

travelled extensively together in the days of real circuits in the southern part of the state.

I made mention earlier of his greater modesty. One story reflects this. When on the Bar Council he stood aside in 1971 in expectation of his appointment as silk. He did not regard it as fair or proper that he should keep another member of the outer Bar from serving on the council upon his own elevation to the inner Bar.

He served on the Guardianship Board with distinction between 1992 and 1996. He took that appointment after his work as a consultant with Blake Dawson Waldron on retirement from the Bench. He maintained a regular stream of witty correspondence to the letters editor of the *Sydney Morning Herald* until recently.

The community, litigants and legal friends were privileged to have a man such as George Hillary Smith serve the legal profession and the judiciary in this state. He would be an asset in any legal system in any part of the world but as the fates proclaimed it, it was our privilege to have him with us here in Sydney, not only to enrich our lives, but to enrich the lives of all with whom he dealt. We should all be grateful. We will all miss him greatly. Those of us left behind will do our best, albeit no doubt unsuccessfully, to match his contribution.

On behalf of all of his legal friends I wish to convey our deepest sympathies and condolences to Dorothy, Vicki, Greg and Rob, their families and George's wider family.

## Bob St John QC (1925 – 2003)

*By The Hon Justice R N Madgwick\**

For all the bad press barristers have lately had, the Bar has enough decent people to justify its pride in its traditions of independence, courage, generosity in defending the poor and oppressed, and public service generally.

Few, however, exemplify these traditions as well as Robert James Baldwin St John.

Bob was the second of three sons of a North Coast small farmer, who had more principles than money. As a boy, Bob did the milking before school. Barefoot, on frosty winter mornings he would hop between fresh cowpats to keep his feet warm as he brought the cows in.

He left Coffs Harbour High School in war-time, a sportsman and scholar. Bob followed his elder brother Bill into the Services, enlisting in the RAN as a rating in 1943, barely 18. Declining officer training, he served as a gunner on HMAS *Warramunga* for the balance of WWII, taking part in the Battle of Leyte Gulf and the invasion of Lingayen. He was never keen on war thereafter. His reminiscences centred on such larrikin activities as being caught selling liquor to American sailors. Later, he served with the occupation forces in Japan (including driving trams in Tokyo).

Demobbed, St John studied at Sydney University Law School in the surge of bright and ambitious scholarship ex-servicemen. A boxing blue, he was 1950 inter-varsity middleweight champion, though he also fought in light-heavy and heavyweight divisions. Early on, he outpointed his lifelong friend, Harry (later Judge) Bell. They agreed to fight thereafter in different divisions. St John said there was 'no point in coppers knocking each other about'.

He worked his passage to England and, along with such as Kep Enderby and Des O'Connor, took a Master of Laws degree there. He worked as a solicitor in London and married his first wife Ann (also from Coffs Harbour) before returning to Sydney in 1955 to go to the

Bar, intending to practise company law.

Fortunately for many, he soon moved to other work. He had a big common law and especially criminal law practice. In the latter field he stood out for his dignity, erudition and practical shrewdness. Judge Aaron Levine, who presided in the famous *Heather Brae Clinic* trial of qualified doctors for performing abortions, credited St John (who appeared for one of them) with the advocacy that saw the jury set the doctors free. The case eventually led to a more rational approach in New South Wales to the whole abortion issue.

Influenced by George Orwell and the Andersonians of the old Newcastle Hotel crowd, St John helped to found the NSW



Bob St John QC

Council of Civil Liberties (CCL) in 1963. The early lights included Bob Hope QC, Ken and Berry Buckley and Dick Klugman. The CCL was formed to assert what are now commonly called human rights. The then NSW police force was often thuggish, and benighted censorship policies were the order of the day. The CCL arranged for sympathetic lawyers to appear free of charge in police brutality and censorship cases. St John personally fought many of these. Some of the interesting people he defended became family friends and enriched his children's lives. He succeeded Hope as the council's president. In character, Bob's contribution to CCL fundraising was to host huge bush barbecues. He roasted pigs and Ann cooked camp-oven damper.

Both before and after the formation in 1970 of an Aboriginal Legal Service, St John was in his day the most senior barrister consistently to appear free for Aborigines. A District Court judge recently wrote of him as a 'hero' for that effort. Fred Hollows's autobiography candidly describes Bob's offhand treatment of clients, as well as his generosity. He did not care for official honours and resisted taking silk until 1974. He was a great cross-examiner, much influenced by JW Smythe QC. His submissions were put firmly and economically.

St John steadily did what he could in the interests of his vision of a rational and civil society. He was, for example, an early feminist and encouraged the then few women at the Bar, including Jane (later Justice) Mathews, Priscilla Flemming QC and Caroline (now Justice) Simpson. Recalling the backyard 'knitting needle nells' of earlier times, he was proud to be a director of a non-profit ethical abortion clinic.

In 1975 Bob was appointed to the then Australian Industrial Court at the suggestion of justices Jim Staples and the great industrial lawyer Jack Sweeney, despite the latter's initial antipathy to him – arising out of old differences in the CCL of which Sweeney was another founder. Sweeney, appointed to head a Royal Commission into aspects of the maritime industry, when told that St John was to be counsel assisting, affected not to know him: 'Hmm', he said, 'a pugilist of note, I believe'. However Sweeney soon recognised that St John had real ability and persuaded him that it should be used on the Bench.

When the Federal Court was set up in 1977 St John was appointed as one of its original judges. He wrote some significant judgments, including on copyright, and also on constitutional matters during his three years as chief justice of Western Samoa. He quietly urged the introduction of universal suffrage there. During his secondment to Samoa and his appointments to the Norfolk Island and Northern Territory supreme courts, he traveled to remote areas to meet local communities and, when he could, to fish – a lifelong passion.

However, a born barrister, he ultimately preferred combat to umpiring and left the court in 1985, intending to go back to the Bar. A term as chairman of the Australian Electoral Commission continued into 1986.

Outside the law and agitation for people's civil rights, Bob was a man of many and unexpected parts, among other things, a fair bush carpenter. A country boy at heart, Bob had various rural properties. Away from legal life, he applied unflagging energy to their improvement. For his Bilpin retreat, he found an Italian mason who, along with Bob's son Richard, built a superb stone house. Bob dabbled there with an orchard and filled sheds with early Australian tools and cedar furniture. His friend, the artist Salvatore Zofrea, painted his portrait which was hung in the Archibald.

A constant for nearly 40 years was Quail Island, an offshore Queensland cattle lease. In partnership with solicitor Bill McNally and various others, he fished, enjoyed hosting family and friends and squabbled with his partners. His remote shack saw legendary mudcrab and oyster feasts.

For a few years he did some work back at the Bar and continued his interest in collecting and dealing in furniture, fine art pieces and old tools. His second marriage to Jenny ended.

A period of more serious endeavour at the Bar followed. He practised in Coffs Harbour as well as in Sydney, and appeared in some important criminal cases.

Finally, with worsening emphysema, the legacy of heavy smoking until mid-life, he returned to his North Coast farming roots. Here he embarked on what was to be his last project, the transformation of an old banana farm north of Woolgoolga into a coffee plantation.

Despite his physical condition, he lived alone, disdained home help, and cared for himself. Recently, while picking beans in his vegetable garden, a fall caused him severe head injury. That and his lung disease carried him away a fortnight later.

Bob had a sharp, often biting wit. He loathed small talk. He could be difficult. His nickname, 'The Bear', bestowed by CLD Meares QC, described his temperament as well as his physique. Bob had an anti-authoritarian streak and a contempt for bullies of every kind but especially when they were police, judicial officers or others in a privileged position. He pricked the pompous.

Among his intimates, warmth, kindness and loyalty balanced a somewhat severe devotion to his principles and straightness. All his life he quietly looked out for a Navy shipmate whose peace had not equalled his war. He was a deeply loving father and the best of friends.

He made a difference.

He is survived by his children Rosemary, Richard, Bhakti (Robyn), and Jill; their ten children; his step-children David and Hannah; and his younger brother David.

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\* The following is the unedited text of the obituary printed in edited form in the *Sydney Morning Herald* on 14 May 2003.

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