Interview with Len King recorded by Peter Donovan on the 10\textsuperscript{th} November 2004 at Norwood for the Don Dunstan Foundation.

TAPE 1 SIDE A

This is Peter Donovan speaking with the Honourable Len King, ACQC, former Chief Justice but, more importantly, the former Attorney-General in the Dunstan Government – more important only for the fact that this interview is being conducted for the Don Dunstan Foundation, and it’s being conducted at Mr King’s home in Norwood on 10\textsuperscript{th} November 2004.

Now, Len, if we can start off talking about you personally, just to put the background here to the interview: tell me a little bit about yourself and your family and the background from which you came.

Well, I was born at Norwood on 1\textsuperscript{st} May 1925. My father had been a farmer at Carrieton in the upper North of South Australia but, on the death of his parents, had sold the farm and come to Adelaide with the idea, I think, of investing the money that he’d got from the farm, procuring an income in that way and supplementing that with whatever work he was able to obtain and to do. My mother was twenty years younger than my father, she was an Adelaide girl, came from the west end of Adelaide, had been engaged to a young man who died as the result of injuries in the First War, 1914-18 War, and met my father in Adelaide. And they married, and we lived at Norwood, at Sydenham Road in Norwood.

Initially, I think, they led a modestly comfortable life, but unfortunately the Depression hit. My father had invested his money in residential properties and had borrowed about half the value of those properties, and of course with the Depression the tenants couldn’t pay the rent, he couldn’t pay the interest on the mortgages and he lost possession of them. Some of them were sold to the mortgagees, some of the them retained but the mortgagees went into possession of the rents, and we were reduced to poverty. He was actually on the ‘dole’ for some years until he attained the age of sixty-five years and was eligible for the age pension. So that was our life and that was my life in Norwood from about 1930, I was about five years of age when the Depression hit, and that was the situation from then on.

I went to the Marist Brothers school at Norwood after initial education at the Sisters of St Joseph at Beulah Road, Norwood, and I remained there until I attained
the Leaving Certificate, which was the matriculation standard in those days. I had been enabled by the Brothers, who apparently saw some potential and realised that I’d have to leave school when I was fourteen to assist with the family financial situation, had been enabled by the Brothers to skip two classes on the way, as a result of which I actually sat for the Leaving Certificate when I was only fourteen years of age, which was about two years younger than the average. However, I succeeded in the examination and matriculated, and left school. I obtained work at the Shell company and worked there for three and a half years until I enlisted in the RAAF¹ on reaching the age of eighteen years.

Where did you fit in the family? Were there many, did you have many siblings?

For all practical purposes I was an only child. I put it that way because there was a younger brother, but he died in very early infancy, I don’t remember him at all, and so I was really an only child.

You joined the Air Force: what as, and what did you do during your World War II?

Well, I was a wireless radio telegraphist, ground staff, and a good deal of my service was in New Guinea. That was all my overseas service was in New Guinea.

Just one of the ORs², or were you a commissioned officer?

No, no, no, I was one of the ranks: leading aircraftsman was the rank, which was really a private.

How did that experience impact upon you? Did it have any influence?

Oh, I think all our experiences in life have some impact, and of course I met a lot of people that I wouldn’t have otherwise met, lived a different sort of life, and – oh, I think it went into the sum total of my experience of life. As I say, I’d worked for three and a half years in the depot with the Shell company, an oil depot, where I really worked amongst, well, blue-collar workers mainly, although I was actually in the office. So the Air Force experience, I think, was really a sort of continuation of that experience of life.

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¹ RAAF – Royal Australian Air Force.
² OR – other ranks, ie other than officers.
Just going back a little bit, looking at your parents, whom do you take after in terms of personality, in terms of – well, you?

I think my father, probably, although it’s hard to tell, I suppose. Both parents have an influence and it was a united family, a happy marriage. But I think probably I’m more cast in my father’s mould. I suspect that my dad, if he had been differently situated and had a formal education and pursued it and pursued a different career, would have been quite an astute and well-rounded, educated person. As it was, of course, coming from the country in that way, he didn’t get beyond primary school, and not even that to any great – I don’t even think that played any great part in the lives of young farm boys in those days. So he was not an educated man. But, on the other hand, he always had a very keen interest in public affairs. He was a regular reader of the newspapers and talked about the issues of the day, and I got the impression that he was quite an intelligent man.

And your mother, had she worked before her marriage?

Yes, indeed. She was one of three siblings. Both her parents died when she was nineteen years of age, and she had two younger siblings, one sister and one brother, and she had to look after them, she was their mother. And she had to support them financially and also care for them. She worked as a waitress – really, that was her occupation, and various employers – but she worked as a waitress and supported that family and got them launched in life.

I guess the reason for the interview was because of your involvement in politics. Were any of your parents involved in politics?

Not really. My father told me that, in the early days of the – when the Labor Party was getting itself established, a branch was formed up there in Carrieton and he became President of that branch. He didn’t claim to have any profound knowledge of politics or the issues, but apparently must have been seen as being a natural leader and, somehow or another, he got to be President of the Labor Party branch there at Carrieton. But he didn’t maintain an active interest in politics and was never involved in any way while he was in Adelaide, in my lifetime.

How long did you have your parents?

Well, my father died in 1948 and my mother in 1958.
So they didn’t get to see you – well, they saw you – your father wouldn’t have, but – as a lawyer.

No, I was still at law school when my father died, but of course I was in legal practice when my mother died.

Moving on a little, what made you choose law?

Well, that’s a question that I can’t really answer. I had no associates, family associates or anyone that I knew that was involved in the law, and yet, from the earliest times – you know, really I think almost from the time before I started school – I had a vision of myself as a lawyer. I can’t explain it, really: I know that I used to read the newspapers as a little boy, and in those days the newspapers used to publish quite detailed accounts of cases in the courts – trials, often quite, you know, the cross-examination quite extensively – and somehow or another I think that must have sparked this interest. But somehow I felt from the earliest time that I had a sort of, I don’t know, ‘vocation’, I suppose, to be a lawyer, and a court lawyer, a barrister. I always wanted to. When I left school, of course, I would like to have been able to do law, but financial circumstances in the family precluded that. But I never really lost completely the desire to do it, and when, during the War, while I was in the Air Force, the Commonwealth Reconstruction Training Scheme was promulgated, which provided for the payment of fees for ex-servicemen after the War – and, indeed, a living allowance – I had no hesitation at all in enrolling and pursuing my ambition to be a lawyer.

Were you still living at home at this stage, or did your time in the Air Force give you a certain independence?

Well, it did, but when I was discharged I came back home to my parents’ home, and I lived there until I was admitted to legal practice, and I then went to Whyalla and lived away. But even then, when I came back to the city after ten months, I think, in Whyalla, I went back to live with my mother – my father was then dead – and I lived there until I married, at the age of twenty-seven.

What was the Law School like at that stage? Were there many people like yourself, who’d come from the Army? You were mixing with, possibly, younger people?
Yes. The Law School, of course, was much smaller than it is now, very much smaller, but the people like myself, the rehab[ilitation] students, came in in 1946 predominantly and rather swamped the Law School because it was a big intake by the standards of those days. Actually there only, I think forty-one students came in in 1946, and nearly half of those dropped out after the first year, decided they were square pegs in round holes or for some reason or another didn’t make it. But they’d certainly had an impact, the ex-service intake had a huge impact on the Law School, changed its character, really, completely – and had a big impact, I think, on the legal profession after the War, too. I mean, there was a new breed, because up to that time the legal profession had really, for practical purposes, only been open to people of means, people who came from a certain section of the society and had the means to pursue that career, and this intake of people from a different class background, if you like, a different socio-economic background, really I think had a big influence – not only on the Law School, but on the profession itself.

Might be difficult to give a precise number on that, but what percentage were people from the ‘other side of the tracks’?

At the Law School?

Yes. Are we talking half?

I think – no, I think probably less than half. I mean, of course a number of the rehab students (laughs) didn’t come from the other side of the tracks. But quite a significant number did, and – I don’t know, perhaps twenty-five, thirty per cent you’d say came from the unconventional background for lawyers in those days.

I think, when we were talking earlier, this was probably the first time you sighted the young Don Dunstan, whilst you were at law school.

Yes. Our period at law school overlapped to some extent, although not a great extent, and I really didn’t have any contact with Don at law school. I suppose I knew him, but I really don’t have a picture of it or any particular memory of him at law school. And I think he was admitted to practice in 1948, I think it was, which was a couple of years before I was. So I really, my first real contact with him was later on, in 1950, I think, when he came out to Norwood.

Going back a little bit, when you – after you graduated, what practice did you join? How as a ‘newbie’ like you able to get into a practice?
Well, that’s a problem. There was a real problem about that, and in fact when I was approaching the time of my admission to practice I had no prospect of getting into any firm, and I envisaged that, as the last desperate resort, I would have to hang up my shingle and just practise on my own as best I could with whatever clients I could attract. And in fact I went so far as to have a brass plate actually made for that purpose. But before that eventuated Ron Riley, who was a practitioner at Whyalla, and who used to – had contacts with the firm in which I was articled, made an offer to me to come to Whyalla, and I went there in partnership, a limited partnership, and we practised as Riley and King at Whyalla and Port Augusta.

You said earlier that was for about ten months.

Yes.

So what happened after that?

Well, I was – as I’ve already indicated, my ambition, and I felt my vocation, was to be a court lawyer, a barrister, and I came to realise that if I wanted to pursue that ambition I really needed to be in Adelaide, where the courts predominantly were. Supreme Court did come on circuit to Port Augusta, and of course there was the Magistrates’ Court, but the volume of the court work was not great and I felt that I needed to be in Adelaide. So I contacted a man, Tom McGovern, who later became a Family Court judge, who had been my fellow articled clerk in the firm that I’d been articled in, the firm of Nellie and Mitchell and Walters, and asked him to keep his eye open in Adelaide for any opportunities. And he knew, or came to know, a practitioner, Hugh Martin, who had a practice but had suffered a stroke and was in great difficulty trying to manage the practice, and he wanted someone to come and really take it over, with him. So I entered into an arrangement with Hugh Martin by which I came and managed his practice for a salary, and had the right of private practice. And he died only some months after I went there, and I bought the practice from his widow and established practice on my own account.

Did you use your name or his name?

Oh, no, I used my name. When I took over the practice I practised under my own name.

When were you married? This must have been round about this time.
Yes, I was married on the 24th January 1953, when I was twenty-seven years of age and my wife was twenty-six years of age.

Now, I guess the reason for this series of interviews is your involvement in politics: when did you join the Labor Party, and why?

Well, I joined the Labor Party shortly after my discharge from the Air Force in 1946. I’d always been – from when I was a little boy, really – been interested in labour politics. My dad, when I was quite little, used to take me from time to time, on Sunday afternoons, to the Botanic Park where the speakers’ ring was, and there was a ‘labour ring’ there, as it was called, and I heard there a lot of politicians of the day and the political issues of the day being canvassed, and came to develop a feel for, I suppose, the ethos of the Labor Party and the Labour Movement generally. So that was really the beginning of my interest in politics, and I became more and more interested – and more and more convinced – in my labour ideology, I suppose, as time went by. And, of course, I turned twenty-one while I was in the Air Force, which was the age of majority in those days, and so when I was discharged I joined the ALP\textsuperscript{3} at Norwood.

Why join the ALP, though? One can still have these ideologies and not join the party.

Well, I had a further conviction that people should be actively involved in politics. I felt that we live in a democracy, and it only works if people really get involved. And I felt that I owed it to myself and owed it, perhaps, to the society to be actively involved by joining the political party of my choice. I think that’s what motivated me to actually join the party.

What was the sub-branch like? What were your colleagues like at that stage?

I think Kim Beasley is reported to have described ALP sub-branches in his early days as being ‘the cream of the working class’, and I think that would be a pretty good description of the sort of people who were members of the local Labor Party at Norwood in those days. They were very solid people, mainly workers – pretty well all working-class people; you know, solid people, mainly family people. Nobody that could be described in the current terminology as ‘elitist’. It was a good, solid branch
– not very big, you know, the number of people who actively came to meetings were pretty few, but usually at election time we could count on a fair roll-out to hand out ‘how to vote’ cards, a bit of letterboxing and so on.

**So how did a law student fit in there, albeit an older law student?**

Well – – –.

**Were you well-known in the district –**

Yes, I was.

– because your father had lived there?

That, I think, is the point: that I was born in Norwood, went to school in Norwood, mixed around in Norwood with all sorts of people. In the years just before the War, between leaving school and joining the Air Force, you know, I used to knock around with the lads on The Parade, and I knew a lot of people. And a number of them were in the Labor Party at Norwood, so I knew people there. But that was my background. I mean I was a law student, but I wasn’t – perhaps not the student ‘type’, in the sense of someone who was predominantly a student; I mean I’d come from a different background, a working background, and Air Force.

**Now, Len, we’ve now got you having joined the Labor Party. Again, why did you – were you so involved as to join executives and – – –?**

Oh, yes, I was – I’ve forgotten the precise offices that I occupied now, it’s so long ago, in Norwood, but I was I think vice-president – – –. In those days we had, the organisation consisted of a local committee, that was the basic cell, and mine was the East Norwood local committee, and then the electorate of Norwood, the state electorate of Norwood, had an electorate committee, council – I can’t remember the exact terminology – and I certainly occupied, I know I was vice-president of the local committee of East Norwood for quite a time, I think vice-president of the electorate committee also for quite a period. Oh, yes, I was very actively involved with them for a considerable part of my – and the work of the branch. And I was a delegate to the ALP conventions, several conventions during that period, the annual conventions,

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3 ALP – Australian Labor Party.
and also delegate to the ALP Council, which was the governing body between conventions which met monthly at Trades Hall. I was actively involved.

**Can you remember when you first had Don Dunstan come to the sub-branch?**

Yes, I remember it well enough, but I couldn’t put a precise date on it, but my guess is that it was in early 1950. Probably he’s recorded that somewhere, (laughs) I don’t know, but that’s my – – –. Certainly, I would say – well, it must have been in 1950, no doubt about that, because when I was admitted to legal practice early in 1951 I went to Whyalla, and it was certainly some months at least, if not a year, before that.

**How did he fit in?**

Well, I think initially a little uneasily. Don was a different type again altogether from me, I mean he gave the appearance of being bookish, perhaps slightly theatrical, he had heavy, dark-rimmed glasses and looked a bookish, studious type and therefore wasn’t in the mould of the sort of working-class types who were predominantly members of the party in that area. So I think initially it was a matter of them looking at him, sizing him up, (laughs) you know, ‘What is this person?’ Of course, both being lawyers, or law students in my case, at that time, I suppose we had a certain link which was absent with the others, but very quickly I think – not very quickly, but gradually, he came to be accepted. I recognized very early that he was important to us, because we’d been afflicted at Norwood with candidates for the state electorate of Norwood, which was then held by a Liberal member, who were really not impressive and had little chance of winning, whereas it was quite obvious that Don had come out there because he was politically ambitious and wanted to win us the seat, and I recognized very early in the piece that he was our prospect. He was active, intelligent, energetic and had great potential, so I was very supportive of him, really, right from the beginning, pretty well.

**From his book, Felicia, suggests he’s a very, very idealistic person.**

Yes. Well, I think he undoubtedly is.

**And politically ambitious.**

Yes, both. He certainly, I think he was driven throughout his political career by principle, ideology or idealism, call it what you will, but a conviction that his role in life was to try to improve society, to transform society into something that would give
the ordinary person in the society better opportunities and in other ways would improve the tone and quality of the society. I’m quite sure that he was idealistic, and remained so. I mean, I suppose all of us tend to be a bit more idealistic in youth than we are in (laughs) old age, but I think Don retained a great deal of that idealism and ideological zeal, if you like, desire to achieve that social democratic goal which he aimed at really right through his political life.

Was that perhaps the tragic element within him, the notion that we have in ourselves – you know, the greatness we have is, in effect, the seeds of our own destruction?

I wouldn’t say that and I don’t think – he had character flaws, I think; we all have. And eventually, I think, also in his case health flaws, physical flaws which, in the end, terminated his political career. But I wouldn’t say at all that his devotion to principle and ideology, if you like, were the seeds of his destruction. Indeed, I don’t think he was destroyed, except in the sense that he became incapable of carrying on the job.

But in a sense, going back, leaping through to, say, 1979 when the party was voted out of office, prior to that he almost had the notion of Labor being ‘the party of government’.

But Dunstan wasn’t the Premier when they were out of office.

He wasn’t, but it fell over very, very easily.

Well, yes. That happens, of course, historically very often when a strong and charismatic leader leaves the scene, it’s a very common political phenomenon for his successor to be defeated, and something of that happened, I think. But there were things unravelling, I think, with the government and probably with the Labor Party at that particular stage. But how much they were due to any problem with Dunstan’s a different matter. There were some, of course, there were some problems with him, there’s no doubt about that, but I think that’s one issue – to leave that to the historians, I think.

Won’t press this too much, but just while we’re on it, because contemporary with Dunstan you had sort of Whitlam in for a period there in Canberra, and it seemed to attract a whole lot of new sorts of people to the Labor Party –

Yes.
— which might have been its undoing, in a sense.

Well, I think it was an inevitable historical phenomenon, because the society had changed. I mean, the days when the Chifleys and the engine driver and so on could rise and become leader of the Labor Party and leader of the country had really gone because such a big proportion of the population were educated, well-educated, tertiary-educated. So it was inevitable, I think, that the Labour Movement — and I include in that the industrial Labour Movement — had to find its leaders from people who were well-educated, and hopefully, perhaps ideally, from people who had come from working-class backgrounds and therefore had shared the aspirations of those sort of people but had been able to be educated and have tertiary education and devote themselves to politics. So I think it was something that had to happen. I mean, of course Whitlam and Dunstan didn’t come from that sort of a background, but I think it was inevitable that the leadership of the Labor Party would pass to people with tertiary qualifications and cease to be people from the factory bench.

Harking back to the ’50s again, you and Don Dunstan: you suggested in an earlier interview, chat, that your ambition was to be a barrister, and perhaps your social conscience got you into the Labor Party. Don Dunstan was also a lawyer, but he was obviously more interested in politics than practice.

Oh, certainly. And he himself says — more than once, I think, and certainly to me — that basically his ambition was not in the law at all, because the law is a service-provider, a service profession; he saw himself as a creative type of person rather than a provider of services. And, indeed, he was. So he saw his role as being the creative role of doing something to change the society in a creative sort of way. So to him the law was the basic profession, his means of livelihood, his main means of qualifying himself, I suppose, for political leadership, but his role in life, his vocation in life, his ambition in life, was political — unlike me.

You said you identified him very early in the piece as an appropriate candidate for Norwood. Did you identify him early as a potential Premier, given the Labor Party as it was then?

Well, he was very young at that time and the Labor Party had its leadership. I think probably in the back of my mind I thought, ‘Well, this is the sort of chap who might some day lead the party and become Premier,’ but that was sort of for the future. The immediate thing at that stage — — . I had no doubt at that, once elected as Member
for Norwood, that he would play a very important role in the leadership of the party – in the activities of the party, and in due course, as he matured in leadership and if we got into government, that he would be an important part of that. Whether he’d ever be leader, of course, I’m no prophet: I couldn’t foresee that. But I think if I’d thought about it at all it wouldn’t have surprised me.

**How did you sell him to that first election?**

Well, it was a bit of a challenge because, as I say, his personality at that time was not really charismatic and had only limited appeal to the general public, I think. And so it was a case, I think, really of – well, talking obviously, you talk and get other people to talk about how this fellow’s, you know, ‘He’s a bright spark, he’d be a great representative, a great member,’ and gradually get people accustomed to the idea that he is that sort of person. He helped himself enormously by his indefatigable approach to the task: he canvassed, he made himself known to everybody, he doorknocked, joined every organisation you could think of, and I think he was the sort of person that the more they got to know him, the more they were attracted to him. It was a matter of getting to know him.

You had to sell him twice: once to the Labor hierarchy to get preselection, then I guess the other to the general electorate around here.

Yes, well, I think the task of selling him to the Labor hierarchy and getting preselection really didn’t fall to me to such an extent. I suppose I played some part in that I made favourable references to him. But he himself established contacts with key people in the Labor Party, people like Clyde Cameron and Jim Toohey and, you know, people who were then, and later became even more, influential. So I think they recognized quite early that he was a very promising recruit. And I think my role (laughs) was more in the electorate. Because, of course, at that stage I was quite young and had no influence (laughs) much in the ‘hierarchy’, as you describe it. So I was in no position, really, to promote anyone else.

That first time when Labor got back into government, in about 1965 or so, what stage of your career were you there, and what was your observation of the party at that stage, or the government, because here’s your man from Norwood, he’s a lawyer, a brother?
I was not playing a particularly active part at that stage in the Labor Party. When I married and had children I was developing my professional career, my practice, and really I didn’t devote a huge amount of time to Labor Party activity. I was always there handing out how-to-vote cards at election time and doing a bit of canvassing at election time, but I didn’t attend many meetings or that type of activity. I’d passed that. So I suppose, in 1965, I think that Dunstan’s work came to fruition to a great extent, because the big obstacle to Labor obtaining government in South Australia had been the ‘gerrymander’, as it was called. In federal elections the ALP had been polling more votes in Senate elections for some time, some considerable time, really, almost back to the end of the War, when industrialisation had developed in South Australia. But the electorates were so arranged, of course, that the Liberal Party had an inbuilt majority and that was virtually impossible to shake. And the Labor Party, of course, had always complained about this, but nobody (laughs) seemed to take much notice. Dunstan galvanised that campaign, he really drew attention to this inequitable situation and to its consequences for the society, he preached it day and day out, propagated it through the community, an awareness that this was really quite outrageous from any democratic point of view. And so of course the Labor Party obtained office in 1965 simply because of the spread of the metropolitan area: it eroded some of the pocket boroughs, the little rural electorates, and they were no longer safe Liberal electorates. And that really was what resulted in the loss.

And Playford had tried to overcome this by rearranging the boundary of the metropolitan area and retaining the gerrymander, but unfortunately for him he’d left it too late, he’d lost his absolute majority in the Assembly in 1962, and he had a majority of members but not a total majority of the whole of the membership of the House, so he depended on a speaker to give him the majority. Of course, the speaker only had a casting vote. The Labor Party, simply by sending somebody home, meant that Playford had his majority, but the speaker didn’t have a vote so he fell short of the absolute majority needed to realign the boundaries. So that was why, in 1965, the seats of Tea Tree Gully and Glenelg fell to the Labor Party and enabled them to form a government.

It wasn’t really well-prepared for government at that time. With all respect to his memory, Frank Walsh was the leader and became Premier, and was not well-equipped at all for leadership. So it was a strange situation. Of course, during the
course of that government, the last year, he was replaced by Dunstan as leader. Oh, a
good deal was achieved in that 1965 to ’68 period.

**Did you have much to do with Don Dunstan during that period?**

Yes, I did. Quite a bit, actually, in a backroom sort of capacity, a number of things
we developed and talked about and so on. And of course it was during that period
that he briefed me as counsel assisting the Royal Commission into the licensing laws,
which reshaped the licensing laws in South Australia and was one of the big
achievements of that government.

**Tell me a little bit more about this backroom stuff.**

Oh, it was pretty informal, but Don would want to sound out ideas every now and
again, what would be perhaps the legal implications of some idea which he was
developing, or what I felt about certain aspects often in town planning and areas that
had some impact on the legal system, that was the type of thing.

**This is not meant to be disparaging, but he was a lawyer, he’d sort of gone through
school and started a practice: did he need someone like you to provide him with a
lot of these legal ramifications of what he was doing?**

Well, I think he probably did. You see, Don would have been a very good lawyer, a
very good barrister if he had concentrated on it, but it’s a hard profession, it’s not
something you can do part-time and do it well. And he realised that. And his main
interest was in politics, he only practised law to the extent necessary to keep butter on
the bread (laughs) while he was devoting himself to his real interests. So I think that
he did value my advice and assistance.

**Did he have any other advisers at this stage?**

Oh, I’m sure he did, yes, quite a lot in different areas. He looked for advice
and—–.

**Are you able to mention any who—**

Oh, I wouldn’t have known.

—**had a major impact?**

No, I don’t think I really can, outside the politicians. But there were people in the
business community and in the community areas he certainly listened to.
Was there anything in that early period that bears a little touch of Len King? You mentioned licensing.

Well, licensing I think was my main direct contribution to what occurred. I tried hard to steer him in the direction of supporting the Liberal Government’s proposals to establish the District Court, the intermediate judiciary, but not with much success. He’d listened to other advisers in relation to that, and we only brought that to fruition when I became Attorney-General.

How was your practice running at this stage? Had it grown?

Oh, yes. Oh, yes, I had –

Had you other partners at this stage?

– yes, I practised on my own account from 1952 – 1951, really – oh, ’52 – until 1957, when my practice had grown to the extent that I needed a partner. I took in a junior partner, Jim Clark, to do the non-litigious work so that I could concentrate on litigation, and we practised together for three years. And at that time there was a move to divide the profession into separate branches of barristers and solicitors – in South Australia we had an amalgamated profession – but for various reasons that wasn’t supported by the majority of the members of the legal profession, so Jim Clark, my partner, and I decided that we would merge with two other firms in the same building so as to form a bigger partnership, and that would enable me to concentrate completely on court work, and we did that and that was the partnership Wallman and Partners, it was called. So my practice was flourishing, and by 1965 – and that’s the date that you’re speaking of – yes, I had a flourishing legal practice and a good professional income and I was very satisfied with my career.

Still attending the sub-branch from time to time?

Not really, no. I don’t think I was much seen at meetings at all, really. But Don always knew he could call on me, and did, for a bit of campaigning, how-to-vote cards and that sort of thing. Handing out how-to-vote cards.

Had you had any help in framing policy at that stage?

Only by discussions with Don. I wasn’t part of any committee or any policy committee or anything of that nature.
Moving on just a tad, the period back in opposition, when Don was opposition leader: did you have much to do with him there? What was happening there? After he’d been Premier, presumably lots of his ideas hadn’t been brought to fruition, so here’s a chance to – – –. What was he doing at that stage?

Trying to defeat the government, I think, (laughs) that was the primary thing. I mean, in one sense he’d been pretty unluckily defeated in 1968: they’d had a huge vote in the metropolitan area but in the River, a little electorate of Murray, their candidate – who just died the other day, incidentally, Gay Bywaters – was defeated, and that cost the government its majority, so although they had quite a big majority in the popular vote they were out of office. And I think Don’s focus then was on getting back into office, and he was a very active opposition leader, kept pressure on the government – Steele Hall, of course, was Premier – and eventually brought about its downfall over the Chowilla Dam issue.

Was there much effort put into, again, forming policies, framing the positive message to the electorate?

Yes, I had a very keen interest in law reform, of course, with particular emphasis on consumer protection. And we’d got a Law Reform Committee going, and I was a member of it, and that was producing reports – which weren’t being implemented, I might say, by the Liberal Government – and I was very interested, as Don was, in getting these reports implemented. But consumer protection was the big thing and we talked a lot about this, and he was instrumental in establishing a committee under the chairmanship of Professor Arthur Rogerson, with a view to developing a program of consumer protection which could be implemented when the Labor Party got into office, and I was quite heavily involved in that side of things.

This is the end of tape number one. The interview is continued on tape number two.

END OF DISK 1: DISK 2

This is Peter Donovan speaking with Len King for the Don Dunstan Foundation at Len’s home on 10th November 2004. This is tape number two.

Now, Len, we’re going chronologically through this. Prior to the next election, I think Don Dunstan perhaps figured he’d got a good chance of making government, he’s needed an Attorney-General so he tapped you on the shoulder: how did that come about?

Well – – –.
And what struggle did you go through about that? Your practice is now bubbling along quite nicely.

Well, I was at his home on a Sunday morning, I remember that, in 1969 and discussing some of these matters that we’d been talking about, and he said, ‘Well, of course there’s a problem about this because I’m the only lawyer in the caucus, this is going to need a lot of attention pushing this sort of major law reform, the consumer protection program, through. And I’m going to be Premier and, with the Premiership, probably Treasurer.’ He said, ‘Would you be interested in actually coming into the Parliament and attempting to implement these policies?’ We knew that there had been a redistribution of electorates, so he said, ‘There are a couple of electorates that could be available.’ So that was his proposal. It was a bit of a shock to me because I’d never had any parliamentary ambitions and never wanted to, because my interest was in the law, that was my profession. And, as you say, I was doing very well at that stage. I’d become a QC⁴ in 1967, and my senior counsel practice was developing. It was a big step to give up that and the income that went with it and disrupt my legal career. And it had other problems, too, obviously. My family had never contemplated (laughs) me being a politician, with all that goes with that. So I said, ‘Well, I’d have to think about it.’ And I did. I went home and spoke to my wife who surprised me, actually, by responding quite positively to the idea. And I said, ‘Well, you know the problems that are associated with this, the sort of personal problems and the criticisms and, you know, it’s a tough life.’ But anyway, she was quite – – –. I spoke to the older children and they were supportive. So in the end I decided that I would do it. I was very keen to see this program put through and I realised that it was going to be very difficult, if not impossible, for it to be implemented by a part-time Attorney-General, so in the end I decided that I would do it.

How far out from the election was this?

Well, it was actually a good way out to what would be the normal time. The government was elected in 1968 – I can’t remember which month – so it wasn’t, three years was not up till 1971, and so that was the basis: when I agreed, that’s what

⁴ QC – Queen’s Counsel.
I thought I was going to – you know, give me time to organise my practice, disengagement from the firm and all the things that went with it, and get to know the electorate. And originally Don had suggested that I stand for the electorate out there at Para Hills, which was a safe Labor seat – new seat – but I was disinclined to do that because I lived in Toorak Gardens and I didn’t want to disrupt my home and family, the house and so on. So there was another electorate of Coles, a new one, which came down, included Trinity Gardens. So, while my home wasn’t in the electorate, it wasn’t so far away from the boundary that it couldn’t be managed, so I said I’d stand for Coles if that could be organised. But it all happened very suddenly, of course, then, because the Speaker, independent Speaker, Tommy Stott, voted with the Labor Party on a no-confidence motion over the Chowilla Dam issue and the Steele Hall Government was defeated and the election actually took place in May 1970, so it was (laughs) all – my entry into politics was accelerated quite unexpectedly.

When Don offered you, or asked you to stand, were there any other people he could have asked, were there any other notable lawyers in the party there that could have taken on the job?

Well, there certainly weren’t any in the Parliament, and I rather doubt whether at that stage there were any in the party, either. Anyway, I don’t know, I think probably not.

Harking back to a question about Don himself: were there any issues about selling you to the party hierarchy and then the electors?

Ah, well, certainly the party hierarchy, yes, he was – I mean, he had to convince the key players in the preselection process that he needed me, and persuade them to be prepared to endorse me, because I wasn’t a logical candidate from their point of view. I mean, I hadn’t taken any part in the central party organisation, and hadn’t played any very active role in the party for some years. So I wasn’t an obvious candidate from their point of view, so he did have the task of selling me to the key players. I knew quite a few of them, of course, and they – – –. Anyway, yes, I think he did have. So far as the electorate was concerned, no, he had one difficulty there and that was that an official of the Australian Workers’ Union, Jimmy Dunford, lived in that electorate and he thought that he would get endorsement for Coles – counted on it, I think – and he was bitterly disappointed when he learnt that Don was sponsoring me, so there was an issue there which he had to overcome. But as far as the electorate
was concerned, no. I mean, that was my job (laughs) to sell myself to the electorate once I was endorsed.

So what was the arrangement with your law practice at that stage? Did you burn your boats completely and resign, or –

Yes.

– did you just take leave of absence?

No, no, no, I resigned from the firm and shortly after that I joined the separate bar which was just getting itself established in those days, but not on a practising basis; I simply joined, signed the bar roll and everything was on hold then until I finished with politics.

If things hadn’t happened the way they did, how would you have got back into law?

I think I would have simply gone to the – practised at the separate bar. I was ready to do that, anyway; I felt that the time had come. Up to that stage I’d always wanted to practise as a barrister only, but the culture of the South Australian profession was such that it wasn’t accustomed to briefing barristers, everything was done within the firms, so unless you had independent means and could survive without too many briefs it really wasn’t safe, not with my family, to attempt it. But I felt that, by then, I was well-established as a Queen’s Counsel and, if it came to the point, I could practise at the separate bar and make a living.

You’ve mentioned your family a couple of times: have any of those followed in your footsteps?

Yes.

In law and in politics?

Well, two of them are lawyers, and one of them – although she has never had any ambition to enter Parliament, a bit like her father in that regard, I suppose – has been very actively involved in politics. She was, in fact for seventeen years, she’s really worked for the Labor Party in one way or another until very recently. She was electorate officer for members of Parliament, state organiser of the party, and then she went on to be a national organiser for the ALP in Canberra, and then came back to South Australia and became a chief of staff to one of the ministers in the present
government, and only left that role a couple or three months ago. So she was actively involved in the whole political process and the Labor Party.

That was just an aside.

Yes! She’s not a lawyer, I mean the other two, the two lawyers – two of them are lawyers.

So how did you find selling yourself to the people in Coles?

Oh, well, it’s like any other member: I doorknocked and joined the local associations and went to the local RSL meetings, went to church in the local churches there instead of my own parish church so that people would see me and get to know me – the way that any member of Parliament identifies himself, I think, with the electorate. I had only a very short time to do it, of course, because the suddenness of the election was all stops out to get involved.

So, moving on a little bit, in government, how did you find it? It must have been, again, totally different?

It was totally different. I had a pretty heavy burden – a very heavy burden, really. The Attorney-General’s portfolio itself was very large because of this law reform program, in addition to the ordinary work of an Attorney-General, which is substantial. And also Don appointed me Minister of Community Welfare, which – I developed a big social welfare, community welfare program and made that into (laughs) quite a big portfolio, and that carried with it for quite a time Aboriginal Affairs as well, until the Commonwealth took primary responsibility for Aboriginal Affairs. And Prices and Consumer Affairs went with it, too. So I had a very heavy portfolio and it took a bit of time to get used to it. Yes, I found it quite different. But I don’t know, I think I had a bit of an instinct for politics, bit of an instinct, perhaps, for parliamentary life; and I think, anyway, that I picked it up pretty quickly and handled it, I hope, fairly well.

What was it like working with Don Dunstan in government? He was the leader: how did he lead? How much direction did he give, or did he allow you to do your own thing?

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5 RSL – Returned Services League.
Well, I think it varied from minister to minister and portfolio to portfolio. In my case, he really left me entirely to run the thing in my way, with one or two issues that arose where we didn’t see eye-to-eye. But, as a general rule, I did things my way. And when I had proposals I’d put them up to Cabinet and he was supportive, and he supported my initiatives in community welfare. There was no interference at all from Don or any direction. We knew where we were going and he left it to me to go there. He had plenty on his plate, I think. But of course there were some ministers in the government who – well, I [don’t want to] reflect on them, but, you know, the weaker links where I think he did have to involve himself much more directly.

**How did he get on in Caucus?**

Oh, he had a –

**Did he dominate, or was – – –?**

– yes, he had a complete dominance, really, in my time. I can’t remember, really, any issue on which he was ever rolled in Caucus. He did have the good sense, I think, if he saw that Caucus feeling was not in sympathy with what he had in mind of sort of drawing back and not pressing the point, but no, no, he was very influential. He was clearly recognised as the leader and was very influential – more influential in Caucus than he was in Cabinet, because Cabinet, you know, some of the ministers were very strong-minded ministers and had clear ideas of their own, and there were more tussles, if you like – debates – in Cabinet than there ever were in Caucus.

**There was a very different government there in 1970 than it had been, the previous Labor Government –**

Oh, yes.

– with people like Hugh Hudson and whatever.

Well, you had Des Corcoran and Hugh Hudson and Geoff Virgo, strong-minded ministers, I like to think that I was an influential minister, and others like Glen Broomhill, who was a very capable and good minister, and then later in the government Don Hopgood. And they were very influential and clear-thinking ministers. So nothing was taken for granted in Cabinet – as you say, it was a very different ministry from the 1965 one.

**So how did people all line up facing the same direction?**
Well, I suppose there’s always a degree of compromise involved, but generally, when things were thrashed out, we were able to reach a common decision and there weren’t many occasions when you’d say that a minister went away feeling very dissatisfied with the outcome – sometimes disappointed, perhaps, you know, I’d bring that up again later on when I’d changed a few minds around the place. But there were no very – not in my time were there any serious conflicts. I think serious conflicts did arise after I left, but I was out of it by then, only rely on hearsay for that.

So what would you regard as your major achievements? People talk in broad terms about consumer legislation.

Yes. And I think that that, I would have to say that that was my major achievement. At that stage, there was virtually no consumer rights legislation in the Commonwealth, and we were blazing a pioneering trail in important areas of law, which affected business relations, contractual relations, as well as the vital interests of members of the community. So they interfered with vested interests and therefore attracted, a lot of the measures attracted strong opposition that had to be dealt with. But I was able to get through a great body of important consumer legislation which blazed the trail – and not only did in South Australia but, through the Attorney-Generals and Consumer Affairs Ministers’ Conferences, I was able to influence other states, even the Liberal Government states. And in fact the Attorneys-General agreed to set up a committee for uniform consumer protection. I was never quite sure whether that was, at least in the minds of some of my interstate colleagues, really an attempt to stymie the whole thing – you know, if you can have a committee going into enough things, you can bring it all to a half. But it was a good committee and it did good work, but the other states were not implementing the recommendations. A very strong attempt was made to persuade me not to proceed with my consumer legislation until the others were ready, but I decided that it was just stalling and we had a program, and a good one in my opinion, and I went ahead with my program.

Eventually, of course, it took hold to such a degree that, when the Whitlam Government took office and Murphy was Attorney-General, they implemented, as part of the Trade Practices Act, a whole part devoted to consumer protection, which really took over a large part of the reforms which we’d introduced in South Australia.
So our legislation was pioneering and very influential throughout the Commonwealth.

When you talk about ‘your’ program, who helped you develop the program and allocate priorities within that?

Well, the process of development was partly, and perhaps substantially, that of the Rogerson Committee, to which I’ve referred. And I decided on the priorities and I had the assistance of a parliamentary counsel, Geoff Hackett-Jones, who applied himself to the legal concepts and actually drafted the legislation.

I decided that, instead of attempting to have one comprehensive bill, comprehending all areas of consumer protection, which would have taken a long time to prepare, long time to develop, long time to consult the various interests involved and I might have been out of it (laughs) before it ever got to fruition, the best thing to do was to select one area at a time and put through that – used car legislation, unsolicited advertising and so on, the various aspects of consumer protection – before we even got to the major ones of the credit provider provisions and the basic rules relating to consumer contracts, which were the guts of it and were finally passed into law.

And of course there was the add-on, which was not part of the Rogerson Committee dealings at all, but I proposed very wide reforms to the real estate industry and, in particular, to conveyancing by non-lawyers, the ‘land brokers’, as they used to be called, which generated an enormous amount of opposition, of course, from the real estate industry, but we got through eventually.

Now, getting it through the Lower House, where you had the numbers was one thing; how did you go about getting it through the Upper House? Was any of it compromised trying to get through the Upper House?

There was a degree, because most of our measures were in that position, the important measures, because there was a non-Labor majority in the Upper House. I’ve got to say that the Liberals in the Upper House, who were for all practical purposes led by Ren De Garis[?], although he regarded the Legislative Council as what he described as ‘the permanent will of the people’, as distinct from this ‘temporary will’ that he saw down in the House of Assembly, nevertheless recognised the mandate of the government to govern, and of course had to respect the fact that if he defeated the government on important issues and we went to the people
on our policy, that his colleagues in the House of Assembly were likely to pay the price of losing their seats. (laughs) So we were able to compromise. There wasn’t as much compromise in most of the consumer legislation as in some of the other legislation, I was generally able to get through what I wanted. And that may have been in part because I consulted the interests affected before the bills were drafted and got their views and made a few concessions, so I was able to say to the Legislative Council, ‘Look, you know, we’ve already compromised, I’ve made concessions to the Real Estate Institute and to the finance industry and so on about these things, so we can’t go far with – unless you’ve got something really – some real fault that you can find in it, I’m not prepared to compromise.’ And that was how it worked out.

Who was your spokesman in the Upper House, that in fact championed your legislation?

Yes, well, it was difficult. Bert Chard[?] was, and he – it was really a case of me going over there to the gallery of the Legislative Council and (laughs) sending messages during the controversial issues. You’ve asked me about the big achievements: of course, the other big achievement – although Don, I suppose, would have to carry obviously the major credit for it, but I played an important part, I think – and that was the change in the electoral laws, extending full adult franchise in the Legislative Council, changing the way in which the Legislative Council was elected so as to do away with the inbuilt conservative majority in the Council, and the one-vote-one-value system in the House of Assembly being perfected. It had been introduced partially by compromise between Steele Hall and Dunstan while Hall was in government, but we perfected it, if you like. And that was very important, and that was one that was fought out in the Legislative Council and a lot of notes being sent down (laughs) from the gallery in that case.

I guess a little bit more on he getting the credit, you doing the work: where would you have put that line?

Oh, I don’t – – –.

Was he just the – – –?

He was the leader, I suppose, yes. But, oh no, I didn’t ever feel that, not in the legislation in my area. I carried it and I think probably what credit was to be had I
got. I was always in the – if you look through the newspapers of the time, I mean it was the Attorney-General who was always there, either getting the credit or getting the brickbats, as the case may be. But I think Don got the credit for being the leader of the government, and sponsoring these progressive laws. I think probably as time has gone by he has probably got more and more credit, because that’s the way things work: people think in terms of leaders nowadays, politics has become very presidential and that sort of reflects back on the time, and I think pretty well everything that was done in that period is regarded as a Dunstan reform. And he was the leader and in some ways the inspiration, I don’t think there’s any reason for complaint about that. But there was never any tension about that.

Prior to you going into government, you said he would sometimes sound you out about various things: did that sort of happen whilst you were in government, sounding you out about other issues that were just a bit beyond your particular purpose?

Not so much in government, I think, because we met regularly at the cabinet table and in other ways. No, I think it was a different relationship, really. We each had our roles to play in the government, and we played them.

Did you finish your program?

Well, not completely. There were two major measures which were unfinished, one because it was defeated and I would like to have had another go.

So what was that?

That was – I’ll come back. And the other, I just didn’t get around to it: I’d drafted instructions for the parliamentary counsel but the government term came to an end quite suddenly when Don decided to call an early election in 1975 and I went out.

The one that was defeated was I had a very strong ambition to insert into our law a new civil wrong, or ‘tort’, as it’s called, of invasion or infringement of privacy, which would have created a right of privacy the infringement of which could lead to legal action in much the same way as defamation and would, I hoped, give some protection to the privacy of individuals, which doesn’t exist in our law. It’s still a live issue, really, in various ways, but it attracted enormous opposition from the media – as I knew it would, of course – and they were able to get it defeated in the Legislative Council. I went out then, before I could pursue that any further.
And the other one, that I didn’t get to, was related to insurance law. That hasn’t mattered very much in the end, because most of the reforms which I envisaged have now been incorporated in the Commonwealth insurance legislation, so those protections are there in the law now. But privacy remains an area which needs attention.

**When you agreed to join the government, I think you said you’d only do it for two terms.**

Yes, I told Don that my career was the law, as he well knew, I was giving up my professional career to go into politics, but I didn’t want to become a long-term politician. I would go in for two terms, achieve what we were seeking to achieve in the law reform area and in the community welfare area, and then I intended to leave. So that was how things stood. He understood that – I’m not sure that everybody else understood it. Don was an astute politician and when he wanted to sell me for endorsement, because he wanted me in there, I don’t know that he thought it would be a plus to tell everybody I was only going to be there for two terms, and I learnt later on from a number of people – influential people – you know, ‘We didn’t know you were only coming in for two terms! This is news to us.’ So he apparently kept that to himself.

**It was an early election in 1975: did Don not sort of lean on you and say, ‘Yes, I know it was only two terms you said you’d do, but we’ve gone in early now. Two terms might have normally been seven years but we’ve only gone five. Could you do another one?’**

No, he didn’t. Because we’d – sort of by then it was clear that I was going to leave at the end of that term and we’d made arrangements for Des Corcoran to come down from Millicent – he was having the greatest difficulty travelling backwards and forwards as a minister and so on – and taking over the electorate of Coles. So that was all in train. So the bridges had been burnt, so I don’t think Don was ever tempted to do that. But he knew I wouldn’t do it anyway, and he was – Don was a very loyal sort of a person and he realised that I’d given up a good deal of what I wanted to do in life in order to do what we planned together, and I think he really felt a real obligation to facilitate that. I intended to go back to the bar, I was keen to resume practice as a Queen’s Counsel, which I’d only had a bit over three years at the senior bar, and I was laying the foundations for that. Of course, I thought the election
was a year ahead. But Don had hinted, and he had in his mind all along, that he would like me to go to the Supreme Court, and when he – he actually was away when he made up his mind – in Sydney or Brisbane, I think – he made up his mind that he’d have to call an election because of what was happening in Canberra, where the Whitlam Government was disintegrating. And so he spoke to Des Corcoran and told him what he’d decided, that he was going to have an election, and said as a more or less throwaway line, ‘Tell Len King to get ready because I want to appoint him to the Supreme Court bench.’ Now, that shook me a bit because I hadn’t contemplated it as a real possibility at that stage. But anyway, I was fifty by then and opportunity knocks and who knows whether it will ever knock again, so I decided that that’s what I’d better do.

But I think that the fact that he did that is an indication – I know that there was a school of thought in the Cabinet that it shouldn’t be done, that political capital might be made of this at the election, it’d be better to wait till after the election and appoint me – but Don, I think, realised there was a possibility that the government might be defeated. And he was very loyal, he knew what I’d given up, and he wanted to see me on the Supreme Court bench and so he did it.

There was another aspect of that at that time that threw some light on his character, too: he was very upset about one of our members, Ernie Crimes[?]. Ernie Crimes had reached an age, he’d served a term in the parliament, this was his second term, and he’d reached an age where he couldn’t be endorsed for a third term because of a rule of the party that, if you attained a certain age – I don’t know whether it was sixty-five or seventy now – but would attain a certain age before the expiration of the term for which you were being endorsed, you couldn’t be endorsed. So it was the end of Ernie Crimes there. But the real problem was that, if the parliament ran its full term, he would be eligible for the parliamentary pension, which he badly needed, he didn’t have any other means. But the early dissolution meant that he didn’t qualify for the pension, left him high and dry. And Don was very upset about that, he really – – –. But, oh well, he had a responsibility to save his government if he could, and it had to transcend that personal consideration.

But anyway, reverting to his attitude to me, I think it was just a case of he was a very loyal person, and he wanted to make sure that I got up to the Supreme Court
bench in case the government was defeated, for fear that otherwise my career might never end on the bench, which he thought would be very unfortunate.

**Just a quick question on that one: did you suffer from that, from the notion of ‘jobs for the boys’ –**

Well, I don’t think so.

– from your colleagues on the bench?

No, no. There wasn’t a lot of controversy, even at the time. I think David Tonkin made some observations, but it was never much of an issue. And on the bench it wasn’t at all. I mean, I think the President of the Law Society was quite effusive in his congratulations and how much the profession welcomed me on the bench after my period as Attorney-General, and that was the general attitude of the judges, too. There was never any feeling that that was inappropriate. I was due, I think, for appointment to the bench, in the sense that there was nobody at the senior bar senior to me who would be eligible or qualified for appointment, and it wasn’t as though I was being appointed from the junior ranks or something of that kind. I mean, it was a natural transition. So there never was any problem about that. And, indeed, the Liberal Party really made no serious attempt to make political capital of it, there were just a few throwaway criticisms that were the sort of natural response of a Leader of the Opposition. (laughs) Nothing much was made of it.

**Well, harking back again, looking at Don: one gets the impression he worked pretty hard as Premier.**

Oh, yes, he was a very hard worker. And worked excessively hard, really, I think. He could drive himself tremendously, beyond what his system really could stand, and I think it had a protective mechanism which, when it was driven too far, and that was a migraine headache, headaches. He would drive himself – under pressure, you know, election campaign or something of that kind. And finally, before he retired, that extraordinary uranium issue which took him to Europe and, you know, the ridiculous way that he tried to handle it, drive himself. But then, at a certain point, his system would seem to just shut down: he’d get these shocking migraine heads, he’d be reduced to helplessness and have to be drugged to do something about it, and it was – – –. He had one following the 1968 election, when his government was defeated; he was reduced to an absolutely terrible state with migraine headache. He
suffered from hypertension and migraines and the system just revolted against the excessive pressures that he put on it, but he was very industrious.

Again, it was during that time that his marriage broke down, during your period in there. Did these things, these migraines, this marriage breakdown, did that adversely affect the government, the way it was working?

I don’t think so. It certainly was always a problem, but he was still carrying on and doing the job, and I don’t – I think he managed. People have to manage their personal difficulties, don’t they, and he did.

But there weren’t any ministers that took advantage of the situation or fell into a hole because he wasn’t there, driving them?

Oh, no, he never lost, he never ceased to perform his function at any time. But his personal difficulties I suppose created his own problems in his private life, but he never shirked his responsibilities as Premier.

How did you relax during this period? It must have been pretty draining for someone such as yourself, trying to get legislation up.

Well, yes, but in many ways I don’t think I found it as difficult as practice at the bar, which is very stressful, very demanding. The political life was more time-consuming – you spent an enormous amount of time in meetings and cabinet meetings, caucus meetings, seeing people, parliamentary late nights and so on. But for a lot of the time you’re not doing very much, the mental pressure isn’t there as in court, when you’re in court all day under very great pressure and then have to work at night on the case or getting ready for the next case that’s coming up, and so on. So yes, it was hard work, but it was more the long hours were difficult, but – oh, I don’t know, I suppose I relaxed in the same way as I’ve always relaxed. You know, my recreations were there. I played tennis, at that time, I was always a reader, I spent a bit of time with the family, and that was it.

How did Don relax? You suggested earlier he wasn’t one for small talk.

No. Well, I was never a close personal friend of Don’s. We were political friends, and at the person level I would say ‘friendly acquaintances’, so I was not close to his private life. But I knew that he, too, was a reader, he was an accomplished pianist and he loved to play the piano, loved listening to music. I would think they were
probably his main recreations, but I can’t speak with authority on that; as I say, I wasn’t privy to his private life, really.

**One of the things that dogged him at the end was the Salisbury Affair.**

Yes.

**Salisbury was appointed in 1972. Did you have any say into that?**

I didn’t, actually.

**Would it have been appropriate?**

I didn’t in the sense that I didn’t influence the outcome. Don originally asked me whether I would go to England – he wanted, the reason for which I could never fully understand, but he wanted an English policeman in charge of our force. He had this illusion, I think, of the ‘bobby’ 6, you know, the London ‘bobby’ and the friendly ‘bobby’, and he felt that our police force had become too militaristic and the behaviour of the then Commissioner in the police in the Vietnam moratorium in 1970 rather shocked him, as it did all of us. So he asked me whether I’d go. Then there were second thoughts about that, because Bert Shard was actually the minister in charge of the police, and I think some people got to him and said, ‘Look, I don’t think it’s a good idea sending Len King over Bert Shard’s head,’ you know, ‘that would cause problems.’ So he didn’t, anyway, and Bob Bakewell, his chief of staff, actually, went in the finish.

Salisbury was appointed before I met him, and he came round to visit each of the ministers, and I’ve got to say that when he visited me I was horrified. I thought that he was entirely the wrong person for the job. He was stiff, I thought very narrow in his attitudes. I adopted an old cross-examiner’s technique of getting him talking about issues other than the job to sort of try and size the man up, and so I remember saying to Hugh Hudson and Geoff Virgo, I said, ‘I think we’ve made a terrible mistake. I think this man could be trouble.’ It was too late to do anything about it, he’d been appointed. But of course I was out of the ministry before the (laughs) trouble really blew up. So that’s all I can say, is that I was very disappointed in the

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6 The term ‘bobby’ is the colloquial name for a policeman, acknowledging the founder of the first modern English police force, Robert Peel.
appointment of Salisbury, I thought he was the wrong man for the job and, I think, so it proved.

If you consider that to be an error of judgment, were there any others you could sort of slate home to Don, just errors of judgment?

Oh, there were, of course. Don was an astute political leader, but political leadership does involve keeping a number of balls in the air at the same time, very often, and I think that at times, either due to perhaps his own enthusiasms or advice that he got from his own little coterie of ministerial advisers, he would miss one of the balls in the air and not realise the impact that some idea would have on perhaps certain sections of the community or something of that sort. So I think there were, I think there were errors of judgment. But not many, he was pretty astute.

And I mean the one that’s probably held against him more than anything I don’t think was really an error of judgment on the factual material at all, and that was the Monarto project, because on the demographic material that we had something had to be done about metropolitan Adelaide, I mean it just could not go out any further along the coastline in the ribbon development, and of course the same at federal level, the Albury-Wodonga project did the same. But of course what changed almost overnight was the collapse in the expansion of population: people just started to have fewer children. Now, that was something we didn’t pick, and neither did anyone else – our demographic advisers didn’t pick it, either – the effects of the 1960s Sexual Revolution, or whatever name you give it. It did change the whole project, so Monarto became a white elephant. I don’t think it was an error of judgment, I think it was a proper decision on the factual material that we had, and it turned out the projections were hopelessly wrong.

I don’t really think of, that comes to mind, any major things. But just this idea of the balls in the air, I think that Don would have enthusiasms, one being his great libertarian views about censorship and matters of that kind, and I think sometimes he just didn’t realise – – –. In his own circle and the sort of people he was mixing with this was great stuff, but I don’t think he (laughs) always realised that they didn’t necessarily represent the whole community and didn’t represent, either, the feelings amongst our sub-branch members, many of whom were rather horrified at what they felt might be happening.
That was going to be my next question: how far was he – – –? One person has said unlike Whitlam, who was ‘crash through or crash’, Dunstan was more look at the numbers and if he thought it was popular he’d go for it. How far was he too far ahead of that? And one keeps throwing up this notion of he’s wearing his pink pants into parliament and things like that.

(laughs) Yes. Yes, well, that’s right. I must say the pink pants business part, I missed the significance of that, I’m not observant enough, but obviously it did make a big impact. Yes, well, he was, that was one of his enthusiasms, of course, this breaking down cultural restraints and a desire to – his libertarian views, that society needed to be freed up, as undoubtedly it did, South Australian society did very much, actually. And he was surrounded by a coterie of personal advisers, his ministerial people that he appointed himself, his ministerial staff, who tended to feed these ideas to him, and I think he lost sight, to a degree, of the impact on the general community. But the general proposition that you make is right, that Don did not share the ‘crash through or crash’ mentality at all. He felt his way carefully, and tried to keep the community on-side – always pursuing his goals, but being prepared to wait and try and persuade. So I think that he was a persuader, he liked to persuade people and bring them with him.

You just mentioned one word there, and I’ll take you back about ten minutes or so, you mentioned the word ‘censorship’, and I think you said you only had really one disagreement with Don at some stage. Indeed, in his book, Felícia, he suggests he left you largely to your own devices, and he sort of perhaps smiles at you and your attempts to change the censorship laws. So we’ll give you a chance just to put your side of – – –.

Yes, well, I didn’t attempt to change censorship laws at all, but we did disagree on what ought to happen with certain publications and types of publications. Don was a complete libertarian, I mean his view was that we shouldn’t ever prosecute for indecency or any published material or theatrical productions and so on, that people could make up their own minds. He was in favour of restricting any doubtful material to people over the age of eighteen, but beyond that he considered it was open slather. I could not agree entirely with that. I substantially agreed that adults should be enabled to make up their own minds, but there were certain types of material which would just spread through the community, you just can’t confine them realistically. And, in any event, I was sure that it was necessary, from the point of view of keeping public support for us, to approach these things gradually: you
couldn’t and shouldn’t get ahead of public feeling, public opinion. So I had a different view, I felt that our decisions – my decisions, they fell to me because, under our law at that time, there could be no prosecution without the consent of the Attorney-General. And that was a negative sort of provision that tended to be converted into the Attorney-General (laughs) becoming the censor for the state. The police, when they detected something they thought was doubtful would send it off to the Attorney-General to say, you know, ‘What’s your ruling on this?’ And so I was involved in this quite a bit of my time. So yes, so he and I did not agree about many of the decisions. And particularly he took the view that he would like me to bring the decisions as to each individual prosecution, each book or stage play or whatever, into Cabinet for a decision, and I refused to do that because I said, ‘It’s the decision of the Attorney-General under the Act itself.’ But, apart from that, nobody can conduct this particular area of the portfolio satisfactorily unless he can develop a coherent policy which people understand, and can justify each of his decisions on the basis of that. And if you made it subject to shifting majorities in Cabinet as to whether a particular book or a particular theatrical production would be prosecuted, it would be chaotic and I couldn’t be responsible for it. So we had a clear difference about that. And, you know, I said, ‘You’ve got your remedy. If you don’t like the way I’m handling it and Cabinet agrees with you, well, you can simply give this particular responsibility to another minister. It doesn’t have to be the Attorney-General. And I’d be pretty happy to see the last of it, actually.’ I didn’t get any pleasure out of the sort of controversies that went on around it, and you could never please everybody, everybody had different ideas. And eventually that’s what he did: after the 1973 election, I think, he moved that, he rearranged the responsibilities and moved that, and I was pretty happy to see the end of that.

But really, I think that was just a clear conflict, which I felt was not negotiable if I was to be responsible for it. But beyond that we didn’t ever have a significant conflict.

You had responsibility for Aboriginal Affairs.

Yes.

We haven’t spoken about that yet.

No.
How much time did that take?

Well, really, the Commonwealth took responsibility for Aboriginal Affairs I think in 1971, before the Whitlam Government came into office. I think Billy Wentworth was Minister for Aboriginal Affairs, his department really took it over following the 1967 referendum. So there wasn’t much involved after the very early stages. It did take a fair bit of time in the early stages, because I wanted to get to know all the Aboriginal leaders and the movers and shakers in the Aboriginal community, and I did devote a good bit of time, went round all the Aboriginal reserves and spent a lot of time on it at that stage. But after that it was of diminishing importance and it was really mainly Land Trust issues that I had to deal with, so really, from say 1972 onwards, it didn’t occupy an enormous amount of time. We abolished the portfolio of Aboriginal Affairs, actually merged it with Community Welfare, and tended to absorb the handling of Aboriginal issues in the Community Welfare Department.

Was Don Dunstan a social democrat?

Yes. No question. That’s how I would describe him. It’s a phrase, of course, that can cover a multitude of attitudes, (laughs) as they’re not clearly-defined, but that’s how I would describe him. He had a very strong sense of social justice, a very strong sense that society should be developed and transformed to give greater responsibility, greater control over their lives, to ordinary people, and a greater – he was an egalitarian – a greater degree of equality, social and economy equality, in the community. And they were really the driving forces in his political life. So yes, I most certainly would describe him as a social democrat, I think that’s the best way of summing him up.

He was also very creative in pursuing that ideology. For instance, he was very devoted to the notion of industrial democracy. In the latter stages of his Premiership – well, not only in the latter stages – he developed the idea of a workplace control involving the workers as well as the employers, and he set up an Industrial Democracy Unit to develop these ideas and consult with industry. And I thought – I was always ambivalent about it, because I agreed, ideologically, entirely agreed with him, I felt that our society would be (laughs) greatly improved if the industries in which people worked and earned their living had some input as far as control was concerned and management from the people who worked in them as well as from
those who owned the capital and management side. But I was ambivalent because I really thought, from a practical point of view, that you could never do anything like this in one state, in South Australia. The big employers would just move out. [If] you told them you were going to put workers’ representatives on their boards they just wouldn’t stay, they’d go somewhere else. In fact, I’m not even sure that you could do it even nationally in Australia, because nowadays they’d move off to Taiwan or somewhere. I thought that he never really – and perhaps that was another example of that ball in the air that he didn’t always see – that he never really grasped that, and he pursued what to him was a great ideal, and it was, but I think he did lose sight there of the practical realities of being a government in one state in one country. But he was certainly a social democrat.

This is the end of tape number two. The interview continues on tape three.

END OF DISK 2: DISK 3

This is Peter Donovan speaking with Mr Len King on 10th November 2004. We’re talking about Don Dunstan on behalf of the Don Dunstan Foundation.

Well, Len, if I can ask you an old sort of history exam type question, between the notion of a politician and a statesman, where would you put Don Dunstan in there? Just a moment or two ago, off-tape, you were saying he was a pretty good politician.

He was, a very good, practical politician. But of course all statesmen are, they’re not statesmen if they haven’t mastered the arts of political leadership. And Don was a very good political leader, he had mastered the arts of political leadership – not entirely, there were flaws and at times he was wrong – but he was a good political leader. Where do you draw the line between a politician and a statesman? Well, I don’t know, frankly, I find it very difficult to (laughs) say that. I mean, he certainly always kept in mind the public good, as he saw it, and kept in mind his purpose in being in politics, which was to promote the public good in a general sense and to achieve those social democratic goals which he set himself. Now, if that’s being a statesman he was a statesman.

He was also a good politician, in that he knew how to handle people, knew when to compromise and knew how to get over difficulties or get around them, knew when to draw back and stop and wait for another opportunity to go forward. He had the arts of political leadership to a very high degree, but he also had a broad vision, was
a creative person, had a broad vision of what he wanted to do, what he was trying to achieve, where he was trying to lead his government and where he was trying to lead the state.

**You've alluded to this a little in your own case. Did he have much influence beyond the boundary of South Australia, in the wider Labour Movement?**

Oh, yes. Yes, he did, he was a very important figure in the wider Labour Movement. He was one of the biggest influences in getting the Labor Party to change the White Australia Policy – that was a major thing. I mean, the Australian Labour Movement had been built around White Australia; it was really the central point, when you look back historically at the policies and the attitudes of Australian Labor people. Till well after the 1939-45 War, White Australia was the central plank. And Don, more than any other single person, in my opinion, turned Labor thinking around about that. He wasn’t the only one, of course, but he played a very big part of it, he was very devoted to that cause and very influential. Now, I mention that as an example of just how influential he was in Labor thinking in the Commonwealth, I think he was an influential figure – probably less influential than he would have desired, with respect to the Whitlam Government, because Whitlam had an inbuilt distaste for states and state leaders and state leadership, and he was very dismissive, not only (laughs) of Liberal state Premiers but of Labor leaders in the states, and I think Don was disappointed. He and Whitlam had been pretty close collaborators in these issues in the Labor Party, and I think Don was disappointed in Whitlam’s attitude to him after he was elected as Prime Minister. So he didn’t have as much influence, I think, on the Whitlam Government as he might have hoped, but he certainly was an influential figure in the national Labour Movement.

**What roles did he play? Did he have any roles on the National Executive?**

Well, I couldn’t tell you that out of memory. Not during my time in Parliament, of course, because he was busy being Premier, he had other things to do. But he did, yes, he was involved in the national Labor politics, but I couldn’t give you detail from memory.

**Did he bring any issues home from the wider Australia and sort of discuss them with you?**

Well, he did, he would –
With this White Australia Policy, for instance?

– you know, he would discuss them in the sense of telling us in Cabinet about some of the issues that had arisen and been talked about and so on, especially about his relations with the Whitlam Government and so on.

Now, you were out of politics after 1975, but you must have kept a weather eye on what was happening.

Well, only a –

What happened?

– general eye, really.

Did it just sort of unravel after that?

Well, I had no personal contact with Don, or very little personal contact with Don after that time. I made an important point when I was appointed to the bench, and especially when I became Chief Justice, of discontinuing personal associations with my former colleagues – more than was strictly necessary, but I felt that it’s all right for other judges to have contacts with ministers, but having come from politics I felt it was very important that I should reassure everybody that that part of my life was behind me and that I now had the responsibility of the independent judiciary and that’s what I was doing. So I didn’t have any close contacts, but I know that things did unravel, to a degree. I think, from what I learnt, that one of the problems was that there were disagreements, a severe falling-out, between two of the most influential and strongest-minded ministers who just reached a stage where they couldn’t talk to one another. I won’t name them, but it was a destabilising factor in the government. And then there were also other issues. The uranium issue became a very difficult issue because Don had promoted uranium mining in South Australia as part of his development programs, and then this opposition to uranium mining became very general in the Labor Party and he himself started to look at the issue. And right towards the end, of course, he did that extraordinary trip to Europe at breakneck speed to try and look at these issues and come back with a point of view. And it was very stressful for him because in his absence, I think, resolutions were passed (laughs) by the ALP Council or Convention about uranium mining that put him in a difficult situation. But he was faced [forced?] in the end, either out of personal
conviction or because he just couldn’t because of his party’s feelings, to really backtrack on his previous attitudes, and I think that that helped to undermine the government. The Salisbury Affair you’ve mentioned: that had an effect which was quite remarkable. I thought, personally, that it was a very straightforward issue and that the government was right – whether it handled it precisely the right way might be questioned, but there was a lot to be said for the way it was handled – but in the end there was a Royal Commission, Roma Mitchell presided over it, she reported that the dismissal was justifiable, as it clearly was, and it shouldn’t have been the big issue that it was. But, strangely enough, something took root in the community that there was something wrong about this and it was of course strongly promoted, obviously, by the Opposition and by others – Stewart Cockburn, the author, journalist, promoted it – and I think that that did seem to erode support for the government, and that sort of undermined, that tended to destabilise it too, it was sort of always felt that it was fighting a bit of an issue in relation to Salisbury. And then, of course, bits and pieces came to be known about this book which the man, Ceruto, was going to publish about Don, and that created a sense of unease, I think, also. So yes, things were coming unstuck, I think (laughs) that’s a fair description. But, as I say, these are my observations really as an outsider: I wasn’t involved in any way, it was just sometimes I’d pick up bits and pieces from some of my former colleagues, meet them at a function and they’d say, ‘Oh, wish you were back,’ you know, ‘we were a happy team in those days,’ or something like that, and you’d realise that there were problems.

Was that just Don losing his touch?

I don’t know. I can’t say. He might – his health, you know, wasn’t great, but I don’t know whether it was, I think it might have been just circumstances. As I say, I don’t know he could have handled matters better than he did. He was faced – the Salisbury Affair I think substantially he was right all the way through, and I don’t know what more he could have done to convince the public of that. The uranium issue, well, there he was, he’d committed himself as he thought at the time the right thing was developing uranium, a changed climate of opinion later and he had to adapt to that. I don’t know what else he could have done. So I wouldn’t be prepared to say that he’s
lost his touch, but I think that this underlying concern about Seruto and the book and everything that went with that did have an effect on him.

**Looking at the Dunstan decade in general, was he lucky insofar as he essentially followed Playford and that there was probably a need for change, it would have happened irrespective of who was leading the party?**

Oh, yes. I think that it would have. I think that the state was ripe for change, but there had to be an agent for change, and I think too it was important that the change would be well-directed, and I think Dunstan was the right man for the time. He was the ideal agent for change, able to carry the public with him, had the gifts of creative imagination to enable him to do it and other gifts. So, in one sense, I suppose he was lucky – I think we all were, in a way, in that government – because it was still a time when we could do things. Money was not as tight as it later became – I mean, subsequently I saw ministers whose main role in becoming ministers was to cut expenditure, to be cutters and bean counters, and that must have been very depressing, going into a portfolio knowing that you’re not there to improve things, you’re (laughs) there to undermine them to save costs. We weren’t in that position; we weren’t flush with money and inflation was beginning to cause big problems, but we were still able to achieve a good deal. So I think in that sense the whole government was lucky. It was a good time to be in government. But Don, you know, he was a special person, charismatic and creative, and I think that the state was very fortunate that he was there at that time.

**Was your government lucky, insofar as the Opposition was having all sorts of problems at this stage?**

Yes. Very. (laughs) Yes. I don’t think it would have affected the outcome of the election in 1973, it certainly wouldn’t have. I think we got a resounding vote of confidence on what we’d done and I think we’d have got it anyway. Nineteen seventy-five was different, it was, sort of there was the overlay of the federal issues, what was happening with Whitlam and so on, but we certainly were lucky in the fact that the Opposition was at sixes and seven, I mean it really was two parties, there was the Steele Hall party and the conservative party that hated Steele Hall, really – the bitterness and enmity on the Liberal side of politics was really quite remarkable. Yes. And then of course there was the Liberal Movement breakaway that added to
that, and they were pretty much a rabble really while I was in there. We didn’t have much to fear from them as an opposition.

**Who was your shadow?**

Well, Millhouse was originally, Robin was the real shadow, and even when he went across benches he was the real opposition on legal matters and in many other matters. He was far and away their best debater and always a menace, able to niggle and find points that he could urge against the government. Robin was a very good debater and remained so on the crossed benches as well as when he was Shadow Attorney-General.

**He didn’t give you much trouble?**

Oh, I wouldn’t say that. He was always ready to find a problem if there was a problem to be found, and push it to the limits. I got through all right, it didn’t give me any serious trouble, there was never any crisis or anything of that nature.

**There’s one little thing I’ve got to put on here before we finish, and that is you are going to die in the ‘faith’ – once you retired from the bench you joined the party again.**

Yes, I did. Yes, I did. I’d always been a Labor man and when I – I, of course, couldn’t be a member of the party while I was a member of the judiciary, that was my responsibility and I kept right away from anything to do with politics, but I felt when I retired that I’d like to go back to where I was and join the party. I mean, I’m still a ‘true believer’, if you like, I still believe that the Labor Party has a good deal to offer society. Anyway, that’s where my beliefs and loyalties remain in the political area.

**Does anyone ever consult you at the moment, as one of the fathers of the party?**

No, no. They make nice references to me, the Premier makes nice references to me and so on, but they don’t consult me and I have no wish to be consulted, either. I’m out of it and ‘nothing more ex than an ex’, they say.

**Do you meet any of your colleagues that are still about?**

Former colleagues?

Yes.
Well, unfortunately they’ve died off, there are not many of them still about. Corcoran is dead, Hudson’s dead, Virgo’s dead, I see Glen Broomhill occasionally, but only very occasionally. And no, I attended Greg Crafter’s sixtieth birthday party not very long ago and there were a few of the old faces there and I met up with them, but no, I don’t see them on any regular basis.

I have an invitation here to a Christmas luncheon for former Members of Parliament – I haven’t answered it yet, I don’t know what I’ll do about that. But (laughs) I might see somebody there.

Well, I’ve just about run out of questions there, thank you, Len, so we’ll leave it there and thank you very much.

Very good, my pleasure.

Although I should give you the last opportunity: is there anything else that we haven’t covered that you believe ought to be on the tape?

No, I don’t think so, I think we’ve covered, pretty well summed Don up as a person and a Premier and a politician. He had his weaknesses, as we all do. I think probably his major weakness, in my opinion, was that he tended to listen rather too much to a small coterie of personal aides, who tended to share his attitudes to lots of things, and I think that that perhaps limited his exposure to other points of view in the community. He tended in government, I think, to listen to them more than he did to his cabinet colleagues, and I think that was a weakness. I suppose it’s a strength in many ways. He was a man who seemed to need to have a group of people who were, if you like, sycophantic, I suppose, to a degree – perhaps there was some underlying insecurity there in his personality that needed to be bolstered by people who gave him unwavering support – and he found them in the group that he surrounded himself with. It was probably important to his survival that he had them so I mustn’t be too critical, but I think one consequence of that is that he perhaps wasn’t as exposed as he otherwise would have been to the influences of perhaps colleagues who might have had a more beneficial influence on his attitudes. But everybody has their weaknesses, I think that that perhaps was his principal weakness as a politician and a leader, but it qualified to only a minor degree the great strengths, as I say. We were very lucky to have him as a leader in that period – the state was.
Perhaps one last little question: what was he like as the local member during that period of the Dunstan decade?

Oh, he was remarkable! He was very popular in the electorate, and of course his majorities in the electorate of Norwood tended to increase every election, in spite of the fact that, because of his leadership responsibilities, he obviously couldn’t go round in the way that he did in the early days. But the early days really established him as a good local member, and the old residents of Norwood always remembered that, he was thought of in that way. And then of course, with his success, people in Norwood became proud of him as their local member, and he was a good local member and seen to be a good local member, and a very popular one. He turned Norwood from a borderline Liberal seat, at best borderline Labor, into quite a safe Labor seat. Of course, its boundaries have changed and its demographic configuration’s changed since, but of course it’s reverted now to being (laughs) very much a borderline seat again. But no, he was a good local member – remarkably good, considering the responsibilities of leadership he had.

I’ll say again, thank you.

Good.

END OF INTERVIEW.