

Can you see the Street family travelling back at night in the car from Golden Valley - the children safely asleep in the back? All, that is except Sylvia, who asked her Dad to explain all about the birds and the bees. (Typical Sylvia, always go straight to the leading authority!) After a detailed explanation the dutiful father added

"Always feel completely free to discuss this in the family, but it is not something we mention outside!"

"Thanks, Dad," says she, "I won't say a word."

And then Ken's voice from the back of the car:

"You won't have to worry about me, Dad, I haven't heard a word."

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### Other Careers

I won't tell you about Sir Laurence's nine years as Chairman of the Cranbrook School Council, nor of his work on the Company Auditors Board and the Public Accounting Registration Board or the many, many things he's done in the law outside his judicial office. Suffice to say there has never been a dull moment.

### Conclusion

With what then do we end? The regal lineage, the Street dynasty, the reforming zeal of Jessie, the subordination of

personal gain to public service? Some may so desire. They would not be in error.

I desire to end where I first met him, as a nameless article clerk. The true measure of greatness, I venture to suggest, is within and not without. Achievements are salutary, even admirable, but for my measure I would turn to Wordsworth and his Lines Written Above Tintern Abbey -

"...Those timeless, unremembered acts,  
Of kindness and of love".

No one in this room could number the courtesies in this kind and courtly life. And in a family to which greatness is no stranger, if a family roll is made of those who have loved their fellow men, then, I venture to suggest, that like the name of Abou Ben Adam, on that list, Sir Laurence, your name will lead all the rest.

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## *Reply by Sir Laurence Street K.C.M.G.*

SIR LAURENCE: It will be in order now for those members of the profession who have suffered innumerable exposures to this exhortation to leave if you so wish and thereby escape being bored to tears having to sit through it again.

In thus recalling to you at the outset of my remarks this evening the customary opening of the admission ceremonies address, I should make a confession. It was proposed that Tim Duchesne, instead of manipulating as he has with such obvious dedication to the task in hand the electronic wizardry underneath this lectern, which I suspect is likely to blow up at any moment, should bring over to these proceedings, at a carefully contrived pre-arranged time whilst I was speaking, the baby which customarily resides in the Prothonotary's Office. Unfortunately the Office was found to be locked. It proved impossible to get hold of the baby. Profound though is my respect for the fecundity of the members of the New South Wales Bar, I did not anticipate anybody could produce a baby on demand so as to be available immediately. This could be beyond even the members of my own family, who are not lacking in capacity or track record in that regard.

I was grateful to Ken Handley when he told me that he had asked Meagher and Waddy to speak this evening. I thought I wouldn't need to come with anything prepared because I would have my time taken up defending myself. As it happens, I am greatly moved by the kindness and generosity of the previous speakers. I am inclined to think it is my successor who needs a defence more than I do. But I don't know that he would trust me to put forward a defence on his

behalf. I appear before you accordingly as a litigant in person, responding to Roddy and Lloyd, but at the same time somewhat overwhelmed by the warmth of what they have said.

I may say that I have a healthy respect for litigants in person. One of my early ventures at the Bar involved appearing for David Jones in the District Court against a defendant in person to try to recover an unpaid balance of account - a notoriously difficult exercise. I finished up being non-suited by that defendant in person - a forensic experience I was never allowed to forget on the seventh floor. But if, as a litigant in person before you this evening at first instance, I suffer an adverse judgement, I shall repair with confidence to my erstwhile colleagues and their new Chief Justice in the Court of Appeal reassured by anticipation that I shall there receive the very cosy reception that that Court has become renowned for extending to all litigants before it and which I am indeed glad to see from a recent issue of the Bar News will be perpetuated under my successor. McColl's footnote will, I am sure, be omitted from later editions as familiarity gives way to servility.

I suppose I should attempt to lay one or two rumours about the reason for my early retirement. In the first place I am not going back to the Bar. Sir Anthony Mason was kind enough to reassure me that the High Court had now removed what would otherwise have undoubtedly been an impediment confronting me: in consequence of the recent High Court decision members of the Bar are not liable for negligence. I could accordingly have repaired back to Phillip Street with

some reassurance of immunity from negligence. But, as we all know, there is no such thing as a negligent barrister.

There are, of course, degrees of competence. They vary very much amongst the ranks of the Bar but, when a question of competence arises, the members of the Bar have a significant array of fall-back positions. When a case has been lost the first fall-back position is to blame the Judge and reflect on his competence. The next fall-back position is to blame the incompetent client. The next fall-back is to blame an incompetent witness. One can then move on through to the solicitor, although that needs to be handled with some care lest word gets back to the solicitor that he or she has been blamed for losing the case; when that happens one has to telephone the solicitor and firmly identify opposing counsel as the source of such a scurrilous suggestion. Finally, the ultimate fall-back position is to reflect upon the competence of either one's leader or junior, as the case may be according to your rank in the profession. But whatever the particular excuse may be it is axiomatic that no member of the Bar would countenance for a moment any thought that his or her competence is questionable. It is really very similar to suggestions of unethical behaviour - the classic definition of unethical behaviour is that it is the conduct of one's opponent.

I was always intrigued at the Bar when hearing an account by counsel of a recent case in which he or she had appeared. You would think they were talking about two quite different cases. Each extolled the magnificent heights of forensic skill that he or she had brought to bear - the witticisms, the discomfiture of witness and Judge alike. Opposing counsel had exactly the same story to tell and it was not remotely recognisable as the same case. I became used to this - as I am sure everybody at the Bar does; indeed, I was not backward in participating in these self congratulatory exercises.

I discovered when I went on the Bench that there is yet a third dimension to every case - the Judge's version of it. A Judge's account of a case that he or she has heard utterly surpasses the recollection of either of the barristers. It invariably commences by recalling incredible deficiencies and blunders of advocacy; it then moves to its principal theme - the brilliance and keenness of the Judge's perception, the witticisms perpetrated upon unsuspecting counsel, the efficiency and expedition brought to bear in deciding the case. Invariably it reflects great personal credit on the Judge who tells the story and utter discredit on members of the Bar. There is also, dare I say it, the subtle innuendo that other Judges would not have performed nearly so well.

However, to return to my subject, notwithstanding immunity from negligence, I can give an unqualified negation of any rumour that I contemplate returning to the Bar.

Sir Anthony was unkind enough, however, to add another possible hypothesis in relation to my retirement. He said he had heard a rumour that one of the causative elements in my going was that the High Court had held that journalists had to disclose the source of their information. This, he said, would significantly hamper me in going about my daily affairs.

The third rumour has nothing to do with me but I think I should mention it, nevertheless. The rumour is that the current plague of bogong moths is due to Meagher having done something quite unprecedented: he let a cleaner into his chambers. The cleaner inadvisedly moved his sofa, and the

moths emerged in their hordes. The rumour, I should say, is not proved. The entomologist called in to investigate it has not been able to identify any positive link between the moths that are pervading the Sydney scene and Meagher's chambers. They have found one or two other odd species, I understand, in his chambers in the course of their researches.

I myself don't regard the rumour as proven, although there is, I must admit, some inherent probability about it. I remember, however, two principles of the criminal law that I have to administer to myself in evaluating this rumour. The first is that one does not find a fact upon the ground of a mere propensity on the part of the person about whom one is deliberating. So I must necessarily place aside Meagher's propensities in considering the source of the bogong moths.

In the second place, in the criminal law we do not permit any element of assumption of guilt by association. There again I felt it was unfair to Meagher to associate him with bogong moths as a basis for concluding they came from the sofa in his chambers.

But the rumour, such as it is, will, I am sure, now go forth and spread very widely, like the moths have themselves, and I hope, Roddy, that I have not embarrassed you by letting that little secret out tonight.

A positive reason why I am going - and this, I think, comes as no surprise to anybody - is that we are on the eve of computerisation. I happen to share with my brother Yeldham an awareness of utter inadequacy to cope with computerisation. I have read about it a lot. I have thought about it a lot. I have been the fortunate guest on a number of occasions at the home of David and Annabel Bennett and have seen all of the gadgetry which pervades that home, including the computerised systems that he has installed there. But when I come face to face with the computerisation of his magnificent cellar of Grange Hermitage which was all entered down on a computer I felt that some of the magic had gone out of life; I prefer a sip or even a gulp to a byte. I felt that I should go into my retirement before the time arrived when I would have to accept the necessity of having to acquire, I think it is called, a software package - even worse to contemplate in the evening of one's life the advent of a floppy disc.

I did receive some comfort from a letter that was sent to me from an anonymous source in relation to my impending retirement. The letter struck a responsive chord with me and likewise with some of my colleagues. I in fact have referred to it on an earlier occasion such as this. I think it might bear my reading it again. It came from the address of a cleric, whose name I shall not cite, a member of a religious order, which again I shall not quote. The letter reads:

"Dear Sir,

Perhaps you have heard of me and my world wide campaign in the cause of temperance. Annually for the past four years I have toured extensively delivering a series of lectures on the evils of drinking and on these tours I have been accompanied until now by my friend and assistant, Clyde Dinson.

Clyde, a man of good background and family, was a pathetic example of a life ruined by excessive indulgence in whisky and women. Clyde would appear with me at the lectures and sit on the platform, drunk, wheezing and staring

at the audience through bleary and bloodshot eyes, sweating profusely, making obscene gestures at the ladies, while I would point him out as an example of what overindulgence can do to a person.

Late last year, unfortunately, Clyde died. A mutual friend has now given me your name as you are retiring from your present position and I wonder if you would be available to take Clyde's place in my 1990 tour of the British Isles?"

I was able, by some deductive skill, to be able to identify the author - I should say authoress - and she has suffered due retribution for originating that letter. She is a member of the personal staff of one of my ex-colleagues on the Bench. She had at one stage been my Secretary but she has plainly been debased by her present employment.

Let me turn briefly to my post-retirement plans.

I don't intend to follow the example which is attributed to a retired elderly clerical gentleman who decided that he would spend his retirement visiting the sick. His first such visit was made to a hospital where he was shown into an intensive care ward by a very sympathetic sister in charge, who said "Look, there is a poor Chinese gentleman over there who has not had any family come to see him. We have a Chinese interpreter but the interpreter has no personal links with him. Perhaps you could go over and try to comfort him".

The cleric was ushered over to a bed where there was a Chinaman lying with a tube down his throat, bristling with other tubes and all the gadgetry that hospitals impose upon people when they are in intensive care. The cleric was much impressed by the obvious state of debility of this unfortunate Chinaman. So he drew close and lent over and sought to establish some form of communication with him. It was, of course, quite impossible as the man had a tube down his throat and apparently did not seem to be able to understand English.

Whilst the cleric was there murmuring sympathetic sounds to him, this patient began to exhibit some signs of rapid deterioration. The cleric was much alarmed at this and concluded that the man's end was plainly at hand. In accordance with the best traditions of his profession, he commenced to administer the last rites to him. The man was gesturing with his hand and the cleric realised that he wanted to try to leave some last word that the cleric believed would be a confession. So he put a pencil in his hand and guided it to a piece of paper. The Chinaman scribbled some Chinese characters which were, of course, quite meaningless to the cleric. He then resumed administering the last rites to this man who was plainly about to depart this life and, sure enough, a few moments after he had received absolution he gasped his last and expired.

By that time the Chinese interpreter had come on the scene and was shown proudly by the cleric this piece of paper that the cleric was sure was a confession. The interpreter read it out. So far from being a confession, what the Chinaman had written was: "You are standing on my oxygen tube. For God's sake, get off."

Ladies and gentlemen, I am not going to undertake visitations to the sick.

I see in the menu tonight that I have been identified as the Lieutenant-Governor, an office that I shall be retaining only for a brief period, at the request of the Premier, until the middle

of next year when I shall hand it over to Murray Gleeson.

I have had a few chancy adventures at Government House. I am sure this particular one may strike a responsive chord with Sir John. I found myself on one occasion having to officiate at an investiture. At an investiture the recipients come in with a little hook pinned on their clothing upon which you can hang the medal. If the hook is properly affixed you simply hang the medal on it and shake hands, with appropriate words of congratulation.

A woman came down the aisle, her name having been called, and I could see as she came near that the hook was not properly affixed: it was obviously going to fall out as soon as I attempted to hang the medal on it. I deliberated in the split second that I had whilst she advanced upon me as to whether I should attempt to refix the hook from the outside and risk sticking it into her with the prospect of an unseemly startled protest from her, or whether I should venture a hand inside her blouse with a view to enabling me to fix the hook more safely and more firmly. The latter course obviously had some undesirable ambiguities about it. Ultimately when she came up I weakly placed the medal in her hand and wished her well.

I was recounting this particular eventuality to a colleague from another State who said that he had had exactly the same thing happen. He, however, had opted for putting his hand in the recipient's garment and restoring the pin to stability. Unfortunately, however, he happened to be wearing gloves at the time and he pinned it through the garment on to his glove, a miscarriage which became apparent to all when he attempted to withdraw his hand.

Such are the vicissitudes that can beset one in Vice-Regal office. I am sure that Murray Gleeson will, when the time comes, be more than equal to them.

The evening is to me one which has very great personal significance. I have always valued my links with the Bar. As was mentioned the other day, out of 153 Judges in this Court since 1824, I have served as a judicial colleague with 92. Most of those 92 had been colleagues of mine at the Bar and it has been my experience that, one and all, we look back with happy nostalgia to our days of fellowship at the Bar. I myself was particularly appreciative of the help of my erstwhile fellow barristers when I first joined the Bench. I found myself rostered to do three months of undefended divorce before moving into Equity. It was something of a culture shock to me. I had not actually ventured inside an undefended divorce court for some years. I lived in constant horror that I might have to refuse an undefended divorce. Happily, with the unfailing help of the Bar, I got through my first three months without having to do that.

There has been some mention made of the independence of the Judiciary and reference in conversation to the "glass doors incident". I shall yet again take the opportunity to identify that particular issue as being part of what I conceive to be the necessary protection of the independence of the Judiciary. When we moved into our new building in neighbourly relations with the Federal Court, it turned out that the Commonwealth Police regarded it as part of their duties to police the whole of the ground floor of the Supreme Court Building as well as the Federal Courts' lobby. Now, I happen to have a firm conviction that access to the Supreme Court should be utterly unhindered by anybody at all, let alone by

uniformed policemen and let alone again by uniformed Commonwealth policemen. I found it wholly unacceptable to contemplate that there could be any obstruction of this nature to free access to the Supreme Court.

The Commonwealth Police, however, were adamant that, in the interests of security, they were going to patrol throughout the whole of the ground floor. So I met that by closing the doors and putting a guard on them. They remained closed for some six weeks. There was no formal protest or claim of right from the Commonwealth and the closure was plainly inconvenient to everyone. I accordingly removed the guard. The doors were re-opened and no Commonwealth Police officer on patrol duty has ever dared to put a foot into the Supreme Court lobby since.

I was very grateful for the support of the Bar Council at the time when that issue arose. It was generally misunderstood as nothing more than an exercise of narrow-minded State territoriality. In fact there was a deep principle of the independence of the Judiciary from any interference with access to their courts that underlay the action that was taken. The Bar Council understood the significance of the issue, as did the Council of the Law Society. Both professional bodies lent their support to what was an unpopular action on my part but one, nevertheless, for which not only do I make no apology but which I would do again if anyone sought to interfere with free access to our Court through our lobby.

I have always been privileged to share a very happy relationship with the Bar. I believe that this is essential for the proper discharge of the important responsibilities that we all bear. I am particularly delighted that my successor is an ex-President of the Bar. Another of his exes (I do not use the word in a matrimonial sense) is that he is an ex-reader of mine in my chambers. In fact I may as well admit now that that is really how I got to take silk. I rode in on the shoulders of a number of incredibly competent readers. I had Murray Gleeson; I had Ken Handley; I had Bill Priestley; and there were others, too, with whom I cherish my past links. I can remember that, as each one came near the end and I had grown utterly dependent upon him, it became essential that I should drum up another of comparable quality to take his place. Had I failed to achieve this I am sure my practice would have perished. I managed to keep it alive for just long enough until I was able on the strength of their combined support to take silk. Thereafter I moved on from dependence on readers to dependence on juniors.

Coming back, however, to my successor, I should like with warm sincerity to express my personal delight at the awareness that Murray Gleeson is to fill the great office that I am relinquishing. This augurs well for the future of the Court and it augurs well for the strength of the relationship between the Court and the Bar.

There are, of course, problems ahead. There is the problem of the personal injury aspect of the work of the Bar. This prompts me to recount the anecdote of the drover who was on horseback, with his dog in attendance, droving a cow along a country road. A car came sweeping around the corner, ran into the cow, ran over the dog, knocked the horse over and rendered the drover unconscious. The drover was quite seriously injured and in due course he brought a personal injuries claim. In the course of his evidence he was being

cross-examined about the account of the accident he had given to the policeman who came on the scene. He was asked, "Didn't you tell the police that there was nothing wrong with you at all?" He said "Yes, I did". And counsel, being an incautious cross-examiner, said "Why did you say that?" "Well," the drover replied, "when this accident happened I was knocked unconscious. When I came to there was a police car there, with a big country police sergeant with a revolver in his hand. I saw him go over to the cow. He discovered that the cow was badly injured, so he shot it. He then looked at the horse and saw that it, too, was badly injured, so he shot it also. The dog was already dead. Then he came over to me and he said "And how are you?" "Oh", I said, "I'm fine. Nothing wrong at all. I never felt better in my life". Yet another example, perhaps, of the risks of imprudent cross-examination.

Well, now, ladies and gentlemen, I have perhaps detained you unduly long in these remarks. I venture to tell just once again a story which is fresh to my mind, because I have told it a couple of times recently, about a view to an outback construction site that I went on with a senior silk many years ago. We were housed in a twin bunk room for the night. It turned out that my leader was a very heavy snorer and about half past ten he was snoring away hard. So I clapped my hands to wake him up. This succeeded. He woke up and turned over and all was peace for a brief time. Half an hour later he was at it again. I clapped once more and it worked again. This sequence went on at intervals throughout the night until in the end about 5 a.m. I was utterly distraught. I had had no sleep. My leader was constantly reverting to snoring and I was constantly clapping to wake him up. So, at about 5 a.m., I said "This is appalling. I have got to wake you up every half hour. You may not know it, but you snore in your sleep". He came back at me aggressively: "I snore in my sleep!" he said, "That's fine, coming from you. I suppose you don't realise you clap in your sleep!".

Mr. President, I am very grateful to you for having arranged this dinner for me, and to the Attorney for having arranged such a fine venue for it. It has afforded me the opportunity of being able to join with so many members of the Bar in this farewell dinner.

I am most grateful to Roddy Meagher and to Lloyd Waddy. Lloyd has obviously done a considerable amount of meticulous historical research. Roddy Meagher's trenchant comments were in characteristic fashion, as we have learnt to expect, delightfully expressed and sprayed fairly at random throughout the gathering. I do thank you both very sincerely, Roddy and Lloyd, for all the thought you put into your speeches and for what each of you has said. It is no exaggeration to say that your speeches have made the occasion for all of us and, so far as I am concerned personally, I carry away a happy memory that will remain with me always.

I thank the Bar for all that it gave me in my time whilst I was in practice and for the warmth of the on-going friendship that I have enjoyed with the members of the Bar. I am particularly appreciative of so many having taken the trouble to turn out tonight to this dinner.

And now, ladies and gentlemen, I venture, if I may, to close these remarks just by saying that, if anybody is kind enough to clap me as I sit down, I hope it won't be for the purpose of waking up a snoring neighbour. □