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Good Evening.

The Government is very strongly of the view that action must be taken in South Australia so that Courts of Summary Jurisdiction not only are but also appear to be completely independent of the prosecution. Over the years Magistrates who are senior Magistrates in the Adelaide Court of Summary Jurisdiction have spoken of this matter. It is particularly unfortunate that the senior Magistrate in that Court is entitled the Police Magistrate and his Court is spoken of as the Police Court. When he occupied that position Mr. Muirhead protested of the use of the names Police Magistrate and Police Court and on his retirement Mr. Clark B.M., who like Mr. Muirhead held the position of Police Magistrate for many years with great distinction, protested about this title. Mr. Clark then said "These Courts are generally spoken of as the Adelaide Police Court, as a matter of fact there is no such thing as a Police Court. The real name of this Court is the Adelaide Court of Summary Jurisdiction. I think it a great pity that the name of Police Court persists because the name tends to give the impression that it is run by the Police which, of course, is not the case. In London they had the same trouble as what was known as the Police Court became the Magistrate's Court. I have always striven" said Mr. Clark "to avoid suggestion that the Court is prejudiced in favour of the Police and even insist on using my own car rather than a police car, at my own expense of course, to go to a remand at the Adelaide Hospital or to view the lockers in que. The title of Police Magistrate is also in these modern days misleading for the same reason and I know that the expression Police Magistrate holds the same view".

It will be a policy of the Government to alter the title of Police Magistrate to one more befitting his position and the Court of Summary Jurisdiction will not be known as the Police Court. In the long range the Government proposes to take yet another step which will assist the public view of the nature of these courts which the Magistrate holds so desirable. These days the orderlies

at Courts of Summary Jurisdiction are, unavoidably, Police Officers. This takes the time of Police Officers from proper Police duty which is inadvisable in view of the fact that the Police Force is over staffed and also gives a wrong view of the nature of the Court.

In the near future the office of Sheriff will be separated from that of Controller of Gaols and Prisons. The Sheriff, properly speaking, is a Court Officer and his Department will be extended to provide Court orderlies so that there is a clear separation between the duties of the Police Force in the investigation, prevention and prosecution of crime and the administration of the Court, which must independently investigate the evidence placed before them by the prosecution and the defence. There remains, of course, the problem of starting Courts in country areas where in ~~any~~ small towns the Government has had to rely on Police Officers acting not only as Court orderlies but also as Clerks of Court.

In some other States alternative administrative arrangements have been made and while the change in South Australia can't be precipitated the Government is examining ways and means of making a change in accordance with the general view of policy which I have mentioned tonight.

In administration of Courts of Summary Jurisdiction valuable assistance has been given for many years in South Australia by Justices of the Peace who act as Honorary Magistrates. It is, however, quite clear that for the proper administration of justice those who act as Honorary Magistrates should have some special training and experience beyond that of the average distinguished laymen who is made a Justice of the Peace. In other countries there is a provision that a certain number of Justices who are specially trained and experienced in Court work will be Justices of the Quorum and their duties will be those of presiding at Courts of Summary Jurisdiction in those cases which do not require the services of a Special Magistrate. There are many Justices who would be charged solely with the duties of witnessing oaths and formal documents a duty which forms the major

part of the work of most Justices of the Peace today.

Goodnight.