

## Chapter One

I was elected to the South Australian Legislative Council in 1973. The 1973 election led to the most radical change in the South Australian constitution during the 20th century. The victory of Ces Creedon and I to the seat of Midland was the trigger for Don Dunstan's successful campaign of constitutional reform. We were the first Labor Members elected to the Legislative Council with seats outside the Adelaide metropolitan area and were the harbingers of possible Labor control of the Council. Ces Creedon and I were novice backbenchers and useful lobby fodder not writers of constitutions.

In modern politics winning the seat is not the difficult bit - it is winning the party's nomination for a winnable seat. Things were no different in the 60s and 70s. There were three routes to a winnable seat in the Labor Party at that time. The most secure was being a senior Trade Union official. These Union protegés got the best seats - those with large working class populations and huge majorities. Pre-selection was carried out at Party Conventions where the Unions had eighty percent of the votes in great blocks based on the numbers of members they affiliated to the Party. These blocks of members were not based on the real membership of the Union but on the number of members the Union decided it could afford to affiliate to the Labor Party. Seats such as Pt. Pirie even became fiefdoms of particular Unions - in this case the Australian Workers Union. On a number of occasions the problem for the Union official with political ambitions was not pre-selection but election. At times the normally docile Labor voters in these fiefdoms revolted against the Union candidate parachuted into their district and voted for an independent Labor candidate, much to the embarrassment of the Party hierarchy.

The second, less secure, route to a parliamentary seat was to ingratiate yourself with the Union bosses. This usually got you a reasonable seat as Don Dunstan did in gaining pre-selection for the Norwood electorate. Lyn Arnold in the seat of Salisbury and Peter Duncan in Elizabeth were exceptions. They had a couple of the safest Labor seats in South Australia without coming through the Union movement. This second route to pre-selection required close and frequent contact with Union officials. Convivial drinking at the Trades Hall bar was considered an essential part of this path to pre-selection.

Neither of these routes were available to me. I was not a Union official - not even a Union member. I was a farmer, grape grower and

winemaker in the Barossa Valley. I had little contact with senior Union officials and could not afford the time or the petrol for frequent journeys to Adelaide for drinks at the Trades Hall bar. I was forced to take the much more hazardous third route of "they owe you one". This required the candidate to fight a number of hopeless seats and build up enough credit with Party officials, the Premier, and other people with influence to persuade the controllers of the big Union block votes to pre-select you. It was a path fraught with obstacles.

I would like, for the sake of this memoir, to say that Don Dunstan inspired me to join the Labor Party and become a Member of Parliament and Minister. It would make a better plot but the truth is much stranger. I had from university days in Britain been a Labor supporter and voter but had not joined the Labor Party. Bert Kelly tipped me over into activity. Bert was the Federal Liberal Member for the seat of Wakefield - a vast seat that covered half of South Australia. South Australia was atypical within the Australian political system as the Liberal Party completely dominated the conservative side of politics. There was a tiny Country Party (later National Party) modeled on other states but it only managed to win one seat in the State Parliament. Originally the South Australian branch was called the Liberal and Country League. The name was simplified to Liberal Party but the conflict between the rival wings remained. It was hardly surprising that Bert Kelly, with a farming background, was part of the Country wing that was vehemently opposed to tariffs on imports - an issue dear to the hearts of cereal and sheep farmers. The Liberal wing, with investments in manufacturing industry, were in favour of protection against cheap imports. To confuse the issue further farmers producing mainly for the local market were on balance in favour of protection rather than free trade. Fortunately for Bert Kelly the seat of Wakefield did not include the Riverland where irrigated farmers received tariff protection or other forms of assistance on many of their crops. A neighbor of mine at Lyndoch asked me to come and listen to him speak at a public meeting and I decided to go. Although I realised I was unlikely to agree with what he said, I thought it would be interesting. He gave a political pep talk to an audience consisting mainly of local Liberal activists about the Vietnam War and other current issues.

The Vietnam War had been a great vindication for the Liberal Party. Ever since the Korean War in the 1950s they had been warning the Australian public about the dangers of the Red Arrows. All Australians had a sound background in military tactics. They had learnt as children at the Saturday afternoon matinee at the local cinema that when the Red Indians

attacked down hill it was a "close run thing" and while the palefaces always won in the end such attacks should not be dismissed lightly. Fighting against gravity was tough. At every election since the Korean War the Liberals issued little maps as part of their election propaganda showing a Red Arrows gravity attack coming down on Australia from China and Vietnam. The downward angle was particularly threatening. It was also the period before mass tourism to Asia. The little maps convinced Australia voters that it was only a hop, skip and a jump through the islands for the Red Arrows to land in Sydney. The reality is of course quite different with Bangkok a ten hour flight away by fast modern jets. Transferred to a European context I cannot see the Conservatives in Britain having the same electoral success with maps showing a Red Arrow attack from Tibet. They would be attacking sideways without the help of gravity and instead of a gentle cruise through the tropical islands the Red Arrows would have to cross many mountain obstacles before they could attack London.

The Red Arrows have now ridden off into the sunset and out of the Liberal Party's electoral propaganda but the concept of a gravity attack on Australia has been revived with the invasion of the paddle boat people. It is obvious they could never cross the treacherous Timor Sea in their leaking boats if they did not have gravity on their side.

Bert Kelly made me realise that I could no longer sit on the sidelines as a Labor supporter and voter but would have to become a Labor Party member and do something positive. I wrote to my local Labor Member of Parliament, Molly Byrne, who invited me to attend a meeting of the local Labor sub-branch at the nearby village of Williamstown. Again for the sake of a good plot I should have become involved in Federal politics in opposition to Bert Kelly but while I was strongly opposed to the Vietnam War and the Red Arrows interpretation of foreign affairs it was not the only issue on my political agenda.

The members of the Williamstown Labor Party sub-branch were mostly government employees from the forests and reservoirs. People who worked for private employers in small country towns were reluctant to show their political allegiance because they feared discrimination. The sub-branch members all knew me immediately even if I did not know them. One branch member had worked as a shearing shed hand for my great grandfather, Edwin Barrett, but the others all knew where I came from, the large property I owned and my family background but showed no resentment. Later I was to find a few Union officials deeply suspicious about my middle class origins and large landholding but that was not the

attitude of the rank and file. The members of the sub-branch represented the best of the Labor Party at that time. They were a collection of free spirits united in common desire for a better and fairer world but otherwise prepared to argue fiercely for a range of unfashionable and awkward political opinions. Later the sub-branch was strengthened by an influx of rural retreaters who also believed strongly in a non-nuclear future and many other environmental issues. In the 1980s they all decided to vote the sub-branch out of existence rather than become collaborators in the uranium mining policies of the Bannon and Hawke Governments.

Before the 1968 State election Molly Byrne asked me to stand as the Labor candidate for the safe Liberal seat of Angas that covered the northern part of the Barossa Valley. She was under heavy pressure from the Liberal campaign in her own Barossa electorate as it was still considered a marginal seat. She needed to keep Liberal Party workers on their own patch. If there was no Labor candidate in Angas those Liberals would provide additional support to the Liberal campaign in her electorate.

I agreed to stand as I thought it would be useful to the Labor Party. I had not yet developed my own political ambitions nor was I plotting a series of hopeless seats for a "they owe you one" attempt on some winnable seat in the future.

I was given a list of Labor members of a long defunct Labor Party sub-branch in Nuriootpa and told to get on with it. The Party organisation in Adelaide had more important things to do and could not waste time or resources in such a totally hopeless seat. I found one or two of the old members who were still alive, kicking and prepared to help so we set off to create an apparently active campaign with no resources or substance. Our team of two, sometimes expanded to three, would door-knock houses in the electorate, not on a consistent basis, but in a series of guerrilla attacks. One night we would be in one town, another in a town at the other end of the electorate and sometimes in small villages that would never normally be approached on an individual basis. The plan - which succeeded brilliantly - was to give the Liberals the impression, as reports from their supporters of our work filtered back, that the Labor Party had many teams of door-knockers covering the whole electorate intensively. We realised no one would bother to go into details of when, where and how many but jump to the conclusion that Angaston, Tanunda and Nuriootpa were being door-knocked as well as many smaller towns. Two gnats were all they were up against but they believed it was a whole army. Mao would have been proud of us.

The Liberal campaign that was launched in response followed a more traditional pattern of a series of public meetings. One hot night in Tanunda our tiny twosome passed the Institute Hall on that night's door-knocking skirmish and we saw a Liberal public meeting in progress. Four sweating politicians dressed in their dark suits were on the platform and a handful of people were dozing in the audience. I began to move on but my companion stayed to listen through the open windows, concealed in the darkness outside. In retrospect the 1968 election can be seen as a turning point in the long campaign for electoral reform in South Australia and as a crucial part of Don Dunstan's political survival. It was not fought that way. The campaign focused on more trivial bread and butter issues. The parochial issue in the Barossa Valley at the time was the connection of the water supply to the Murray River by pipeline thus providing reliable supplies even in times of drought.

The speaker in the hall droned on and on about what the Liberals had done for the electorate when in office before 1965 and then said that the new pipeline, although built by Labor, was really a Liberal idea. At this point my friend could stand it no more and bellowed in a voice that rattled the window panes: "You bloody liar!" The speaker stopped dead. The audience woke abruptly from their slumbers almost falling off their chairs. The line of politicians on the platform looked startled. We laughed quietly to ourselves and moved on wondering whether audiences for future Liberal public meetings increased in the hope of more excitement from the ghostly interjector. Molly Byrne held her seat of Barossa very comfortably but overall the Labor Party lost rural votes in a few key marginal seats and narrowly lost government.

I had made contact with the staff of Party Office and had become friendly with David Combe and his wife. David had been on Don Dunstan's staff and was now Assistant Party Secretary to Mick Young. David Combe persuaded me to stand for the Federal seat of Wakefield in the 1969 election. It was ironical that I should stand against Bert Kelly - the person who had stirred me into becoming a Labor activist. It was another of those really hopeless seats. I calculated that if I won Wakefield for Labor there would be only two Liberal Members left in the Federal Parliament. While such things have happened in Canada it did not cross my mind that I would ever win. Labor needed a candidate to bring out the vote for the Senate and my campaign was closely linked to the Senate. The tactics I had used in Angas were appropriate to a short campaign and a small area but would be ridiculous over a longer one. Wakefield was a huge electorate covering almost half the State and many times larger than the

area of Britain. I could not see myself dashing off to distant parts to do a spot of door-knocking. Instead I started a newspaper campaign through press releases and letters to local newspapers. I found to my surprise that the editors of the country newspapers were eager for material. Provided it was not too blatantly party political they would print most of what I sent them - even if mine was buried at the back while Bert Kelly's stuff was on page two. From this little acorn I also grew into a part-time journalist and later a writer.

The Wakefield campaign also showed me what a mystery rural policy was to the Labor Party. Again and again I found when I rang Mick Young or David Combe at Party Headquarters for policy directions that they were totally stumped. I would respond by asking if, as they had no policy, they would like me to write them one on some rural issue. They were delighted. I would send a draft down to them, they would refer it to Rex Paterson, the Federal Shadow Minister of Agriculture, and nine times out of ten it would become the Labor policy nationally. Mick Young was by then Acting Federal Secretary. He was so pleased with the policy I did on the wheat industry that he turned it over to his advertising people who wrapped it in some fancy art work and printed off hundreds of thousands of copies for distribution throughout rural Australia.

The 1969 Federal election was a triumph for the Labor Party and took it out of the decades spent in wilderness to within striking distance of Government at the next (1972) election. Of course I remained a farmer and grape grower at Lyndoch.

Back on the South Australian scene, Steele Hall, the Liberal Premier who had won the 1968 election, was pressured into drawing new and slightly fairer boundaries for the State electorates. There was a great scramble of candidates for the whole mass of potential Labor seats. I had not yet accumulated sufficient Brownie points under "they owe you one" rules to get a good seat but was offered Light - a new electorate that mixed the strongly Labor area of Gawler with a substantial hinterland of Liberal country. This was a Liberal marginal seat according to the voting patterns of 1968 but could be won by Labor on a small percentage swing.

I thus became involved in a serious campaign with real Party support. It was during the 1970 campaign that I first had close contact with Don Dunstan who spent a few days on the campaign trail with me in the Barossa wineries and in Gawler. It also introduced me to the unspeakable boredom of one's own voice during electioneering. Don Dunstan and I would go during the day from work place to work place

talking to small groups and to sub branches in the evening. Don would give a marvelous little speech, full of enthusiasm and totally spontaneous while I would stand nearby trying to show how interested I was in spite of having heard it almost word for word five times already that day and twenty times over the week. It was an art I was to learn but the boredom never passed. People complain they are bored by politicians but that is nothing to the way politicians bore themselves. The days of factory gate meetings were passing rapidly but later I found the same boredom with the radio and TV sound bites. Each journalist wanted a separate interview and I had to appear enthusiastic and fresh repeating the same media release a dozen times.

The 1970 South Australian election turned out to be a re-run of 1968 in terms of the popular vote and the new seats created by Steele Hall's redistribution fell into place as predicted by the 1968 figures. Labor had a comfortable majority. The Liberal candidate for Light was Bruce Eastick, local veterinarian and Mayor of Gawler, who was a well known and presentable candidate and he kept the Liberal vote intact. I was naturally disappointed but can see that in retrospect it was the first of a number of lucky breaks. I do not think I was cut out to be a local Member. To hold such a marginal seat would have required attendance at a constant round of local functions. They would have driven me mad. Even with Herculean efforts and the slight advantage of being a sitting Member I doubt whether I would have held Light in the 1973 election and it would certainly have gone to the Liberals in 1975.

Nonetheless, now was the time for me to call in the IOU's or rather TOYO's. I had run three good campaigns in Liberal seats and earned my ticket to a winnable seat. The 1970 election, fought on Steele Hall's new boundaries, had offered many winnable seats to Labor and this had mopped up most of the aspiring candidates waiting in the wings to enter Parliament.

The safest of safe Labor seats at Elizabeth came up due to the announced retirement of the sitting Member at the next election. There was an open field for the Labor pre-selection of more than a dozen candidates with no front runner. I was encouraged to stand by David Combe who assured me that Mick Young would back me with the Union bosses. Mick was by that time fully committed to the 1972 Federal campaign and could not lobby the Unions on my behalf as promised. David Combe, although Acting Secretary, had come from outside the Union movement and did not have the same clout. Peter Duncan, an industrial lawyer, had plenty of Union contacts, was closer to the Trades Hall bar

and won the pre-selection for Elizabeth. I felt badly let down by Mick Young at the time but my defeat was in fact my second stroke of luck.

My third stroke of luck came soon after. Lloyd Hughes had been the Member for Wallaroo under Tom Playford's biased system of electorates. It was one of those tiny rural seats that Labor had eventually managed to win because of the workers in the Wallaroo port and superphosphate factory. After the boundaries were redrawn by Steele Hall the rural vote swamped Labor voters in the small towns. Lloyd Hughes lost in 1970. Don Dunstan was immensely loyal to Labor people and Lloyd had been such a stalwart during all those lean decades of Opposition before 1965 that Don Dunstan made sure Lloyd Hughes was endorsed for the Legislative Council seat of Midland for the election expected in 1973. Ces Creedon who had kept the Gawler district going for Labor for years was the other member of the Labor ticket. Lloyd Hughes withdrew due to ill health a few months after being pre-selected.

The pre-selection was re-opened and I stood. Fortunately there was no senior Union candidate. Union power brokers in the Party were not convinced Labor would win the Legislative Council seat of Midland as we were still in the middle of the computer-driven enrolment campaign. They had no idea Midland was already on the way to being safe for Labor. If they had I am sure I would have had some stiff opposition. There was one formidable candidate, Mark Harrison, an industrial lawyer who had plenty of Union contacts and considerable support from the Left faction of the Party. He was the *bête noire* of senior Party officials at the time. It was one of those storms that were intense then but are now completely forgotten. It had a galvanising effect on David Combe and Mick Young who were just as determined to defeat him as they were to select me. They pulled in all the "heavies" such as Don Dunstan, Clyde Cameron and Senator Toohey to lobby the Unions on my behalf. Of course I had all those outstanding IOU's to cash in but they could also rightly claim that the Midland seat had a large rural hinterland which could not be ignored and that my rural background was what the Party needed for a balanced team. Still, without Mark Harrison's intervention it would have been more difficult for me to get such unified support.

Ces Creedon and I did no campaigning to speak of in the conventional sense. All our efforts went into enrolling Labor voters in the suburban areas that had over the previous decades crept into Midland and changed it from a rural to an urban seat. The enrolment drive was so successful we won comfortably. In the Legislative Council seat of Northern the same enrolment campaign had been carried out in the

industrial towns of Whyalla, Pt. Augusta and Pt. Pirie. The same potential existed for turning the rural seat into one with an urban majority. The Labor Party made great inroads into the Liberal vote but the Labor candidates narrowly lost to the Liberals.

I was now a Member of the Legislative Council. I had to go and buy myself some formal clothes, even ties – something I rarely wore. I was determined not to join the club of dark-suited legislators and so bought myself some bright colored suits, including an orange one, some jazzy ties and corduroy jackets. Watch this space for future developments on the clothes front.

Don Dunstan decided this victory in Midland was the chance to move on the Legislative Council. It was still almost invisible - barely registering on polls of voters' perceptions. In the period after the election and before the recall of Parliament Don Dunstan mounted a public awareness campaign with marches and public rallies. These were organised to include public figures not just the Labor heavy weights. The rally held in Light Square had Don Dunstan on the same platform as journalist, poet and man-about-town Max Harris - a surprising juxtaposition given Max's subsequent carping criticism of Don Dunstan in his newspaper column. At that time Max Harris rightly saw the Legislative Council as the ultimate symbol of the Adelaide Establishment which had treated him so shabbily over many decades.

As a participant, it all seemed to me so obvious at the time that a strong campaign with support from independent leaders of the civil society was vital. Paul Ginsborg in his excellent contemporary history of Italy – *Italy and its Discontents 1980 – 2001* -is trenchant in his criticism of the Centre Left Government of the late 1990s for failing to organise campaigns with independent support from civil society for their constitutional and other reforms. He claims that a major reason for the failure of these reforms was the lack of organised support outside Parliament.

To understand the context of Don Dunstan's plan to reform the Legislative Council one needs to make a short gallop through South Australian constitutional history. The colony of South Australia was established in the early part of the 19<sup>th</sup> century and was governed, as were all British colonies at that time, by a colonial Governor (complete with ridiculous uniform) and a Cabinet of senior public servants. The British Ministers and their officials in London had learnt well the lessons of the American War of Independence and moved swiftly to include prominent citizens in the Cabinet. One of my Bagot ancestors was in the

first Government of South Australia that included this wider citizen participation.

From there it was a short step to an elected Parliament in 1857 with an adult male franchise. The pace of reform was rapid - much faster than the home country of Britain. By the 1890s South Australia had a franchise that included both women and aborigines and could regard itself along with New Zealand as one of the first truly democratic countries in the world. If one applies a crude test that a country cannot begin to call itself democratic unless more than half its adult citizens are eligible to vote then South Australia passed this simple test forty years before the mother of parliaments in Westminster.

Having taken the world of democratic progress by storm in the latter part of the 19<sup>th</sup> century it was down hill all the way until the Dunstan reforms of the 1970s. The proud record of citizen enfranchisement was eroded when aborigines lost their right to vote at the time of Federation. Other changes were slower but just as insidious. The House of Assembly, the Lower House of the South Australian Parliament, was to become one of the most undemocratic in the world by the 1960s. Its organisation of electorates had become known as the Playford gerrymander or "Playmander" after the Premier of the period and its chief architect. The term Playmander was coined by Blewett and Jaensch in their 1971 book *Playford to Dunstan* but the "mander" was a misnomer as it was simple electoral fraud. Perhaps "Playfraud" would have been more appropriate. A gerrymander as invented in America was a system of drawing electoral boundaries so your opponents won a few seats with large majorities while the party in power won a much larger number of seats with only small majorities. In this way an evenly matched popular vote could be converted into a substantial parliamentary majority. Tom Playford was much cruder than this in his electoral manipulations. The country areas, which voted overwhelmingly for his Liberal and Country League were divided into electorates with small numbers of voters. The city of Adelaide, which contained three quarters of the population of South Australia, most of whom were Labor supporters, had electorates with four or five times as many voters. Tom Playford did not need convoluted boundaries for electorates that give the term gerrymander its name nor was he concerned that big Liberal majorities in country seats wasted Liberal votes. The sheer number of country seats compared to those for the metropolitan area kept him in power for decade after decade.

South Australians were fortunate that the Playfraud period

occurred before election monitoring became an international spectator sport. It would have been most humiliating for South Australia to have been awarded a lead or wooden medal at the Electoral Justice Olympics by the Carter Foundation. To be considered in the same breath as Pakistan or Zimbabwe in terms of electoral manipulation would have been a severe blow to our self-esteem.

There was a flaw in Playford's system of permanent power. As the metropolitan area expanded out into the country new Labor voters, even in small numbers, could change the political color of rural seats. He had tried to avoid this by establishing the City of Elizabeth - an Adelaide overflow suburb - in the Labor held seat of Gawler where a huge number of additional Labor votes merely increased the existing Labor majority. He was able to locate Elizabeth in a Labor electorate through his control of the State Government Housing Trust but elsewhere private housing development was not so easily organised and new housing in the north east and south of Adelaide started to change the electoral landscape. Finally in spite of the almost insuperable bias against it, Labor won in 1965 under the leadership of Frank Walsh. Don Dunstan became Attorney General, Minister for Aboriginal Affairs and a host of other hats that no one else wanted.

A similar period of manipulated political stability existed in Italy for near forty years after the Second World War. While the outside world saw this as a period of constantly changing governments the reality was a system of musical chairs in which the same Government, the same politicians and most important of all the same parties remained in power and only a few senior leaders shuffled ministerial seats. The Italian system was manipulated by means of financial corruption and no one would ever accuse Tom Playford of that. Talking to an Italian friend, when the system was falling apart in the early 1990s with senior Ministers being hauled before magistrates to be accused of colossal bribes, she said that these corrupt politicians had robbed her generation not only of their taxes but of their politics. She explained that politics had dropped out of the lives of her generation as they realised that whoever you voted for resulted in the same government led by the same tired manipulators.

Although money pay-offs were not involved in South Australia Tom Playford did succeed in removing politics from elections. Whoever you voted for the electoral bias was so strong that Playford and the Liberals always won. It is not just in Playford's South Australia or the Christian Democrat's Italy that large parts of the political class conspire to take politics out of democracy. It is a growing trend worldwide. A major reason

is corporate funding of both Left and Right. Business has found that funding both sides is good insurance. While they provide more to their traditional allies on the Right they give enough support to the Left to remove any sting from the Left's policies. Citizens can vote but increasingly fewer and fewer are bothering as they know that corporate sponsorship calls the tune for both sides.

The 1965 election in South Australia changed the political power of the voter with a bang. Politics were reinvented. Don Dunstan raced reforming Bill after Bill into the Parliament and the statute books for the next several years grew fatter than those for the previous decade. Frank Walsh retired as Premier towards the end of the Labor term and Don Dunstan was narrowly elected Party Leader and Premier ahead of Des Corcoran. The Labor Government had lost some public support during its first term. As Machiavelli truly said, when instituting a policy of change governments must lose support from those adversely affected while those who receive benefits are slow to realise their good fortune and reward governments accordingly.

Don Dunstan when he became Premier launched a strong publicity campaign to recover many of the wayward Labor supporters. There was a turn round in the popular vote but Labor still lost in the 1968 election because Tom Playford's Achilles heel now turned against Labor. Tom Playford's tiny rural seats were not only vulnerable to the steady outward creep of Adelaide's suburbs but during the decades in the wilderness Labor had picked up a few rural seats that contained some industry, a sawmill, a railway workshop or various factories. These rural seats had been won through a combination of a solid core of Labor voters in the factories, a popular local candidate who swung a few additional votes to Labor and Tom Playford's success in abolishing politics. Some of the rural voters felt they could safely vote for the popular Labor candidate without changing the permanent Liberal Government in Adelaide. Labor changed that in 1965 but Don Dunstan changed it most of all. His hectic pace of change meant no one could fail to realise that votes changed things and many people in conservative rural areas were not impressed with this young Labor lawyer. The leakage of Labor votes was only small but given Playford's tiny country electorates it was sufficient to throw the Dunstan Government into Opposition.

The 1965 to 1968 period of Labor Government revealed a skeleton in the constitutional cupboard that had been quietly mouldering away for a century or more - the Legislative Council or Upper House of the South Australia Parliament. How could a complete House of Parliament with

twenty members, a fine debating chambers with red leather benches and the whole panoply of President and Black Rod become mislaid for a hundred years?

A stain on the reforms of the late 19th century had been the failure to change the Legislative Council. It had complete veto powers over the House of Assembly as the House of Lords had in Britain at the time. It was elected - not appointed or inherited - but the franchise was restricted originally to people with substantial property who could through this second chamber control the "excesses" of the popular will. The excesses of democracy were a great concern to the ruling classes in the 19<sup>th</sup> century and even earlier to the drafters of the American constitution. They thought that their property would be confiscated by these populist democratic firebrands if they ever gained complete power. How wrong they were!

While the power of the House of Lords was broken in Britain early in the 20<sup>th</sup> century by the Parliament Act which allowed the Lords in the last resort only delaying powers over Bills from the Commons no such changes occurred in South Australia. While the Liberal Party was in power through the decades of the Playford Government the Legislative Council sat for a few hours every week and quietly passed the Government's Bills with one exception. The majority of Liberals in the Council refused to support Playford's nationalisation of the Adelaide Electric Supply Co. The Bill was only carried with Labor support.

While Tom Playford, as Premier, had cooled the temperature of the political debate generally in South Australia the atmosphere of the Legislative Council had been reduced to absolute zero. Labor in Government changed that too. The Council suddenly emerged as a major obstacle to reform. Bills sent up to the Council from the Assembly were sometimes defeated outright but more often mangled with amendments so they contained few of the original objectives. Another tactic was to leave them undebated on the Notice Paper (agenda) until the end of the session when they just lapsed.

Winning Labor control of the Legislative Council appeared to be even more hopeless than gaining a majority in the House of Assembly. The old property franchise qualification had withered away with inflation to a low level where anyone who owned or rented a house was eligible to enrol. It was discriminatory against women who often were not joint owners or tenants with their husbands but this injustice affected both Liberal and Labor voters alike. Again it was those pesky electoral boundaries that so effectively defrauded many South Australians of an

effective vote of equal value. Like the House of Assembly there was a heavy bias in favor of the country where the Liberal Party gained most support. The Legislative Council had a complex multi-member system of electorates. They were not the multi-member proportional electorates as in New Zealand but a strange system of winner-take-all. The details are not important. The outcome was that twelve members represented the quarter of the population that lived in the country while eight represented the three-quarters of the population resident in Adelaide. For decade after decade during the Playford period, Labor won only four of the eight Adelaide seats and none in the country. It had a total representation of four members out of twenty, yet Labor regularly received between 50 and 55% of the popular vote state-wide. In the annals of electoral fraud world wide 20% of the seats for 50% of the votes must be a record that even Zimbabwe cannot beat.

As well as the electoral bias many people who were eligible to vote were not enrolled. Enrolment was not automatically extended with the normal enrolment for the House of Assembly and the Federal elections. The Legislative Council had such a low profile that many people did not know or care about its existence and could not be bothered to enrol. The Liberals had realised its importance as a second line of defense and had encouraged their supporters to enrol in rural electorates. Labor was more concerned with gaining Government through a majority in the Lower House and had given a low priority to Legislative Council enrolment. The urban creep that had finally destroyed the Playford grip on power had not been transferred to the Legislative Council. More and more working class voters spreading into rural seats had finally tipped the balance to Labor but they were not enrolled for the Legislative Council so nothing changed in the Upper House.

During the 1965 to 1968 period Don Dunstan had persuaded the electoral administration to post out enrolment forms to every elector in the State. The response had been poor and from Labor's point of view, the take-up had been just as high among Liberal as Labor supporters. In 1968 the reform of the Legislative Council was on the back burner as Don Dunstan fought for his political survival. Labor lost the election. Don Dunstan had been a brilliant young Attorney General and for a few months Premier. He had fought a good campaign and virtually restored Labor's popular vote but he had failed the only test that counts and did not have a majority of seats in the Lower House to enable Labor to form a Government.

Luck is most important for politicians - just as important as all

those other leadership characteristics that are so often discussed. Don Dunstan received a lucky break from the Liberal Party. After Tom Playford lost the 1965 election he retired and the Liberals jumped a couple of generations and selected Steele Hall as their Leader of the Opposition and then as Premier. Political parties around the world seem to make the same mistake. A Party gains power after decades in the wilderness with a young and totally inexperienced leader and the defeated Party throws aside its old leaders in favor of a fresh image. The greatest weakness of the new Government - youth and inexperience - is immediately cancelled out in electoral terms as the Leader of the Opposition is also young and inexperienced.

It is fascinating to speculate what would have happened if the Liberals had chosen a nonentity from Playford's old Cabinet and if he (they were almost all men) had kept a low profile and waited for the 1968 defeat of Labor. Don Dunstan could have ranted and shouted "we was robbed" from the roof tops but if the Liberals had kept their nerve the effect would have gradually seeped away. The citizens of South Australia would have returned to their apathy, feeling happy that Labor had removed Tom Playford's repressive social legislation, but otherwise they were back with the comfortable old system where politics were cooled to such a level that State elections passed without a ripple. If the Liberals had won again in 1971 would Don Dunstan have stayed? Would he have moved to fresh Federal fields as Steele Hall did after his defeat in the 1970s?

That did not happen. Steele Hall, as Premier, aggressively entered the political debate with Don Dunstan and, by arguing with him, helped Dunstan keep the "we was robbed" campaign alive after 1968. Don Dunstan made sure that the issue did not go away and finally the Liberals put forward an electoral reform plan which narrowed the bias between country and city to a level where city electorates were only double the size of those in the country. In most modern democracies a 10% variation between seats is allowed as population movement does not permit every seat to be exactly equal all the time. Any bias greater than this in favor of one section of the country is regarded with suspicion by international monitors. We were, after the Hall reform, no longer in the Pakistan or Zimbabwe class but hardly paragons of democratic fairness.

The only way Steele Hall could attempt to justify his strong rural bias was to stress the constituency role of the Member of Parliament and downplay the legislative role. The constituency argument ran along the lines that MP's need to contact their constituent, write letters and see

Ministers on their behalf and that a vast rural electorate made such contact difficult. 1968 seems a long time ago. It was before the era of fax and email but there were efficient telephone and postal services that enabled easy contact over long distances. The argument did not coincide with reality as I knew well from my contacts with Mollie Byrne, the Labor Member for Barossa. It was one of Playford's rural seats that had been swamped by housing development on the Tea Tree Gully vineyards. These suburban electorates might be compact but their young populations generated many times the electoral work compared to stable or declining rural populations.

Don Dunstan had a large ego. It is impossible for a leader with his self-confidence and ambition not to have one but it was under control. Many politicians become so dominated by their ego that they become convinced that if they can only communicate with more people they will persuade them through the force of their personality and argument to vote for them in an election. Don Dunstan had used argument, publicity and force of personality effectively as Premier and Leader of the Opposition but Labor's private polling for the 1970 campaign showed that the voters were tired. They had had enough of politics. They thought Don Dunstan and Steele Hall were always squabbling and should get together more often for the "good of the State." The polls also showed Labor would win comfortably on the new electoral boundaries and high temperature politics could turn voters away. Don Dunstan was persuaded by the polls and his campaign advisers to play down the politics, not to rise to Steele Hall's attacks and generally to play it cool in spite of his natural combative instincts. Perhaps that is why the campaign managers could allocate a considerable chunk of Don Dunstan's time to my campaign in the marginal seat of Light.

Don Dunstan realised that although Steele Hall's reform was totally inadequate in terms of electoral justice it was enough for Labor to win Government, which is exactly what happened at the next election in 1970. Now back in Government Don Dunstan was able to return to that old skeleton - the Legislative Council. Today we live in a computer world where it has joined the TV and washing machine as just another household appliance. It is hard to recall how little we knew about their capacity in 1970. Don Dunstan, as Premier, was responsible for electoral administration and had the rolls put on computer. It was then suggested to him that the rolls could be printed in two ways - the normal alphabetical list used in each polling booth at an election and another list that placed each elector in a street in the electorate. Now we all have

such data bases on our personal computers but at the time it was a considerable innovation. This street order roll became the weapon that won seats in the Legislative Council for Labor and changed the constitution of the Legislative Council.

Previous attempts by Labor activists to enrol people for the Council had been frustratingly slow and had petered out in despair. One needed to go from door to door, ask the residents their names, look up the alphabetical roll and determine if they were also on the Council roll (a "LC" was printed in the margin). If they were not one tried to persuade them to fill out the form. If they were on the roll the whole exercise was a waste of time. Now half of this tortuous process was eliminated. The party worker looked down the street list, identified immediately those who were not enrolled for the Council, called on them and persuaded them to enrol. Enormous and rapid progress could be made. Campaigns were started in Midland - the electorate north of Adelaide that included Elizabeth, Salisbury and other safe Labor Assembly seats - and Northern where the industrial centres of Pt. Pirie, Pt. Augusta and Whyalla contained a great reservoir of potential Labor voters. Of course we concentrated our efforts in electorates which had large Labor majorities and, within those, on the polling booths which were even more strongly Labor.

Our approach on the doorstep was to say "I am from the ALP" and if we received any response that indicated the voter was not a supporter we walked away without mentioning the enrolment drive. In this way we believed that more than ninety percent of our new enrolments would vote Labor and so it turned out. Ces Creedon and I won our seats in the 1973 election with a most handsome majority.

At the first Caucus meeting after the election Don Dunstan revealed his master stroke. To stop the Legislative Council adjourning the reform Bills day after day until they fell off the Notice Paper (agenda) the first session of the new Parliament would consist of only three Bills - the normal money Supply Bill and the constitutional reform Bills. I do not remember precisely how long it was between that Caucus meeting and the opening of Parliament - it would have been at least some weeks - but not a word leaked from Caucus or the Party Office. There must have been 40 or 50 people in the know and while we were told to keep quiet there was no great song and dance about swearing to secrecy. Don Dunstan just expected that it would happen. At the same time Gough Whitlam as Prime Minister of Australia was unable to stop his Cabinet leaking like a sieve. To announce anything at a Federal Labor Caucus meeting was the

equivalent of issuing it straight to the press. Nor were we briefed on our behavior at the Parliamentary opening. We treated it in exactly the same ho hum way as normal with no whispering or giggling. The surprise was total. The press and the Liberal Party were stunned when the Governor marched in and said that there would be only three Bills that session! It must have been the shortest Queen's speech on record - only a few minutes and unheard of for an incoming Government after an election. There was no way that the Liberal Opposition could use their Council majority to adjourn the reform Bills to the bottom of the agenda. There was nothing else on the agenda. They had to debate them while Don Dunstan's campaign in support was operating at full strength outside Parliament.

There were three main elements in the Legislative Council reform. First, the same franchise as the Assembly with no separate enrolment, no property requirement, and no voluntary enrolment.

Secondly, a system of proportional representation with the whole State as a single electorate based on the German voting system. The Legislative Council would be expanded from 20 to 22 with 11 members coming up for election every 3 years. There would be Party lists and transfers of votes but any Party obtaining less than 5% would be eliminated without having its votes transferred.

Thirdly, the reforms introduced a deliberative vote for the President of the Legislative Council and the Speaker of the Assembly. This reform was a first in the history of the Westminster-style Parliaments. The reason for this reform came from the previous decade where Tom Playford, the Premier, had failed to change his infamous electoral boundaries quickly enough to avoid the expansion of Labor supporters into small rural seats. He had been landed with a Parliament in which he had a majority of only one (the independent speaker Tom Stott). This was sufficient to run the Government on a day to day basis but not to change the electoral boundaries. To change them required a constitutional amendment and a constitutional majority to pass it. That is a majority of half the total members of the House plus one. There were at the time 39 Members in the Assembly - Labor 19 and 19 Liberals plus Stott's casting vote making 20 for the Playford Government.

When Playford's attempt to change the electoral boundaries came before the House, Don Dunstan as the Labor Party's legal eagle had developed the strategy of withdrawing one Labor Member from the vote so there were only 18 Labor. The Liberals had 19 so they won the vote on the floor but it was not a half (19) plus one - that is 20. The Speaker

could not vote as the rules of the Westminster system say he only votes when there is an equality of votes on the floor. Tom Playford, the Premier, was stymied. His system was crooked but he could not change it make it even more crooked.

Don Dunstan could see the same problem occurring in the reformed Legislative Council of 22. If Labor had continued to get the popular votes it got in 1970 and 1973 it would have won 6 out of 11 seats. After two elections 12 out of 22 - enough in theory for a constitutional majority but if one Member was President and only 11 were on the floor Labor would win the vote against the 10 Liberals but not by the constitutional majority of half plus one. The President would be unable to vote because the vote on the floor was not tied. By giving the President a deliberative vote this could be added to the 11 to make the necessary constitutional majority. In fact it has never been used in this manner as Labor has never yet had 12 members in the Legislative Council.

The reform of the Legislative Council may well have contributed to the new three-way split in South Australian politics where the Liberals and Labor seem to vary around 35 to 40% of the vote. The rest is distributed among other parties with the Democrats gaining a solid 10 to 15%. I doubt whether the Democrats would be able to sustain their vote if it were not for their success in the Council. If they just came third, election after election, in Assembly seats their support would soon drift away but with their place as the balance of power in the Council on many issues they are able to harvest publicity and support.

The first session of the 1973 Parliament was a baptism by fire for Ces Creedon and I as novice backbenchers. Normal Parliamentary business was suspended and we were plunged into the most important constitutional reforms for a century. The opposing sides were evenly matched. The Liberal Opposition in the Council under Ren De Garis still had an overwhelming majority of fourteen members out of twenty and a complete power of veto with this majority. The Liberals realised that Labor would certainly win another two members in Midland at the next election and had an excellent chance of picking up two in Northern also. That gave us only ten with our existing six in the twenty-seat House and no power to change the constitution. We would have to wait for another election in six years time to take the final two Northern seats. In six years we could have a majority of twelve in the twenty-seat House. At that stage we would have an absolute majority and could abolish the Legislative Council or do whatever else we wanted. The sword of total abolition in six years time was reinforced by more immediate public

pressure from the campaign Don Dunstan was running with considerable support from leaders of civil society in the media. The existing system was so obviously fraudulent and indefensible that the Opposition had little ammunition to respond with. While ultimate Labor control was a much talked about scenario, Don Dunstan was realistic enough to see that he would have to win the next two elections convincingly to achieve it. A week is a long time in politics and six years an eternity. In the meantime he would be faced with a recalcitrant Legislative Council - even more than usual - if the Liberals believed they were a suicide squad with nothing to lose in terms of public acceptability.

The debate raged. Amendments flew back and forth between the two Houses. The final stage was a conference - my first, but there were many to come - between representatives of the two Houses where the final horse-trading took place. It was a marathon all night and early morning conference. Those not involved hung round the corridors waiting, as with the election of the Pope, for smoke signals indicating some progress. The final Bills were passed at something like three in the morning. Chris Schacht, Assistant Party Secretary, was in the gallery with one or two other Labor supporters and gave a loud cheer when the President finally put the motion: "That this Bill do now pass" .... "I think the ayes have it." Old S'Lyell McEwen, the President, looked up at them sourly and said: "I suppose it is too late to have the gallery cleared."

While the constitution was up for reform Don Dunstan also changed Steele Hall's boundaries for the Assembly and set up an independent electoral commission that has so far proved to be tamper proof. We were finally free of any comparison with Pakistan and Zimbabwe. It was also an enormously important change but was overshadowed by the reform of the Legislative Council.

These constitutional reforms must rank as Don Dunstan's greatest achievements - certainly much greater than his social reforms. Reform of pub hours, the lottery and the TAB dominated the press columns when he died but they would have happened anyway. Similar reforms occurred in Victoria under a Liberal Government. The constitution was Don Dunstan's triumph but he was not a one-man band. He had a strong team in Hugh Hudson, Geoff Virgo and Len King and was prepared to leave them to take the running on many of the details in Caucus. I do not wish to diminish the considerable contribution they made to the reforms - Hugh Hudson was the originator of the idea of using the German voting model which is some "detail" - nor am I trying to allocate fame. It was Don Dunstan's management style to balance delegation and control and he

could allow very able colleagues to carry a large part of the load while still keeping a firm grasp of the direction they were going. He had the stature not to be worried that they might steal the credit for what was one of the major achievements of his period of office.

My role? They also serve who sit and vote.

An amusing footnote on the reforms was Ren De Garis' move - I do not think it was an official Liberal policy - to submit to the Salaries Tribunal that, as Members of the Legislative Council were now representing the whole State not individual electorates, we should have a much bigger electoral allowance. The Tribunal accepted De Garis' argument and gave us allowances about three times that of the average city Assembly Member - much to their undying and justifiable fury.

The publicity surrounding the reforms had thawed the Council from its hundred year cryogenic state but only to a state of torpor. It took another two elections for the reforms to work through to the stage where the Council was finely balanced. That created considerable interest in its debates but until that happened the workload was much less than that of the average city Member of the Assembly.

Writing of these events that took place in one of the smallest States in the remote country of Australia thirty years ago I sometimes wondered whether they are really important, but the fiasco in Florida during the 2000 -01 US Presidential election count has removed those doubts. Democracy needs constant maintenance and periodic overhaul. Neglect leads to the fraudulent system we had in South Australia thirty years ago. Britain has slowly started the process of reforming its House of Lords. The USA has done nothing to modernise the archaic provisions of its constitution that elect the President indirectly through the Electoral College. Both USA and Britain lack a visionary of Don Dunstan's stature and are stumbling along a zig-zag path with no obvious goal in sight.