proportion of the salary at the date of retirement.

One state, namely South Australia, requires judges to contribute to their pensions. This has been given as a justification for determining the level of judges' salaries in that State above the comparable states such as Western Australia.³⁰

CRITICS

Inevitably the regular scrutiny of judicial salaries has given the opportunity for critical and adverse comments. Until the 1960s, the South African view, that judges' salaries and emoluments are regarded as agreed measures in Parliament, prevailed in Australia.³¹ But the 1960s have seen vigorous debates on the subject.³² The 1969 increases of the High Court judiciary only passed the second reading in the Senate by 25 votes to 22.³³

²⁷ (1967-1968) 247 QUEENSLAND PARL. DEB. 2117.

²⁸ *Ibid.*

²⁹ Judges' Pensions and Equity (Amendment) Act 1969 (N.S.W.).

³⁰ (1968-1969) 3 SOUTH AUSTRALIAN PARL. DEB. 3460.

³¹ (1968) 23 SOUTH AFRICAN H. OF A. DEB. 4798.

³² E.g. (1967-1968) 247 QUEENSLAND PARL. DEB. 2115-2128.

³³ (1969) S. 41 COMMONWEALTH PARL. DEB. 2008.

It remains a matter for Parliamentary debate, although in England the Judges' Remuneration Act 1965 neatly removed it to the sphere of subsidiary legislation. But the view of one member of the Victorian Legislative Council was that the Parliamentary right to fix judicial salaries was a 'valuable safeguard'.³⁴ He did not elaborate on the precise meaning of these words.

Inevitably a bill to increase judges' salaries meets with the response that 'the Government is always anxious to see that the people on the top range are not left out in any way'.³⁵ Senator Murphy expressed the views of many when he said:

But we are faced with this situation: Here is one highly placed section of the community which, although it is surrounded by traditions which necessitate its members being independent and being paid high salaries, nevertheless is being maintained quite clearly in a position where it is not suffering from the inflation that is occurring in this community. This is happening at a time when other sections of the community including pensioners, wage earners, male income earners, professional groups in salaried positions and people in receipt of superannuation, notoriously are slipping behind in the battle against inflation.³⁶

Not all members have a high regard for the judiciary. One member in the Queensland Legislative Assembly observed that 'justice in the courts in this State has become a farce, a travesty, a mockery, and a sham, because over the years the judges have allowed the lawyers—the solicitors, and particularly the barristers—to control the courts, not in the interests of justice but in the interests of the lawyers' own pockets'.³⁷ And for good measure he added that the 'whole judiciary has been encompassed by the sickening, adulatory snobbery of the legal profession'.³⁸ Not surprisingly he voted against the increases.

One answer given to the critics who ask the question, why should one section of the community be dealt with and not the rest of the community, is that the 'proper approach is to increase the salaries of those at the top so that those below can move along'.³⁹ In other words, judges' salaries may set the pace.

CONCLUSION

In assessing judicial remuneration in the 1960s certain features emerge.

³⁴ (1967-1968) 288 VICTORIAN PARL. DEB. 1882.

³⁵ *Id.* at 1333.

³⁶ (1969) S. 41 COMMONWEALTH PARL. DEB. 1995.

³⁷ (1967-1968) 247 QUEENSLAND PARL. DEB. 2122.

³⁸ *Id.* at 2123.

³⁹ [1969-1970] N.S.W. PARL. DEB. 4625.

1. The general inflationary trend of wages is the primary reason for regular reappraisals; the need to maintain the upward movement with all other public servants to ensure parity is always present.
2. The larger, wealthier states have led the field causing the smaller, poorer states to pull their salaries up in order not to be left seriously behind. But no two states pay the same salaries.
3. There is some indication of a movement to relate the salaries of judges to the salaries paid to other leading public servants.
4. The introduction of allowances to augment salaries has not been explained satisfactorily. There does not appear to be any sound principle why part of a judge's pay should not be subject to income tax.
5. More often than not the salaries have been raised on the basis of a flat percentage. Apart from the Commonwealth, little attempt was made in the 1960s to assess salaries to last a decade or more. There has been a tendency to raise salaries because they were lagging behind; not to assess them at a safe distance ahead of inflationary trends in order to avoid regular reassessments.
6. Other conditions of service, such as pensions and leave, differ slightly from state to state. The fact that the judges in South Australia contribute from their salaries towards their pension is the main reason why salaries in that State are said to be higher than three other states. This State apart, the minor variations in conditions of service are such as not to be a factor justifying different salaries.
7. No reference was made in the debates in the legislatures to salaries paid in other common law jurisdictions.

One conclusion emerges from this review. If a unified Australian judiciary were to emerge as suggested by Mr. Justice Else-Mitchell it would be necessary to harmonise all judicial salaries. It would be difficult to do this without raising the salaries of judges in the five states to those existing in New South Wales. Unless there were to be a pruning exercise conducted in the number of judges the total wage bill would be a larger one for the nation to bear. This is not, however, a serious impediment to the establishment of a united judiciary.

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Appendix I

TABLE A — HIGH COURT OF AUSTRALIA⁴⁰

<i>Year</i>	<i>Chief Justice</i>	<i>Judges</i>
1903	\$7,000	\$6,000
1947	9,000	7,000
1950	10,000	9,000
1955	16,000	13,000
1960	20,000	17,000
1969	30,000 + allowance of \$2,000	27,000 + allowance of \$1,500

TABLE B — NEW SOUTH WALES—SUPREME COURT⁴¹

<i>Year</i>	<i>Chief Justice</i>	<i>Judges</i>
1883	\$7,000	\$5,200
1948	7,500	5,700
1951	9,000	7,000
1953	9,500 + allowance of \$700	8,000 + allowance of \$500
1955	11,500 + 700	9,550 + 500
1960	11,750 + 700	10,000 + 500
1961	13,800 + 700	12,500 + 500
1963	14,800 + 700	13,500 + 500
1964	18,500 + 800	17,000 + 600
1968	21,275 + 1,000	19,550 + 750
1970	24,450 + 1,150	22,475 + 875

[The President of the Court of Appeal receives \$23,150 plus \$875 allowance.]

TABLE C — VICTORIA—SUPREME COURT⁴²

<i>Year</i>	<i>Chief Justice</i>	<i>Judges</i>
1872	\$7,000	\$6,000
1895	6,000	5,000
1947	8,000	7,000
1951	Automatically adjusted in accordance with variations in the cost of living.	
1954	9,500 + allowance of \$500	8,500 + allowance of \$500
1956	11,500 + 1,500	10,300 + 700
1958	12,100 + 1,000	10,900 + 700
1960	13,500 + 1,000	12,300 + 700
1963	14,700 + 1,000	13,400 + 700
1965	17,300 + 1,000	15,700 + 700
1967	19,500 + 1,000	17,650 + 700
1970	23,600 + 1,200	21,350 + 850

TABLE D — SOUTH AUSTRALIA—SUPREME COURT⁴³

<i>Year</i>	<i>Chief Justice</i>	<i>Judges</i>
1873	\$4,000	\$3,400
1935	5,000	4,000
1947	6,000	5,000
1951	7,500	6,500
1958	11,500	10,000
1960	12,500	11,000
1963	14,000	12,500
1965	15,200	13,700
1966	16,600	14,900
1969	19,400	17,500
1970	23,000	21,000

⁴⁰ Judiciary Act 1903 (Cth.), as amended.

⁴¹ Supreme Court and Circuit Courts Act 1900 (N.S.W.), as amended.

⁴² Supreme Court Act 1928 (Vic.), as amended.

⁴³ Supreme Court Act 1935 (S.A.), as amended.

TABLE E — WESTERN AUSTRALIA—SUPREME COURT⁴⁴

<i>Year</i>	<i>Chief Justice</i>	<i>Judges</i>
1902	\$4,000	\$3,500
1927	4,600	4,000
1950	6,000	5,200
1953	6,600	5,800
1955	8,300	7,300
1959	10,500	9,500
1962	12,800	11,500
1964	14,000	12,700
1966	15,400	13,600
1969	18,000	16,000
1970	21,600	19,200

TABLE F — QUEENSLAND—SUPREME COURT⁴⁵

<i>Year</i>	<i>Chief Justice</i>	<i>Judges</i>
1874	\$4,500	\$4,000
1944	5,000	4,500
1948	6,000	5,500
1950	6,750	6,200
1953	7,900	7,100
1955	8,576	7,776
1958	10,600	9,800
1960	12,800	11,800
1963	14,000	12,800
1965	15,000	13,500
1968	17,300 + allowance of \$700	16,000
1970	19,500 + \$1,000	17,700

TABLE G — TASMANIA—SUPREME COURT⁴⁶

<i>Year</i>	<i>Chief Justice</i>	<i>Judges</i>
1887	\$3,000	\$2,400
1920	3,600	3,000
1947	5,000	4,000
1951	6,000	5,000
1955	8,000	7,000
1958	9,000	8,000
1960	10,400	9,200
1963	12,800	11,200
1965	14,000	12,400
1969	18,450	16,650

TABLE H — OTHER FEDERAL COURTS⁴⁷

1969	Judge, Northern Territory & A.C.T. Supreme Courts	\$22,000 + allowance of \$1,000
1969	Judge, Commonwealth Industrial Court	\$19,000
1969	Judge, Federal Court of Bankruptcy	\$19,000

⁴⁴ Judges' Salaries and Pensions Act 1950 (W.A.), as amended.⁴⁵ Supreme Court Act 1861 (Qd.), as amended.⁴⁶ Judges' Salaries Act 1920 (Tas.), as amended.⁴⁷ Judges' Remuneration Act 1969 (Cth.).

Appendix II

TABLE A — ENGLAND⁴⁸

<i>Year</i>	<i>Lord Chief Justice</i>	<i>High Court Judges</i>
1815	£4,000	£2,400
1832	10,000	5,000
1851	8,000	5,000
1954	10,000	8,000
1966	12,500	10,000

[Income tax was not introduced until 1842. The Lords of Appeal in Ordinary and the Master of the Rolls receive £11,250; Lords Justices of Appeal receive the same as High Court judges. The Judges' Remuneration Act makes no distinction between the salaries of Appeal and High Court judges. Since 1965 judges' salaries may be increased, though not reduced, by Order in Council. They were further increased in 1970 and High Court judges receive £11,500; this is to be further increased to £14,000 with effect from July 1971; Lords of Appeal in Ordinary will receive £15,500.]

TABLE B — NEW ZEALAND⁴⁹

<i>Year</i>	<i>Chief Justice</i>	<i>Judges</i>
1913	\$4,000	\$3,600
1920	4,500	4,000
1956	7,500	6,500
1960	9,000	8,000
1961	9,500	8,500
1964	10,900	9,900
1967	11,170	10,170
1969	13,925	12,620

[The President of the Court of Appeal receives \$13,270 but there is no distinction made in salary between judges of the Court of Appeal and the Supreme Court.]

TABLE C — CANADA⁵⁰

<i>Year</i>	<i>Chief Justice, Supreme Court</i>	<i>Judges, Supreme Court</i>	<i>Chief Justice, Provincial Court Court of Appeal</i>	<i>Judges, Provincial Court of Appeal</i>
1946	\$25,000	\$20,000	\$16,000	\$14,400
1968	40,000	35,000	30,000	26,000

TABLE D — IRELAND⁵¹

<i>Year</i>	<i>Chief Justice, Supreme Court</i>	<i>Judges, Supreme Court</i>	<i>President, High Court</i>	<i>Judges, High Court</i>
1968	£8,000	£7,000	£7,000	£6,000

[The Lord Chief Justice of Northern Ireland receives £9,375 and Lords Justices of Appeal and judges of the High Court £8,125. The Chief Justice of the King's Bench in Dublin received £5,074 9s. 4d. under the Judges' Salaries Act 1832; pennies were obviously important then. The Southern Irish judges have not prospered to the same extent as their brethren in Northern Ireland.]

⁴⁸ Judges' Remuneration Act 1965 (U.K.).

⁴⁹ Judicature Act 1908 (N.Z.), as amended.

⁵⁰ Judges Act 1946 (Canada).

⁵¹ Courts (Supplemental Provisions) Amendment Act 1968 (Ireland).

TABLE E — SOUTH AFRICA—SUPREME COURT⁵²

<i>Year</i>	<i>Chief Justice, Appeal Division</i>	<i>Judges, Appeal Division</i>	<i>Judges, Provincial Division</i>
1912	R6,000	R5,500	R4,500
1934	7,000	6,500	5,500
1941	8,000	7,500	6,500
1951	9,000	8,500	7,500
1958	11,000	10,000	8,500
1966	11,000 + 1,500	10,000 + 1,500	8,500 + 1,500
1968	11,000 + 2,700	10,000 + 2,700	8,500 + 2,700

TABLE F — UNITED STATES⁵³

<i>State</i>	<i>Chief Justice, Supreme Court</i>	<i>Associates, Supreme Court</i>	<i>Judge, General Trial Court</i>
Alabama	\$22,500	\$22,500	\$18,000
Alaska	30,000	28,000	26,500
Arizona	23,500	23,500	21,500
Arkansas	24,900	22,400	19,200
California	45,418	42,747	33,396
Colorado	25,000	24,500	20,000
Connecticut	33,000	29,000	27,500
Delaware	34,500	34,000	31,000
Florida	34,000	34,000	28,500
Georgia	26,500	26,500	24,800
Hawaii	33,880	32,670	30,250
Idaho	25,000	25,000	22,500
Illinois	40,000	40,000	35,000
Indiana	24,500	24,500	23,500
Iowa	24,000	24,000	21,000
Kansas	24,500	23,500	19,500
Kentucky	26,000	26,000	19,500
Louisiana	37,500	37,500	20,500
Maine	21,500	20,000	19,500
Maryland	36,000	35,000	30,500
Massachusetts	35,000	33,800	30,000
Michigan	35,000	35,000	20,000
Minnesota	27,000	26,000	23,500
Mississippi	20,000	19,000	16,000
Missouri	26,500	26,500	23,000
Montana	22,500	21,000	19,000
Nebraska	25,000	25,000	22,000
Nevada	22,000	22,000	19,500
New Hampshire	28,500	27,500	26,000
New Jersey	47,500	45,000	37,000
New Mexico	22,500	22,500	20,000
New York	44,500	42,000	39,100
North Carolina	30,000	29,000	22,000
North Dakota	20,500	20,000	18,000
Ohio	32,000	30,000	26,000
Oklahoma	22,500	22,500	17,500
Oregon	26,000	26,000	24,000
Pennsylvania	38,000	37,500	30,000

⁵² Judges' Salaries and Pensions Act 1912 (South Africa), as amended.⁵³ Information obtained from (1970) 54 J. AM. JUD. SOC. 184. The highest salaries are paid in New Jersey, Californian, New York and Illinois; the lowest are paid in Maine, North Dakota, Utah, Mississippi and Wyoming. Judicial salaries in the United States have traditionally been regarded as inadequate but there are indications of a greater willingness to pay fair sums.

Rhode Island	26,000	25,000	24,000
South Carolina	35,000	30,000	30,000
South Dakota	20,500	20,500	18,500
Tennessee	25,000	24,000	17,500
Texas	29,000	29,000	20,000
Utah	20,000	20,000	17,500
Vermont	26,500	25,000	22,500
Virginia	27,500	25,000	20,000
Washington	27,500	27,500	22,500
West Virginia	27,500	27,500	19,000
Wisconsin	29,000	28,000	21,000
Wyoming	19,000	19,000	18,500
Federal System	62,500	60,000	40,000
District of Columbia	42,500	42,500	40,000
Puerto Rico	27,500	27,000	22,900

TABLE G — INTERNATIONAL COURT OF JUSTICE⁵⁴

Year	President	Other members
1969	U.S. \$30,000 + 7,200	U.S. \$30,000 + \$54 for each day on which ad hoc judges exercise their functions plus, as appropriate, a daily subsistence allowance of \$28.

Appendix III

*Comparative salaries of judges of highest state courts*⁵⁵

<i>Jurisdiction</i>	<i>Salary</i> (local currency)	<i>Salary</i> (Australia \$; excluding allowances)
New Jersey	U.S.\$45,000	\$40,590
New York	U.S.\$42,000	37,884
Canadian province	Can.\$26,000	29,900
Texas	U.S.\$29,000	26,158
England (High Court)	£11,500	24,725
New South Wales	\$22,475 (+\$875)	22,475
Northern Territory	\$22,000 (+\$1,000)	22,000
Victoria	\$21,350 (+\$850)	21,350
South Australia	\$21,000	21,000
Montana	U.S.\$22,500	20,295
Western Australia	\$19,200	19,200
Queensland	\$17,700	17,700
Wyoming and Mississippi (lowest American)	U.S.\$19,000	17,138
Tasmania	\$16,650	16,650
Northern Ireland	£8,125 (+£700)	16,650
Southern Ireland	£6,000	12,900
New Zealand	\$12,620	12,620
South African province	R8,500 (+R2,700)	10,625

⁵⁴ INTERNATIONAL COURT OF JUSTICE YEARBOOK (1968-1969).⁵⁵ Calculated according to the following exchange rates: \$1 (Australian) = 47p (Sterling), \$1.11 (United States), R.0.80 (South Africa), 87c (Canada). It is doubtful whether it is realistic to compare judicial salaries in this manner. The South African judge may be better off than his New York counterpart because the cost of living is lower and the purchasing power of the Rand greater than the United States dollar. An English judge may be entitled to free medical and hospital treatment under the National Health Scheme whilst his New York counterpart may need to contribute to an insurance scheme. Income tax differs widely. Nevertheless allowing for these and other differences the figures do provide a crude comparison.