



Michael White, OA,
Judge of the Supreme Court of South Australia



OBITUARY

*The Hon Justice LJ King**

THE HON JUSTICE JM WHITE OA

THE death of Justice James Michael White, OA, on the 2nd of February 1993, at the age of 68 years, is a severe loss to the Supreme Court, to the judiciary generally and to the South Australian community.

The late judge was born into a farming family at Millicent on the 19th of November 1924. He received his primary and secondary education at the Sisters of Mercy Convent School at Millicent. After a period of some three years in employment as a bank clerk, he enlisted in the RAAF during World War II at the age of 18 years. He saw active service in New Guinea as a Kitty Hawk pilot.

On discharge from the RAAF after the war, he commenced his legal studies at the University of Adelaide. He obtained his Bachelor of Laws Degree in 1950 and, later, the Degree of Bachelor of Arts. His law course was brilliant. He won the RW Bennett prize for exceptional merit in any subject; in three consecutive years, resulting in the award of the RW Bennett medal. He won the Stow Prize for the best two passes with distinction in any year,

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on three occasions. He won the David Murray scholarship for the best graduating student in 1950.

Justice White practised law in the firm of Kelly & Co for 20 years. He was a most conscientious and versatile practitioner who developed a high reputation for his professional skills in many areas of legal practice and for dedication to the interests of his clients. He became an authority on Liquor Licensing law.

Justice White retained, throughout his career, a keen appreciation of the intellectual dimension of the law and a lively interest in the world of the academic lawyer. He served as a member of the Faculty of Law at the University of Adelaide and was a lecturer and examiner in legal subjects for many years. In recent years he played an important role in the framing of the law course for the Law School of the Flinders University of South Australia.

His Honour was appointed a judge of the District Court in 1970. There followed a very creative period in his judicial career. He became Acting Judge in Bankruptcy and wrote important judgments in that jurisdiction. He was the first Chairman of the Credit Tribunal established under the new consumer protection laws and, together with Judge Rogerson, pioneered that new jurisdiction. He was commissioned by the government to study overseas trends in consumer and privacy law and produced an important report on "Fair Dealing With Consumers".

His Honour's involvement with privacy issues led to his appointment to investigate the practices of the Special Branch of the South Australian Police Department. That investigation resulted in a report of far reaching significance on the important and sensitive issues of Security Intelligence gathering and accountability. As the Attorney-General observed at the special sitting of the Supreme Court to mark the judge's death, the principles derived from that report now govern the operations of the South Australian Police Department in gathering intelligence on threats to the security of individuals and institutions, and are generally accepted around Australia as appropriate for that purpose.

On the 14th of June 1977 Justice White presented his commission as an Acting Judge of the Supreme Court and on the 15th of June 1978 he was appointed a permanent judge of the Court.

His Honour served as a judge with distinction. He was a scholarly judge with a conceptual approach to thinking and reasoning about legal problems

and a capacity to move easily among legal principles and concepts. That quality enabled him to produce judgments which not only pointed the way to the solution of the particular problem in hand but made an enduring contribution to the fund of legal knowledge. He had a philosophical cast of mind and philosophical interests. That manifested itself in his judgments. His legal thought was clear and often profound. It was much influenced by Natural Law jurisprudence and the conviction that law in its truest sense is derived from and is a reflection of immutable principles of justice and right social conduct.

His Honour was a most conscientious, dedicated and courteous judge. He did not spare himself in his endeavours to arrive at a just decision in each case and to deliver his judgment promptly. He had an instinctive sympathy for the powerless and those who appeared to be victims of the superior power of other interests.

Justice White played an active role in the work of the Supreme Court beyond his strictly judicial duties, particularly in relation to the Rules of Court.

He made important contributions to the life of the State beyond his work within the Court. Two of the most important were his labours of many years as Chairman of the Law Reform Committee and subsequently as Chairman of the Electoral Redistribution Commission. He led an active life in the community outside the profession of the law and many church and community organisations will greatly feel his loss.

His Honour left a widow, seven children and fourteen grandchildren, as well as a large grieving circle of other relatives and friends.