

## Edward Henry St John QC - Valiant for Truth

*Long-time Commissioner of the International Commission of Jurists, Geneva; One-time Member of the Australian Parliament; Acting Judge of the Supreme Court of New South Wales; Barrister-at-Law; Opponent of Apartheid; Defender of the Environment; Fighter for Good Causes.*

Edward St John was a restless spirit. He attracted calumny and praise in equal measure. His admirers saw him as a modern Pilgrim. At various times he was dubbed a "McCarthyist", a "communist", a "tool of communists", a "neo-Nazi", a "pornographer" and a "puritanical wowsler". Even he could not make all of these epithets true. Yet he was a man of intriguing contradictions:

His family background, as the son of an Anglican priest, stamped an evangelical conservatism on some of his views. Yet he was an unabashed internationalist, a fighter for United Nations treaties and international legal principles. His last great quest was to have the International Court of Justice provide an advisory opinion on the criminality of nuclear weapons;

He was a late entrant into politics and by then a senior and successful lawyer. But once he got inside the House of Representatives he did not, like the rest, pursue his own ambitions. He resolutely pursued truth as he saw it, smashing his chances of political power;

His finely tuned experience in the Equity courts could have brought him a lifetime's calm as a Judge of the Supreme Court where he sat briefly in an acting capacity. Yet at the Bar he often took on the causes of the unpopular and disadvantaged. His last two major cases included his successful defences of Thomas and Alexander Barton and a major action arising out of the Chelmsford *débauché*;

He was seen as prudish and puritanical for his criticism of John Gorton's personal relationships and alleged larrikinism. Yet he fought fearlessly for free expression in the *Oz* and *Thurunka* obscenity cases (thereby earning the badge "pornographer"). And in his legal chambers he delighted in a luminous painting by Salvatore Zofrea which many of his visitors found disturbingly erotic;

In 1981 he said that he thought "without giving the matter close consideration that Australia would and must in due course become a republic". But in response to a call from Mr Whitlam at that time he cautioned that such a change "might ... have greater repercussions than we should ever have anticipated, not only for our Federal system but also perhaps ... for our democracy itself";

He could have enjoyed a life of genteel affluence of a leading Silk, safe in his castle in Phillip Street. But instead, he led successively wandering tribes of younger barristers to new and more affordable chambers named Wardell and Edmund Barton. Like a prophet of old he offered the young advocates a new promised land with new outlook and professional openness;

He was a member of the Association of Cultural Freedom, a strongly anti-communist and, some thought, highly conservative body. He had a deep friendship with B A Santamaria and the National Civic Council. Yet it was he who

set up the South Africa Defence and Aid Fund to help victims of apartheid. He did so after observing the shining spirit of Nelson Mandela and his colleagues facing the treason trials in South Africa in 1959;

He helped establish the fundamental global principles of the rule of law at the successive meetings of the International Commission of Jurists in Bangkok, Rio and New Delhi. Yet he so loved the Australian environment that he urged the strongest possible measures, including peaceful resistance, to protect its beauty. He led the campaign against the flooding of Lake Pedder. Having abandoned politics for himself he supported Peter Garrett's environmental candidature for the Australian Senate, which almost succeeded. He was no hide-bound reactionary upholding the courts and the law at any cost. This was not the rule of law that he believed in. In a letter to the *Sydney Morning Herald* in September 1990 he cautioned against attempts to stifle criticism of particular court decisions:

*"... The search for truth and justice is sometimes long, arduous and costly. Politicians and journalists speaking and writing in good faith to further that search deserve our thanks, not our condemnation. We must never forget the Chamberlain case, the Voyager Royal Commission, the Dreyfus case or the recent Irish cases in the United Kingdom - to mention only a few times when citizens, lawyers, politicians and the media refused to accept 'decisions of courts of competent jurisdiction' and were, in the event, fully vindicated."*

What are the clues that explain these apparently contradictory elements in the make-up of a man, constantly on the move, striving to shake up and even shock into action the law, the bench, politics, Australian society and the global community?

The clues can be found in his early life as the son of Canon St John. From his father's mind and tongue - and from his mother too - he heard the Psalmist and the *Book of Common Prayer*. He found conviction and certainty where others were plagued with doubt. He accepted the abiding moral obligation to action. It filled his prose with biblical allusions. It filled his mind with biblical fervour to pursue truth selflessly and to ensure, in Wesley's words, that "These things shall be".

In his blood, as he told the House of Representatives in 1967, were the genes of Oliver St John who defended John Hampden when he refused to pay ship money to King Charles I. Oliver married into the Cromwell family. So Cromwellian spirit is also there. Ted St John resisted the comfortable establishment for the never-ending attraction of righteous causes. He named his first son Oliver and lavished great care upon his life, learning from it and teaching to the advantage of a wider community. He dedicated his book *Time to Speak* to his wife Valerie, to his daughters Madeline and Colette and his sons Oliver, Edward and Patrick. Typically enough, the title was taken from a famous passage in *Ecclesiastes*.

Ted St John was not a comfortably, easy man. Like all of us, he made mistakes. In such a turbulent life it would be astonishing if there were not actions which each one of us would disagree with. Such were the contradictions of this man. But Australia - especially in the law - is too often bland, unquestioning and complacent. Its leaders all too often thirst for passing majorities and transient popularity. Ted St John did none of these things. He was valiant for truth, as he saw it. He finished his book with the words of the Psalmist who "asked the question, and supplied the answer":

*"Lord, who shall dwell in Thy tabernacle,  
or who shall rest upon Thy holy hill?  
Even he that leadeth an uncorrupt life,  
and doeth the thing which is right, and  
speaketh the truth from his heart."*

I am sure that he is looking at me even now, his fine intellect questioning and criticising what I am saying and the picture I so inadequately present. May his restless, reforming spirit rest, at last, in peace. □ Justice Michael Kirby speaking at the Memorial Service for Edward St John QC

## The Hon C L D Meares AC, CMG, QC

The death occurred on 5 August 1994 in Sydney of one of the most striking figures of the Australian legal scene. Leicester Meares, a former Judge of the Supreme Court of New South Wales, was a man unstinting in his contributions to Australian public life and unfailing in his many acts of personal kindness to his family, friends and people in need.

Born in 1909 to a well known legal, accounting and grazing family, and admitted to the New South Wales Bar in 1932, Leicester Meares saw War service in the AIF during the Second World War. In the post-War period he built a large practice as a barrister, mainly in common law and commercial cases. He was a redoubtable cross-examiner with a high sense of drama and theatre in his courtroom style. He had no great interest in academic law, but was a superb advocate. He rewarded instructing articled clerks, solicitors and even good junior counsel with boiled lollies, produced from a large bottle kept in his desk under lock and key against marauding unworthies. A measure of the regard in which he was held in the practising profession was his election as President of the New South Wales Bar Association in 1961 and the first President of the Australian Bar Association in 1963. He was also an office-bearer in the Medico-Legal Society, the University Club, and many such bodies.

He never married. But he had a large circle of family, friends and devotees, none of them more loyal than his long-time Judge's Associate, Ruth Kerr.

As a Judge of the New South Wales Supreme Court, Leicester Meares served first in an acting capacity and then by a full-time appointment between 1969 and 1979. He sat mainly in common law. He later took charge of the Commercial List of the Supreme Court where his practical commonsense and long experience in trials of commercial disputes were much in evidence, as was his stern integrity leavened by his sense of humour.

Meares' abiding passion for law reform led him to become Chairman of the New South Wales Law Reform Commission - a post which he held from 1972 to 1976. During this time he promoted greater co-operation between law reform bodies throughout Australia.

In 1973 Justice Meares was appointed by the Whitlam Government to the National Compensation Rehabilitation Inquiry under Sir Owen Woodhouse of New Zealand. The report of that inquiry proposed a major change to Australia's

national compensation law, the attainment of which was frustrated by the dismissal of the Government in November 1975 by Meares' long-time friend, the Governor-General Sir John Kerr. In the ensuing isolation of Kerr, Meares stuck to their friendship. He was not a fair-weather acquaintance.

Following his retirement from the Bench, Meares served in many other national and State bodies, including as counsel before the Joint Committee on Public Accounts, as President of the Courts Martial Appeals Tribunal, as Chairman of the National Advisory Council for the Handicapped and as Chairman of the Australian Vietnam War Veterans Trust. His earnings from these positions he donated to charity. He was an indefatigable worker for good causes: puckish in his humour, kindly to new members of the legal profession and a model of grace under fire - sterling attributes in a barrister and law reformer. It was in these capacities that he will be best remembered in the legal profession of Australia to which he contributed so much over a long life of service. He was 85 years old when he died.

In his private life Leicester Meares was a great raconteur. He had a nickname (often rude) for everyone. He ran a country property near Mudgee and played sports of all kinds with furious and seemingly daredevil indifference to risks. He was often sent off the hockey field - even in years when most retired judges had settled down to genteel armchair pursuits. He never quite managed to show the same dispassion on the hockey field as he invariably mustered in court. He was a great patron of the arts, assiduously buying new paintings. He could be seen every weekend going the rounds of the art galleries of Sydney. He regularly attended the major auction houses, either buying or selling paintings.

He was also an habitué of Lord Howe Island to which he made an annual pilgrimage. His visits began in the late 1930s, after which he spent every January on the island (excluding the War years); fishing, carousing and talking to the inhabitants. He knew, liked and became friends with all of them. When he attained the age of 80 the entire island gave him an enormous party - an event which his friends in Sydney later duplicated although reportedly without quite the same panache.

Leicester Meares was appointed Queen's Counsel in 1954. He was awarded the CMG in 1978. In 1985 he was honoured by being appointed a Companion of the Order of Australia, the nation's highest civil decoration. □

Michael Kirby and R P Meagher