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Title:

Statement from the Premier - Election statement - Law reform

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STATEMENT

from the Premier

Date July 3, 1975.

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State Administration Centre,
Victoria Square, Adelaide,
South Australia 5001
228 4811

ELECTION STATEMENT - LAW REFORM

Major changes which the Government intends to make in the criminal justice system in South Australia were outlined by the Premier, Mr. Dunstan, today. The changes are based on the recommendations of the Mitchell Committee. Mr. Dunstan also announced that the Government would intensify its campaign to protect people from the abuse and misuse of drugs.

In December, 1971, the Dunstan Government set up a Committee chaired by the Hon. Justice Mitchell to report on the changes that were necessary to be made to improve the whole of the criminal justice system in South Australia. In July, 1973, this committee brought down its second report. The Government has examined the recommendations made by the Mitchell Committee and will put into effect a number of recommendations. Some of the major changes that the Government proposes to introduce to the penal system and the law relating to criminal investigation will represent major improvements to these areas of the criminal justice system.

CHANGES IN PENAL METHODS INCLUDE :

- * Abolition of capital punishment;
- * A prison sentence to mean what it says, in that the present system of remissions will be replaced by conditional discharge;
- * The introduction of periodic detention, whereby instead of going to gaol an offender would be detained during periods of leisure to work on community activities;
- * Abolition of the offence of public drunkenness. A sobering up unit has already been established to take care of persons intoxicated in public.

The Premier said that proposed changes in methods of criminal investigation would :

- * Enable a person making a complaint against the police to be represented by counsel before the Police Enquiry Committee, with right of appeal if the complaint is dismissed;
- * Permit a police officer with a reasonable wish to question a person to request that person to accompany him to a police station. However, any detention beyond two hours would be illegal unless authorised by a Special Magistrate. The detained person would have the right to have his solicitor present at all times.
- * Enable a person who suffered injury while assisting police in the executive of their duties to be paid compensation on the same scale as if it were damages for a civil wrong payable by the wrongdoer;
- * Make arrest for petty offences illegal, except in certain circumstances such as when there were reasonable grounds for believing that the offence was likely to be continued or repeated.

Mr. Dunstan also said that the Government was anxious to obtain a more informed approach concerning the use of drugs for other than medical reasons.

"We see it as more of a health problem rather than one of criminal behaviour, except where the use causes other anti-social behaviour," the Premier said.

"The Government proposes to increase and widen its services to the public in both treatment and counselling. We will assist other supportive services in the community to provide maximum possible assistance in the rehabilitation of patients".

Mr. Dunstan said the Government's programme also envisaged instruction in the schools on the dangers resulting from the improper use of drugs.

When the Government had a clearer picture of the overall problem it would provide clinics staffed by highly qualified people in the areas where there was urgent need for treatment and counselling.