



Sir Laurence Street: the very model of a modern chief justice

After a meeting in 1986, the Supreme Court judges of NSW issued their first joint statement. The historic meeting addressed a burning issue: the balance between the judges' cherished independence and their public accountability, especially in view of allegations against High Court Justice Lionel Murphy, District Court Judge John Foord and Chief Magistrate Murray Farquhar.

Sombre judges had slipped through the court's back door, while their chief, the darkly handsome Sir Laurence Street, fondly known as Lorenzo the Magnificent, stopped helpfully for news photographers at the front. Street's historic public statement afterwards brought the government executive and the judiciary into serious conflict, with the judges joined by District Court colleagues and magistrates.

Then premier Barrie Unsworth and attorney general Terry Sheahan wanted to remove from parliament the power to sack judges; they wanted the judiciary to deal with the Foord case.

Street led the revolt that forced a government back-down. The judges accepted a compromise - establishment of the Judicial Commission to investigate allegations of judicial misconduct, but parliament must still wield the ultimate power.

Laurence Lillingston Whistler Street knew the history. The Stuart kings had sacked judges with whom they disagreed. The 1702 Act of Settlement gave judges independence and security of tenure. The Street family is steeped in history. Alys de Streate is in the 1085 Domesday book. Laurence's mother, Jessie, traced her ancestors back to King Alfred (the Great) of England (849-899). John Street shot dead two of the gunpowder plotters seeking to blow up the Houses of Parliament in 1605. In 1686 Sir Thomas Street was the only one of 10 judges to rule against a claim by James II.

Annie Besant, social reformer of the Theosophical Society, was of the extended Street family, as were anti-slavery campaigner William Wilberforce, American painter James Whistler and Edward Lear, most famous for nonsense poems. Laurence's uncle, also Laurence, was killed at Gallipoli. Geoffrey Street fought at Gallipoli and in France, won a Military Cross, became minister for the army

and died with nine others, including two more cabinet ministers, in a plane crash near Canberra in 1940.

Another John Street had arrived from England as a free settler in 1822, found land at Bathurst and married Marie Rendell, with Reverend Samuel Marsden officiating. A son, John Rendell Street, MLA, married Susannah, a daughter of William Lawson, one of the first white men across the Blue Mountains; their son became Sir Philip Whistler Street, chief justice of NSW (1926-1934) and father of Sir Kenneth Whistler Street, chief justice from 1950 to 1960.

Kenneth Street married Jessie Lillingston. Both families feared the union would be a disaster. Jessie was accused of being a communist and fought for the peace, women's movements and for Aboriginal rights in the 1967 referendum. Conservative Kenneth dressed for dinner.

When he was appointed chief justice, she went to Europe for six years, including Russia for Joseph Stalin's funeral in 1954. The Menzies government tried to revoke her passport.

The marriage defied the dire forecasts and Laurence, born on July 3, 1926, was one of four children. He became a prefect at Cranbrook, lieutenant in the cadets, debater and school magazine editor.

Joining the RAN at 17, he served in the latter stages of World War II. He said that Jessie had passed on her humanity and four years in the navy gave him 'something of the common touch'. He took second class honours in law at Sydney University and became associate to Sir William Owen in the Supreme Court, before Owen went to the High Court.

Street went to the bar in 1951, married Susan Watt in 1952 and became a junior to Garfield Barwick. He established a large practice, particularly in equity, commercial law and naval matters, taking silk in 1963.

Court observers noticed that his forensic cross-examinations came gently, even to hostile witnesses. Some called him 'Lorenzo the Latin Lover'; he represented the American actor Connie Stevens, who referred to him as 'so handsome I had a mad crush on him'. Street became a judge in equity in 1965 and chief equity judge in 1972. Appointed chief justice of the NSW Supreme Court in 1974, at 47 years, he was unabashed.

He was accomplished at cutting through masses of detail to go to the hearts of matters. He mixed traditionalism with a certain radical touch, legal stability with creativity. Refusing an injunction to ban Hare Krishna activities in streets, he said: 'Manifestations of eccentricities by a person or persons within such a large city lend some colour to that city.'

Street opposed the Whitlam government's establishment of the Family Court, disapproved of federal and supreme courts being under the same roof in the new Queen's Square building in 1977, and clashed with the NSW government over its appointment of judges

from lower courts, rather than the bar. Yet he backed social reforms introduced by Frank Walker in Neville Wran's government, such as Aboriginal land rights, community justice centres and Legal Aid.

Describing himself as a 'pragmatic idealist', he disliked controversy but headed the royal commission into allegations that Murray Farquhar had tried to influence a court case against rugby league boss Kevin Humphreys and that Wran may have influenced Farquhar. Wran was cleared, Farquhar gaoled and Humphreys convicted.

Street made suggestions to the Law Reform Commission and championed the establishment of ICAC, although some colleagues believed that judges should be excluded from its scrutiny. He wanted to break impediments that stood between the benefits of the law and the people. He coped with a vast amount of new litigation by streamlining procedures, introducing declaratory orders and referring certain matters to specialist referees.

His last case saw the Court of Criminal Appeal legally recognise sex change operations, with 'a more compassionate, tolerant attitude to the problem of human sexuality'. A person's sex would be decided on their psychological sex as well as genital features.

Justice Michael Kirby spoke at Street's farewell in 1988 of his 'shining capacities as a creative, energetic and imaginative judge ... he was swift and efficient, courteous and painstaking. He was equalled by none in his capacity to deliver extempore judgments which marshalled the facts, expounded the law and reached conclusions ... He is the very model of a modern chief justice.'

Street thought history was bringing law closer to social justice than in Dickens' time, softening the harshness of black letter law. 'You don't leave your heart behind as a judge.'

He was the first retiring chief justice to take on a new career, as a commercial mediator, and a new wife, Penny Ferguson. He said: 'I've always enjoyed a streak of irresponsibility, both in my values and in my lifestyle. I've never felt constrained in my private life by the cast-iron requirements of society. I got divorced, I remarried, and had a second family of one. I have led a life that has not necessarily always conformed to the strict Victorian standards.'

In his second career he negotiated a settlement between the British National History Museum and Indigenous groups to return the remains of 17 people to Tasmania. He decided there was sufficient evidence to charge the arresting officer in the death of Mulrunji Doomadgee on Palm Island. He inquired into anti-terrorism, casinos and the Children of God.

Sir Laurence Street is survived by Penny, children Sylvia, Sarah, Alexander, Kenneth and Jessie (whose godfather is Prince Charles), 15 grandchildren.

By Tony Stephens

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