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**Title:**  
Radio Broadcast - 5KA - Queen's Counsel

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EMBARGOED UNTIL 7.00 P.M., 3RD DECEMBER, 1969.

RADIO TALK BY THE HON. DON DUNSTAN, Q.C., M.P., LEADER OF OPPOSITION,  
WEDNESDAY, 3RD DECEMBER, 1969. STATION 5-K.A.

QUEEN'S COUNSEL.

OVER THE LAST SIX DAYS SOUTH AUSTRALIA HAS AGAIN BEEN IN THE NEWS. WE'VE BEEN IN THE NEWS - THE PRESS, RADIO, AND TELEVISION NEWS - IN EVERY STATE OF AUSTRALIA. WE'VE EVEN BEEN WRITTEN UP IN ASIA AND LONDON. WE'VE BEEN THE SUBJECT OF EDITORIALS AND WIDE-SPREAD COMMENT. AND WE HAVE BEEN THE SUBJECT OF REAL CONCERN. SOUTH AUSTRALIA HAS MADE THE HEADLINES AGAIN, BUT FEW OF US SHOULD BE PROUD OF THE FACT.

THE LAST TIME WE RECEIVED SUCH BAD PUBLICITY WAS WHEN OUR BLATANTLY UNDEMOCRATIC ELECTORAL BOUNDARIES BECAME NATIONAL NEWS. WE HOPE TO SEE THEM CHANGED SHORTLY. THIS TIME IT'S AGAIN BAD PUBLICITY, AND AGAIN A MATTER OF REAL PRINCIPLE. FOR WHEN MR. HALL'S GOVERNMENT DECIDED TO REJECT ON POLITICAL GROUNDS THE CHIEF JUSTICE'S RECOMMENDATION (MADE IN CONSULTATION WITH THE OTHER JUDGES) THAT MR. ELLIOTT JOHNSTON BE MADE A SENIOR COUNSEL, THE PRINCIPLE AT STAKE WAS THE INDEPENDENCE OF THE LEGAL PROFESSION IN THIS STATE.

IT'S NO LONGER AT STAKE. IT'S BEEN STRUCK DOWN. MR. HALL SAID HE CONSIDERS THE ISSUE CLOSED, AND THAT HE WON'T GIVE MR. JOHNSTON HIS Q.C. BECAUSE MR. JOHNSTON IS A COMMUNIST. WELL, ON THE SURFACE, THAT SOUNDS ALL VERY WELL. VERY VERY FEW PEOPLE IN THIS COMMUNITY HAVE MUCH TIME FOR COMMUNIST PHILOSOPHIES, AND CERTAINLY WE IN THE LABOR PARTY HAVE NONE AT ALL. BUT MR. ELLIOTT JOHNSTON'S PARTICULAR POLITICAL BELIEFS HAVE NOTHING TO DO WITH THE ISSUE AT ALL, AND THIS IS WHAT MR. HALL DOESN'T UNDERSTAND. HE HAS AGREED THAT MR. JOHNSTON IS A HIGHLY REGARDED LAWYER AT THE SOUTH AUSTRALIAN BAR, BUT CANNOT UNDERSTAND THAT THE REAL POINT IS WHETHER ANY LAWYER SHOULD BE STOPPED FROM A NORMAL

ADVANCEMENT IN HIS CAREER BECAUSE POLITICIANS DISAGREE WITH HIS POLITICAL PHILOSOPHY, WHATEVER IT IS.

THERE IS SOMETHING VERY SAD - AND DANGEROUS - ABOUT THIS BUSINESS, BECAUSE CLEARLY THE GOVERNMENT JUST DOESN'T KNOW WHAT IT IS DOING. MR. HALL SAYS REMEMBER CZECHOSLOVAKIA AND HUNGARY, AND INDEED WE DO. IN BOTH THOSE COUNTRIES, AS IN ALL OTHER DICTATORSHIPS, GOVERNMENTS CONTINUALLY APPLY SUCH POLITICAL TESTS, OFTEN WITH FATAL RESULTS TO THE CITIZENS. HE QUOTES THE R.S.L. SLOGAN THAT SAYS "THE PRICE OF FREEDOM IS ETERNAL VIGILANCE", AND SIMPLY CANNOT UNDERSTAND THAT IT IS HE WHO IS LIMITING THAT FREEDOM. HE SAYS IT IS NAIVE TO STRESS THAT THE INDEPENDENCE AND INTEGRITY OF THE LEGAL PROFESSION IS OF EXTREME IMPORTANCE TO EACH OF US AS CITIZENS OF A DEMOCRACY WHERE THE RULE OF LAW HOLDS SWAY. YET IT IS HIS NAIVETY ABOUT THE LAW AND ITS FUNCTION WHICH MAKES THE COURSE HIS GOVERNMENT HAS TAKEN SO DANGEROUS.

LET'S JUST LOOK AT WHAT A QUEEN'S COUNSEL IS, BECAUSE THIS IS CLEARLY WHERE THE GOVERNMENT IS REALLY MOST CONFUSED. IN AMERICA THEY'RE CALLED SENIOR COUNSEL, AND THAT TITLE IS A MORE ACCURATE DESCRIPTION OF THE POSITION. A Q.C. IS NOT A JUDGE. HE HAS NO OFFICIAL DUTIES. HE IS NOT PAID BY THE GOVERNMENT OR THE COURTS. HE IS NOT A "COUNSELLOR" TO THE QUEEN. HE TAKES NO PART IN MAKING LAWS. HE IS SIMPLY A MAN WHO, THROUGH EXPERIENCE AND TALENT IN THE LAW, CHOOSES TO STEP UP IN HIS PROFESSION AND CONCENTRATE ON BIGGER CASES REQUIRING SPECIAL LEARNING. HE GENERALLY DOESN'T SEE THE PUBLIC. HE RECEIVES HIS INSTRUCTIONS FROM ANOTHER LAWYER AND APPEARS WITH A JUNIOR. HE CHARGES HIS CLIENTS MORE FOR HIS SERVICES. HE WEARS A SILK GOWN. AND ON SPECIAL OCCASIONS HE WEARS A LONG WIG.

IN OTHER AUSTRALIAN STATES, IF YOU WANT TO TAKE "SILK", AS THE POSITION IS KNOWN, YOU SIMPLY APPLY DIRECT TO THE APPROPRIATE OFFICIAL AND THE GRANTING OF THE COMMISSION IS A MERE FORMALITY.

IN FACT, THERE'S EVEN SOME RISK INVOLVED, BECAUSE SOME Q.C.'s ACTUALLY FIND THAT HIGHER FEES MEAN FEWER CASES AND THUS SMALLER INCOMES. BUT THERE'S NO SECURITY INVOLVED. NO HIGH STATE SECRETS. NOTHING AT ALL, REALLY, EXCEPT A PROFESSIONAL POSITION WHICH FOLLOWS FROM EXPERIENCE.

SO YOU MIGHT SAY AGAIN, WHAT'S ALL THE FUSS? WELL IN PRINCIPLE THERE'S A FUSS BECAUSE THE GOVERNMENT HAS NOW PUT A POLITICAL TEST ON THIS POSITION, AND ONCE THAT KIND OF THING HAPPENS WE DON'T KNOW WHERE IT WILL END. IT HAS IGNORED THE JUDGES' RECOMMENDATION. IT HAS IGNORED THE REPROOF GIVEN TO IT BY THE CHIEF JUSTICE, WHO IS CLEARLY ANXIOUS TO UPHOLD THE INDEPENDENCE OF THE JUDICIARY AND THE LEGAL PROFESSION. IT HAS IGNORED THE FACT THAT ITS ACTIONS ARE REPUGNANT TO A SIGNIFICANT SECTION OF THE LEGAL PROFESSION ITSELF.

MR. HALL'S ARGUMENTS JUST DON'T STAND UP ON ANALYSIS, AND SO THERE'S A BIT OF KNOCKING INTRODUCED BY HIM TO CONFUSE THE ISSUE. BUT IN THE MEANTIME FOR THOSE PEOPLE WHO PUBLICLY AND PRIVATELY REALLY DO BELIEVE IN DEMOCRATIC PROCESSES - THE RULE OF LAW, THE INTEGRITY OF THE JUDICIARY, THE DEMOCRATIC RIGHT OF PEOPLE TO HOLD MINORITY OPINIONS - THERE IS THE UNHAPPY KNOWLEDGE THAT THE HALL GOVERNMENT HAS SET A PRECEDENT IN THIS STATE THAT MAKES A MOCKERY OF THE IDEALS OF OUR DEMOCRACY. HE HAS GIVEN THE COMMUNISTS THE BEST ARGUMENT AGAINST OUR KIND OF GOVERNMENT THEY'VE HAD FOR DECADES.

GOOD NIGHT.

EMBARGOED UNTIL 7.00 P.M.  
3RD DECEMBER, 1969.