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Title:

Radio Broadcast - Appointment of Elliot Johnston Q.C.

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PRESS RELEASE: 18.6.70.

FROM: THE PREMIER, MR. DUNSTAN.

SUBJECT: TEXT OF TELEVISION POLICY STATEMENT.

At noon today following Executive Council the Attorney-General, Mr. King, announced that Mr. Elliott Johnston has been appointed a Queen's Counsel by the Lieutenant Governor, Sir Mellis Napier, on the advice of the Government. And so I have chosen to speak to you tonight on this appointment and on where my Government stands when civil liberties are at issue.

The Labor Party and the Labor Government is glad to see that Mr. Johnston has been appointed. His high professional qualifications and his wide experience in law practice make him eminently deserve a position of senior counsel at the South Australian bar. Six of the seven available Supreme Court Judges have clearly noted his professional standing and qualifications. The Chief Justice has recommended his appointment. The Law Society of South Australia has agreed, at a General Meeting, that such a recommendation should be acted upon and that the appointment of QC's should be based solely on professional standing. And we believe that this is the opinion of all fair minded people who value the rule of law, the independence of the legal profession, and the true nature of democracy and liberty.

When the recommendation for Mr. Johnston's appointment was placed before the previous Government, it was rejected on the grounds that he was a member of the Communist Party. And in recommending his appointment today, the Labor Party was naturally aware of this. But we believe, and we insist, that political opinions of any kind have absolutely no bearing on what is, and what must remain, a purely professional distinction.

And what precisely is a QC? Well, he's a senior lawyer. The title is historical. He has no official duties. His advantages (or disadvantages, as the case may be) are that he cannot appear without a junior lawyer being with him and that because of this and the amount of work he is required to do preparing opinions, his fees are very much higher than an ordinary

lawyer's. And also - on appointment, he is allowed to wear a silk gown and a full-bottomed wig.

It is, as I have said, a professional distinction. And to apply political tests so as to reject a recommendation from the Supreme Court to make such an appointment is to begin a process of political interference in an area that Governments should never enter. Such political tests are wellknown in dictatorships. They are applied in countries like Russia, China, Spain, Greece and South Africa.

Governments who impose them have always shown a callous and frightening disregard of personal liberty and political freedom.

For the Labor Party and the Labor Government, we reject utterly the confusions and delusions of the Communist Party - just as we reject the doctrines of Apartheid, George Wallace, Adolf Hitler and Enoch Powell. Rather, we will support - and demand - and commit our political future to - the maintenance of the over-riding principles of democracy.

And these are some of those principles:

Everyone regardless of race, colour, creed or politics should have a free and equal vote for the Governments and Parliaments that make the laws he obeys. He should have those votes because he is a person, not a tree, an acre, or a bank balance.

In our courts, everyone should be equal under the law, and tried fairly and truly. While in the profession that serves the courts and in our judiciary where the job is to administer and interpret the law as it is written, there must be no political favour, nor political fear, but simply a search for common justice.

No man should be punished for the opinions he holds. No matter how wrong or unpopular, for that is the style of dictatorship and totalitarian ideologies. The rule of law must be maintained, and it is only through actions of breaking laws that a man should stand condemned. If as the Government did, we deprive a man of professional advancement solely because of

his beliefs, we would set a precedent in which no-one in public or private office holding unpopular opinions could feel safe from some Government at some time.

We must maintain and improve our rights to read, to a free and independent press, to free speech, and to the free exchange of ideas. We must maintain and improve the freedom of scholarship, and discovery, in our schools and universities and professions. And we must maintain and improve our rights to the privacy of our home and offices.

We believe our laws should reflect the public will, but should not enter realms of private and personal responsibility. We believe the proper role of the police is the protection of people's persons and property from attacks by other people, but that under-cover surveillance and secret dossiers have no place in our society.

And finally, people should have the right to demonstrate peacefully and orderly about the things they believe should be heeded by others - no matter whether they be farmers, students, unionists, workers or managers.

A democratic Government should act to protect this right, and to protect people exercising this right from unlawful interference.

The body of English law and practice which we inherit, the concepts underlying the laws we have made ourselves, the fabric and structure of our public, legal and legislative institutions, all bear witness to the desire men have had for political and individual liberty. Many of these rights are being slowly eroded and they could fade within a season if people are not prepared to defend them. And that is what my Government will do - and we believe that this is what you would have us do.
