

SOHC/OH 715/3

J.D. SOMERVILLE ORAL HISTORY COLLECTION, STATE
LIBRARY OF SOUTH AUSTRALIA: INTERVIEW NO. OH 715/3

Interview with Elliott Johnston recorded by Rob Linn on 12th November 2004 at Adelaide, South Australia, for the Don Dunstan Foundation. (Interviewee's voice is recorded at much lower volume than that of interviewer.)

TAPE 1 SIDE A

Tape identification: This is an interview with Elliott Johnston for the Don Dunstan Foundation and the State Library of South Australia on 12th November 2004 at Elliott's home in Gilles Street, Adelaide, interviewer Rob Linn.

And, Elliott, please feel free to speak as frankly as possible, and thank you very much for agreeing to be interviewed.

Elliott, in terms of this interview, I'd just like first of all to have some background on yourself: where and when were you born, please?

I was born in Adelaide on the 26th February 1918. My parents then lived at Unley Park.

Now, you were educated in Adelaide, were you?

Yes. I've travelled around quite a lot but I've always lived in Adelaide all my life.

Now, your education was at a number of schools in the Kingswood-Unley area, from my memory, and then you went on to finish at PAC¹ under JF Ward's Headmastership, is that right?

That's correct.

Now, when did you come into law school, Elliott, into university?

Nineteen thirty-six.

And when we spoke previously, I was fascinated by your description of The University² of that time: would you like to talk a bit about what you found there and why it became such an interesting place for you?

Well, there were many reasons for that, but first of all, of course, I meet my fellow law students and I was the only one from PAC, actually, and all the others came from all sorts of places. I think there were, from memory, about sixteen students at the beginning of the year, but very, very unfortunately, one of them was killed in a road

¹ PAC – Prince Alfred College.

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accident during the year. He was the son of a lawyer, actually, Mr Norman – a very well-known lawyer, and a man who was – I don't know whether he was at that time, but he became the Lord Mayor, the Mayor or the Lord Mayor of Mitcham. So his son died. He was very, very keen about motorcycling and he was involved in a road accident with a motorcycle. And another of our students, who came from a totally different background – I don't remember anything about it now, and I don't want to say very much about this, but he was charged with some offence and he didn't, he disappeared from the Law School. But we had most interesting people, and they included two people who, in the course of our years at the Law School, won the scholarship to Oxford. One of them was Dick Blackburn, who subsequently, of course, became the Professor of Law at Adelaide University and subsequently became a judge of the Northern Territory and other appointments; and the other one was a very great friend of mine, Duncan Menzies, who went to Oxford to take up his position and joined the Army when the War³ broke out and was killed in Burma. So the Law School was a very interesting sort of a place, very – all sorts of people. And we had a couple of young ladies in our year, too, who were very nice people. One of them was a lady who, with me, became the editor of *On Dit*⁴ in, I think, 1938, actually. So they were an interesting group.

But the whole of the University was a very interesting group, and of course coming after the Depression years, that tended to give people a more open mind about things. And also, of course, it was a period when Fascism was emerging – had emerged – Nazism, as it was called, had emerged in Germany and Fascism in Italy, and there was a great interest in those sorts of questions. And, as I told you when we were speaking before, there developed, I think, the most powerful movement of a non – not associated with any part of the University, the Peace Movement, which was headed by Mr Finlay Crisp, the man who wrote the story of the life of –

Chifley?

² The University of Adelaide.

³ Second World War.

⁴ *On Dit* was, and remains at time of interview, a weekly student newspaper published at The University of Adelaide.

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– Mr Chifley, the Prime Minister Chifley, and who in fact went to Canberra and worked with Chifley when he was Prime Minister as some sort of adviser, and I think came to occupy a very, very important position in the Commonwealth Bank of Australia before it was sold off.

And this movement, the Peace Movement, had people in it from – I don't say *every* faculty, but I think it *did* have people in it from every faculty, certainly from a wide variety of faculties. There were Arts students, they were the main body, and most of the lady members were Arts students. And there were some very, very good ones. And there were medical students from the medical practice, and various others.

You were secretary, is that right?

I think I was, yes.

You also said to me, Elliott, you recalled Fin Crisp speaking at a meeting at Port Adelaide on one occasion?

Yes.

What was that about?

I have to be careful about something that happened nearly sixty years ago, of course.
(laughter)

Of course!

But I think that I remember it quite well. There was, the waterside workers refused to load a Japanese vessel with pig iron, which the then Liberal – well, it was a government that was made up of people who had left the Labor Party, deserted the Labor Party, and the Liberal Party. And they were selling scrap iron to Japan. And, of course, Japan was engaged in attacking China, so these waterside workers refused to load the vessel with scrap iron, pig iron – I think it was called 'pig iron' at the time – and so they were on strike, and Menzies was making all sorts of threats against them. And this meeting was called to support them. And I don't quite know how Crisp was invited to speak, but he was invited to speak, and the meeting, actually it was held in the Port Adelaide Town Hall. It was very, very well-attended. And it happened to be held on the day when the waterside workers were forced to declare

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their strike at an end and go back to work. But I might add that the Japanese vessel was never loaded with pig iron, in point of fact. But Crisp spoke very well, anyway.

So you'd come to university in 1936, and I think you said at one stage you were a member of SCM⁵. Nineteen thirty-eight you edited *On Dit*, with your colleagues. In 1940 you helped form the Radical Club, Elliott: what was the background to the Radical Club?

I think, speaking broadly, the background to the Radical Club was a great feeling of dissatisfaction with the then government and with the – and, to a lesser extent, with some of the policies of the University. At that stage I might say that there were no political clubs in the University at all. I mean, the Peace Movement didn't have a political standpoint, and in point of fact, when the War broke out in 1939, it more or less broke up because people had different attitudes towards the new situation. And I think by that time, 1940, some of the leading bodies, including Fin Crisp, had finished their course and left the University. I think that possibly the main point was the – single main point was the fact that Menzies had introduced quite a strong policy of censorship, actually, and our first act was to publish a document on free speech, which, however, never got published because, as I said to you when we were speaking before, I did the draft of the document and it was discussed and quite a number of changes – discussed with other members of the Radical Club, and quite a number of changes were made. And finally we got to a final version of it, and I took it to the office of the man who was Secretary of what was then called the University Union – at that time there was not a student body, it was a body which was made up of people elected from the various faculties and from the staff, I don't quite know how members were elected or appointed, but they were members of it – and the secretary of that body was a man, quite an elderly sort of a fellow, and he had a secretary who was his typist and that sort of thing and I knew her, so I took our draft document to – or not our draft document, our final document – to her and asked her if she would mind typing it up and we would then make copies of it. So she said she certainly would, but as she started to type it he observed what she was – the secretary observed what she was typing and asked to see it, and when he saw it he took it up to the Vice-Chancellor and we never saw it again. But the Vice-Chancellor called me

⁵ SCM – Student Christian Movement.

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up and told me that he was forbidding the existence of the Radical body and he sent me down for a fortnight. I should say, in all fairness to him, that it so happened that the day that he saw me was I think just about the last day of second term, and the fortnight that he sent me down was, in point of fact, virtually the period between the second term and the third term. But he was rather rude about it all.

Who was the Vice-Chancellor then? Was it still Mitchell or had he gone by then?

No, that wasn't the name, and I'm sorry that I can't –

No, that's fine.

– I can't recollect the name. What did you say?

Sir William Mitchell was Vice-Chancellor there for a good time, and I couldn't remember how long he went on for but I don't think he would have gone on that long.

It was William Mitchell. Anyway, so – – –. I might mention that the Radical Club had three professors – I think as patrons, they were called, I've forgotten. But, you know, we wrote to some people and spoke to some people and they agreed to act in some fashion of that sort. Portus was one. Another one was one of the professors in the Medical School, whose name I've forgotten. The third one I can't remember. I don't know that the Vice-Chancellor was aware of that fact. Anyway, I wrote – sorry, I'm wrong in saying that I wrote. Following a decision made by the members of the Radical Club, I wrote a letter to the Council asking [them] to overturn the decision of the Vice-Chancellor, which didn't happen. So I subsequently spoke to three of them whom I met in odd ways, totally different ways, and they gave me three totally different reasons as to why it wasn't overturned.

At the end of 1940 you finished your law degree and were admitted to the bar, I think, at that time, and then subsequent to that you joined Povey's, Povey Waterhouse?

No, I joined – well, 'joined', I became articled at Povey Waterhouse –

Povey Waterhouse, yes.

– in 1937.

Yes, oh, that's right.

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We had to be articled after our first year at the Law School, and so I was articled there from 1937 to 1940, and then after admission I was employed as a junior, sort of very junior solicitor, and with the right of private practice. So that's what I did during 1940-41.

And in the War years, Elliott, you gained a commission eventually with the AIF⁶ and served in New Guinea eventually, and then moved into Army education. Now, coming back to Adelaide, did you again go to Povey's?

Yes.

Would it have been at about this era that you first met Don Dunstan, or is that still difficult for you to recall?

Well, if, as now appears to be the case, he was admitted to the bar in ---. Look, I think I *did* meet him, because I might say that, after my return to Adelaide from the War – I of course by that time was a member of the Communist Party, and the decision was made by the Party that I should, although I was no longer a student, that I should become a member of the Adelaide University Communist Party branch, that was my branch. One of the background factors to that, of course, was the fact that it was one of the great policies of the Curtin-Chifley Government that all people who served in the AIF should be able to go to university free of charge or, if they lacked the necessary credentials to go to the University, they were entitled to go to somewhere where they could pass their Year 12 examination, as it was called I think in those days, and become entitled to attend university. So that, amongst the university students, was a considerable body of people who had been involved in the War and who were much older than the average age of the school-leaving students. So I might well have met him at the University around the years '46, '47, '48, but I very likely met him following his admission to the bar in '48. But what I remember most clearly is meeting him after his return in 1951.

This is around the courts, where he was practising?

Yes. As a matter of fact, the only place that I can ever remember meeting him as a solicitor and talking with him is at the shop that sells tea and coffee and suchlike, next to the Magistrates' Court on the corner of Victoria Square and King William

⁶ AIF – Australian Imperial Forces.

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Street. And we would meet there – not by arrangement, but by the fact that we were liable to be about there doing something or another, and we would meet up and we would go and have a cup of tea and talk, and talk quite a lot about things, actually. And I, of course, was trying to get him to join the Communist Party, and I think at the time he was pretty much under the – he was very well-regarded by Cameron, the former secretary of the AWU⁷, who I think had been elected to the Federal Parliament by that time, but anyway, it was just about at that time. So anyway, I wasn't successful. (laughter)

What type of discussions would have ensued between you and Don, Elliott, and what type of ideas would have been talked about that you recall?

Well, I think what we talked about was socialism, actually, various aspects of that, all sorts of things associated with that. I think that in a very, very general way he was very interested in socialism, as of course so was I, and how to get it. But of course that's a very general topic, but a lot of the topics were about particular aspects of government at the time. And of course, at the time, the Menzies Government was in office and it was – and Menzies was advocating the outlawing of the Communist Party, so that was a matter that we discussed quite a bit. And he was very opposed to that idea, of course, as he subsequently was as an ALP⁸ parliamentarian and candidate. So I think that we discussed various aspects of socialism and how to go about it, how to try and bring it about in our country.

How did he strike you, both personally and ideas-wise?

Oh, he struck me very well. He could express himself in excellent terms, he was very, very good at expressing himself, and I think he was very genuine about his beliefs. Yes, I thought very highly of him.

Do you think he had a fundamental belief in 'a fair go', if you want to put it that way, Elliott?

Oh, yes, absolutely.

So depending what slant you put on the word 'socialism', would he have been seen as a democratic socialist at the time, do you think?

⁷ AWU – Australian Workers' Union.

⁸ ALP – Australian Labor Party.

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Well, I'm sure he was democratic, I'm sure he was democratic. At all times.

The early to mid-1950s for yourself are a fairly busy time as well! You were travelling overseas, Elliott, to the USSR⁹ and, on one occasion, to China as well, I think.

Which period?

In the early 1950s, is this correct?

Well, I was very, very busy in the law up until the late 1950s, actually, when I – – –. I mean, I was very busy in other things as well. I worked for quite a number of years in the University branch of the Communist Party, and then, later on, I became – a little later on I became Secretary of the Peace Movement in South Australia and, you know, the Peace Movement was quite big and active in those days. I remember one time we had a visit from the Dean of Canterbury, who of course was a very leading member of the British Peace Movement –

That's Fisher?

– no. I'm very sorry, but –

No, no, that's fine, Elliott.

– I can't remember his name. Anyhow, he absolutely strongly supported the support given to the Soviet Union, when attacked by Germany he was a very strong supporter of the Soviet Union. And he came to Adelaide, he'd got a tremendous following by reason of the attitude that he took during the War, and his attitude on other matters, he was a socialist. And when he came to Adelaide we held a meeting in a theatre, the name of which I don't now remember, which was situated in Gouger Street and was quite a big theatre, but as we were organising it, when we became aware of the degree of support that it seemed to be getting, we decided that we would have to have another hall and we booked the Trades and Labour Council hall as well – the TLC, of course, was then situated in Grote Street. And so we had the meeting in the theatre and he spoke, and then we had to move across and he spoke to the meeting in the TLC. I'm sure that there were five or six hundred people at the meeting. I mean, in the post-war years – and not just for a few years, either – there was a tremendous

⁹ USSR – Union of Soviet Socialist Republics, the Russian-controlled Eastern European communist bloc.

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support for the Peace Movement, because people had had enough of war. Two world wars in a matter of –

Two decades.

– two or three decades was more than people could put up with and there was great support for it, great support for the Peace Movement.

But I had some very interesting cases during that earlier period. Most interesting was the first disputed case for the making of an award for the general clerks in South Australia in the State Industrial Court. We had commenced that in 1940, but when Harry Krantz[?], the Secretary of the Union, and myself left because of the War, they decided to reach an agreement between them and they made quite a good award, you know, but very, very elementary sort of thing, which provided nothing except a minimum wage rate for anybody who was employed as a clerk and one or two other things like that. It was done by agreement, and then after the War we had an application for a General Clerks' Award, and it was quite a fascinating business.

And, you know, I did a lot of work for – you bring back memories to me, actually. The Labor Government appointed a lawyer in each state, appointed a lawyer to the branch of the Attorney-General's Department and people who had done War service who got into any sort of legal dispute were entitled to go there and he would allocate them to some solicitor or firm of solicitors, if he thought that they had a legitimate point, and that they would pay the solicitor. At that time, one of the main questions affecting returned soldiers was the law relating to the letting of houses. You couldn't – any property which was leased, you couldn't just give a notice terminating, even if it wasn't – you know, for a given period, you couldn't terminate just by giving notice; you had to give notice and give it properly and so on and so forth. And then, if the person wanted to oppose the termination of the lease, they had to go to court. That was very interesting. That was when I first met John Bray.

And you had a good deal to do with John Bray through your life, didn't you, Elliott? Professionally, I mean.

Yes, I suppose – – –. I don't mean that I had a great deal to do with him, but I certainly met him on various occasions prior to his appointment as Chief Justice, and then of course because of various reasons which most people know about he became

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important in my life because he nominated – he was the person who nominated me as a QC¹⁰.–

QC.

– which was turned down by the government.

I'd like to come to that issue further on, Elliott. But, back to the 1950s again, when you were very, very busy in legal matters, and dealing with Don Dunstan himself, were you surprised that he entered politics?

No. No, I wasn't surprised. He was very interested in politics and I knew very well that Cameron was having a great influence on him. He often talked about Cameron, and he had quite a high opinion of Cameron.

Did you know Cameron yourself?

Yes. I don't know exactly how I met him, but I had known him as Secretary of the AWU.

And you knew that he was having quite an influence on the youthful Don Dunstan.

Yes – I didn't know that from Cameron, I knew it from Don.

Don, yes, of course. Were you aware of some of the things that Dunstan hoped to do in politics?

Well, in a very, very general way. But, you know, I don't think that – I doubt very much whether *he* knew then exactly what he would do, but he knew the sort of thing he would do.

So in one sense, then, you met him through the law, and did you have not a lot to do with him through the years when he was in Parliament and then comes into government eventually under Frank Walsh?

Not a great deal. But I saw him from time to time. You know, he continued to do legal work – not a great deal of legal work, but he continued to do it – and I saw him from time to time. And whenever we met we'd have a chat. Incidentally, I should explain in 1951, when I left the law and was engaged by the Communist Party, my work primarily was in the area of Port Augusta, Whyalla, Port Pirie and around about that area, so I was out of Adelaide most of the time. And then, in 1954, I went to

¹⁰ QC – Queen's Council, *ie* senior barrister.

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China and was there until – well, the end of 1955, but I didn't get back until early in January 1957, so I wasn't around Adelaide much during the period from 1950 to the end of 1956.

And at that time you were studying the Communist Party pretty much, is that correct?

Yes.

Yes. So just looking at Don's career and how, when he got into government as Attorney-General, he became quite a reformer, did the things he was doing interest you at that time, in the '60s, this is?

Oh, the things he did as Attorney-General were very interesting. My memory may be defective, but I think it was he who appointed the Royal Commission into the hotel industry. You know, that was an epoch-making thing. I think it's worth recording – it may have passed into history a little bit by now – but at that time, after the War particularly, when I remember these things, if you went down to the Magistrates' Court in Adelaide on a particular day – there were then three magistrates who sat in Adelaide – you would find, on most days, that the first matters heard were drunks, and sometimes they would be heard in all three courts, sometimes they would be heard in one court. And I don't know how these arrangements were made, but I remember occasions when there were a few cases dealt with in all three courts, and they would, almost without exception, plead guilty. Occasionally they'd be ordered imprisonment if they had about four or five previous convictions over a comparatively short period of time, otherwise they would be fined so much. That was just – it was all the result of hotels closing at six o'clock. So you got to the hotel, if you were working, at five o'clock or after five, you had to guzzle the beer down as quickly as you could get half-pissed, or thoroughly pissed, and you'd get picked up by the police. It was a disgraceful state of affairs and it was very, very damaging to the population, it was a very undesirable state of affairs, which had existed for a very long, long, long period of time. And that Royal Commission made fundamental recommendations for the review of the law, and of course it was reviewed and, after a comparatively short period of time, the number of people charged with being drunk was, you know, it gradually grew less and less. So that was, I think, a very, very important decision.

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But there were other important matters as well. The Aboriginal people was one of them, and there were probably others which have passed out of memory.

Oh, the *Sex Discrimination Act*, I suppose.

Yes. Oh, of course the *Sex Discrimination Act* was – – –.

And also I'd just say his move against the boundaries of the electorates at the time.

Well, of course we had a completely undemocratic state, utterly and completely, arising out of the fact that, in 1928 or 1929, I think it was 1929, the then Country Party and the then Liberal Party – although I don't know whether it was called 'Liberal' in those days, but anyway, the two parties – came together and formed one, but it was a term, a condition of their coming together that the division between the Adelaide seats and the country seats would remain the same. And at that time, of course, two-thirds of the – I think I'm right in saying that two-thirds of the electorate was in country seats and one-third in Adelaide seats. And as a result of the War and other matters, of course, but the War was a very important one, the number of people residing in what was the Adelaide area greatly increased and I think actually the numbers – in some parts of the rural areas, anyway – fell slightly. And from after the War it was quite disgraceful that state of affairs should co-exist – and, in addition, there were the extraordinary provisions relating to the Legislative Council where you had to have a certain amount of property before you could have a vote.

And Don was actively opposed to this?

He was actively opposed to every aspect of it. And one of the things that I remember most vividly, I think – it's a long, long time ago, but I remember aspects of it extremely well, but I think it related to the Legislative Council. The Legislative Council had indicated that they were not going to vote for it, and he organised, he called a mass demonstration on a Saturday morning and I think there were tens of thousands of people who marched – I marched, that is how I come to remember it – and we marched to somewhere in the city and Don spoke at the gathering.

Well, that was at Parliament House itself.

Yes, it was near Parliament House. And the Trades and Labour Council had said that if the Legislative Council didn't pass the legislation, which I think had passed the Lower House, they would call a one-day stoppage and they would urge all of their

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members who stopped work to come and demonstrate outside Parliament House. And it was a tremendous demonstration, had great support, and Don spoke very, very well, the Legislative Council caved in and passed the legislation. So, as I said recently at the Dunstan Foundation, he was the man who first gave us democracy in South Australia.

I wonder now whether we could deal with this issue of your appointment as a QC by John Bray, and if you could give some of the background to that, and then how the whole incident unfolded, because it became a fairly critical political thing at the time, but you've said to me before it really wasn't political at the heart.

Yes, well, when I returned to practice in 1957 I really (laughs) had no clients at all. And, as a matter of fact, I used to get a lot of cases from the Law Society's Poor Persons' Legal Relief Scheme. They would usually ring me early one morning and say, 'There's this' – they'd give a name, you know, name the fellow – 'So-and-so is charged with so-and-so and he's appearing this morning in the Supreme Court. Could you take this case?' (laughter) I'd get up there and – yes, it got very interesting. And, you know, I got a few cases from here and there, people I knew, Communist Party members who wanted to make a will or do something or other, occasionally a divorce. Gradually I began to build up a bit.

But I – I mean, I've been terribly lucky in my life! (laughter) Extraordinarily lucky. A gentleman came to see me who was a Greek gentleman, and he'd had a – there was no dispute about the fact that he'd had an injury to his head or his back – I don't know whether the actual injury was to his back or his head, I think it was his back – but anyway, there was no doubt about it, he'd received compensation and as far as I can remember he hadn't had a solicitor while that was going on. There was no doubt about his entitlement. And then the insurer had become satisfied that he'd recovered from his accident but he considered that he hadn't, and he said he wasn't fit for work, either because he hadn't recovered or because he had psychological injuries. So, anyway, he'd been to about three solicitors and they'd told him that he wouldn't be able to win. But he came to me and, because I had plenty of time, I said I would take his case on. Without going into details he won – not in the sense that – --. We went to trial and, for some reason or another which I've never quite understood to this day, the insurer, after I think a day and a half of hearing had changed his mind and paid him the full amount that he could claim. So that gave me

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considerable help in the workmen's compensation field. So I began to build up business and had to move out of where I was into Victoria Square. And anyway, without going into it, I began to develop quite a big practice. And Elizabeth joined me there in '62 – '61, I think, probably.

Elizabeth?

Yes.

Yes.

And somewhere during the '60s, in the second half of the '60s, Jack Lewis came and joined us, and then later on Robyn Layton, and I began to get a few briefs from here and there about various things. And I was quite – actually, to tell you the honest, I was quite surprised when John Bray put me up, you know, he wrote to the government and recommended the appointment of three of us, of which I was the third, as QC.

END OF DISK 1: DISK 2

Tape two of an interview with Elliott Johnston for the Don Dunstan Foundation and the State Library of South Australia on the 12th November 2004, interviewer Rob Linn.

Elliott, you were saying you were really quite surprised to have received the call.

Of course, Bray, I got a message from Bray to go to his office because of course they didn't put anybody's name forward as a QC unless the person was agreeable to that cause. So he told me that he was going to propose me, along with two others. And so that was that. And then the next I heard about it was that the government was refusing to appoint me. And Bray then immediately withdrew the nomination of all three. At that stage, it was regarded, the appointment of QCs was regarded as a totally non-political sort of affair; it was a legal matter. So naturally I – and then, of course, on the television there was a great, short but very, very strong debate on the television between the Premier and Don Dunstan. Of course, Labor had lost office by this time. And – well, you know, Dunstan's point of view was that this was a matter for the law and it wasn't a matter for the politics, and there was in his view no reason why I shouldn't be appointed. So I took the point of view that it was not a political

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matter at all and I refused to be interviewed until the Speaker made a speech which was reported in the newspapers in which he said that –

This is Stott? Stott would have been Speaker then?

– yes, I think that was the name of the Speaker – he said that, because I was a communist, it was totally inappropriate that I should be appointed because I belonged to a foreign body and, you know, that – well, (laughs) I don't remember exactly what he said now, but what he in fact implied was that I could be fighting against Australia. And so I felt compelled to point out to him that that was an absolute lie, that I did not belong to any foreign body whatever, which was quite true, that we did not belong to any foreign body whatever, and that in point of fact we had quite strongly criticised the Soviet Union in 1969 over its invasion of Czechoslovakia, as in fact we had. And that was all I said.

Now, the legal fraternity, though, actually called a special meeting, didn't it, of the Law Society?

Yes, some members of the Law Society petitioned for a special meeting to consider the matter, and that was held. I didn't intend to go to it, actually, nor my wife, but on the afternoon – it was to be held at half past five or some time like that; it was to be held at the University, actually, in the Law School – and anyway, that afternoon, I was working at the office and around came somebody from Don Dunstan's office and suggesting that I should go. Well, you know, I mean – sorry, sorry, that's not right: he didn't know that I was not going to go, but he wanted to make sure that I *was* going to go! (laughs) And his advice – and this man conveyed to me that it was his advice that I should go. So I and my wife went and of course – I mean, there was no resolution which directly related to me, the resolution directly related to the Chief Justice, to his recommendation – and anyway, the resolution was passed supporting the recommendation that he had made, and it was passed on a show of hands. And then somebody called for a vote, so those voting for and against had to stand up. And it's odd how you remember certain things, but in front of me and slightly to the right of where I was sitting (mobile telephone interference) there was a firm – I won't say the name of the firm, but I always thought how remarkable this was – there were about six or seven people associated with this firm: six of them stood up to vote against the resolution; one of them stood up to vote for the resolution. I remember

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that so well. I thought how remarkable it was that a person could, against his partners, vote on a matter like that. Anyway, it was a matter for some rejoicing afterwards.

I bet it was, yes! Elliott, after that period and through Don's accession again to the Premiership, did you have a lot to do with him or was it more you'd receive contacts with him from others?

No, I didn't have a lot to do with him, but occasionally people would come around from his office to see me about something or other. Sometimes it was to see if I could give some assistance to some person from his electorate, sometimes it was advice about something. I remember one time it was the Attorney-General put up an act— or not put up an act, but put up a bill – which had some very big changes to the industrial law, and we discussed this in the Communist Party and what we should do, and what we agreed to do was for the Secretary to write me a letter asking for my view, and I should respond to that in a short letter but dealing with a number of known questions, and they would then make many, many copies of the letter and distribute it in the Trade Union Movement. And that's what we did. And the Attorney-General came round to see me and said he'd been directed by Don to come and see me and discuss this matter. And anyway, subsequently, they withdrew the bill.

Was this Peter Duncan?

No. No, it was –

Len King, was it?

– no. It was a fellow who's now a barrister. He was dropped out of submission for election. I apologise, I don't remember the name. But that was one of a number of matters, but not – that didn't happen, you know, it happened once or perhaps twice a year.

You have mentioned to me, Elliott, that towards the end of Don's life you saw a lot more of him socially.

Yes.

Would you like to talk about some of those occasions, too?

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Well, I saw him on a few occasions when I went to the restaurant in Norwood – forgotten what it was called now, but you know what – – –.

Yes, I do, yes, his restaurant.

And when I went there, which was always of an evening, he was – well, I think he was always there, and I didn't go there that often but I went there occasionally and he would be around the place, you know, and talk to people. He would often sit down and have a bit of a chat with us. But towards the end of his life he had certain quite big problems with the establishment of the new business. They closed down that restaurant in Norwood and they undertook a new arrangement with members of Stephen Cheng's family at – (pause) excuse me, I – – –.

That's all right, Elliott.

What's the name of that street that goes – – –?

Sydenham Road, do you mean?

No, no. You go around the – – –.

Kensington Road?

Kensington Road, I think it was on Kensington Road. And I don't want to go into it, but there were very big disputes between – not Stephen Cheng, he was always on Don's side, but I think his elder brother and some other people who associated with the family, about that matter, and there was quite big disputation, legal disputation between them and it got very serious. And Don and Stephen resigned from it and whether they resigned or whether they were kicked out, I mean, is very hard to say, (laughs) and there were proceedings in court between Don and these people. And he was very, very concerned about it. I think he was very concerned about it from the point of view of Stephen, actually, primarily, because of course I think – it was quite clear, I think, the importance, the *primary* importance which Don attached to that restaurant on Norwood Parade was as a place for Stephen to carry on a business when Don finally departed. And when he made this arrangement to close down this business and go to this bigger establishment on Kensington Road he had the same ideas for it but he realised that he'd made a grave error, and so I think he was very worried about what could happen to Stephen.

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So you had a good deal to do with them on that level of advice?

Yes. I mean, he had very good advice. I don't quite know, (laughs) I don't really quite know why he rang me, but he rang me one day and asked me whether I'd mind coming over to his place, so of course I went over there and we talked about the matter and what he could do and what he should do and so on and so forth. And then I saw him quite a few times about that. And then he fell very sick.

So to the end of his life did you continue to talk about some of the other issues that you'd first discussed in the early years that you knew him, or were they apart from this?

No, I don't think we did discuss those things at all. You've reminded me of something that I'd completely forgotten, actually. How odd. It's come back I'm very vague about when this was, but I know – I mean, it was in the '90s. And I and a group of other people, one of whom was the – now Secretary of the TLC, but who was then the Secretary of the Education Union, and I think two other people, went to see Don to see if he would be prepared to stand as a candidate for election. And, to be quite frank, I cannot be quite sure in my mind what we were urging him to stand for. It wasn't for a seat –

No?

– it was – for a seat in the Lower House, it was – I don't know what it was, quite.

So you don't know if it was a – it wasn't a parliamentary seat, you said?

I think it was a parliamentary seat, but I don't think we would have tried to talk Don into doing that.

Do you have any memory of his response?

His response was that he wouldn't do it. (laughter) We didn't have to said that he wasn't prepared to do it, but he agreed very much with whatever we were putting, and I don't remember what we were putting. It's funny, because I remember that. I remember it – we went to Dunstan's home, we met him in his home, and we sat down with him and talked to him quite a lot about it. No, I don't remember.

Overall, Elliott, you appear to have quite an admiration for what Don set out to do and did achieve, in fact.

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Oh, yes. I think he was a very good fellow, and of course I think, you know, that the fact of the matter is that our situation in Australia – I mean, our situation as I see it and as I think he saw it, too, but anyway, I'm speaking about it as I saw it – has deteriorated greatly since he left Parliament, and I think that – – –. You know, since then we've had Thatcher in England – I don't mean since then in the sense that I think she was in office before Don got very sick, but – – –.

Not when he was actually in politics.

Right. And, of course, her effects had to have time before they completely understood them and so on and so forth, but since then we've seen actually the Labor Party sell off the Commonwealth Bank, which Chifley wanted to and which Don wanted to see should be like the other banks, you know, owned by the Commonwealth. I think Don supported Chifley's attitude on those matters. But anyway, the Labor Party sells off the Commonwealth Bank, the Labor Party sells off Qantas, which Chifley established as *the* chief body to fly people around Australia, they sell that off. And did it in all sorts of other changes and the power of the big corporations is now very much greater than it was, even under Menzies, and certainly under the Labor Party in the '70s and so on, and in the '80s. So I think that Don's speech at the – where was his speech? –

That would have been at the Entertainment Centre.

– at the Entertainment Centre in 1988 –

'Ninety-eight.

– '98, rather, I'm sorry, 1998, was very great. And at that time I'd played quite a big part in establishing the *Journal of Australian Options* as a broad left discussion journal, and we made an approach to Don and he agreed to permit us to publish his speech in a slightly edited form, which we did. I've got it here if you would like it. And he also agreed to come here one night for dinner and then after dinner have a discussion with him, which we recorded, question and answer, and we published that in the same issue as we published his speech. I've got this out not because I knew you were coming, for different reasons altogether. I had to speak at the Dunstan Foundation and I quoted a lot from his – or not a lot, but I quoted from his speech, and I had to get out that journal.

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Thank you very much. Well, is there anything else you'd like to add, Elliott, to the end of this, or is that about it? I very much value what you've had to say, thank you.

I think that you'll see when you read that article, in his interview, that he realised quite well in 1998 that Australia's position, its social policy had deteriorated quite a bit since he had left Parliament. I think he speaks very clearly about 'global capitalism', as he calls it, the domination of the corporations, which I think is becoming increasingly evident. I think he would be very, very disturbed about the war in Iraq and about the US 'Free Trade Agreement'¹¹. I think that he had very democratic ideas and he believed that the society ought to be fair and reasonable. He didn't believe in everything being owned by the state; he believed that there were aspects of economic life which could be run by individuals and by companies, but he believed that they key things ought to be run by the community, and that the community should put fairness and equality as the main questions. He lived in a perfectly ordinary house in Norwood. He was just a nice man, very nice man. That's what I think, anyway.

Well, thanks very much, Elliott. Much appreciated.

END OF INTERVIEW.

¹¹ Ratified between Australia and the United States of America.