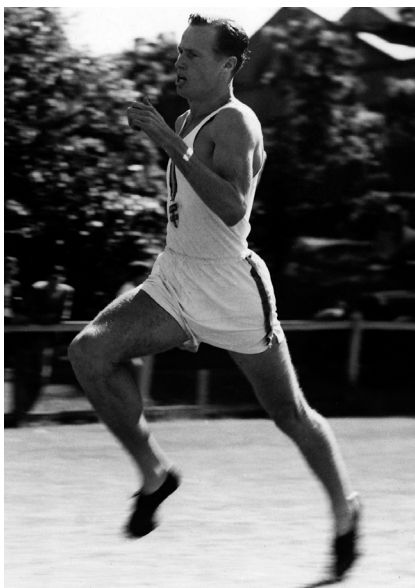


## The Hon Mervyn David Finlay QC (1925–2014)



When the Honourable Mervyn Finlay QC died, aged 89 in July this year, it was a shock to the many who knew him, not because of his age, but rather because he had always appeared indestructible, indeed, Olympian.

Mervyn Finlay was born in Balmain in 1925, something he never forgot. He used to say ‘the world is divided into two groups: those who were born in Balmain, and those who wish they were.’ In his last year at Sydney Grammar School, he left when he turned eighteen in June, to join the Royal Australian Air Force, earning his wings and serving both in Australia and in Canada.

After the war he studied for a law degree at the university of Sydney, graduating with honours in 1949. Following a brief period of practice as a solicitor, he was called to the bar in 1952. He began in the old Denman Chambers, located where the joint courts building is now situated. Mr AF Mason, Later Sir Anthony Mason, chief justice of Australia, kindly let Finlay have a desk in his chambers to start his practice. He later had a successful practice in the common law jurisdiction, where he practised throughout NSW, particularly

on the Broken Hill circuit. Later he prosecuted many significant matters for the Commonwealth.

With the construction of Wentworth and Selborne Chambers, Finlay joined what became the 12th Floor Wentworth/Selborne, where he was the chairman of 12 Wentworth Chambers, clerked for by Norman Marks, and Greg Isaac. This writer remembers his first meeting in chambers in the 1970s with Finlay to discuss a possible legal career, where he gave sound advice. He served at various times on the Bar council and was chairman of the Council of Law Reporting. He was president of the Vaucluse House Historical Site Trust and he was on the Parish Council at St Marks Church, Darling Point.

He was appointed to the Supreme Court in 1984, sitting in the Common Law Division and as required in the Court of Criminal Appeal, until his retirement eleven years later. Such was his reputation for fairness, that in the dock in one of the courts at Darlinghurst, an accused carved into the wood the words ‘Finlay is fair’ - an unusual but significant accolade.

His athletic prowess was remarkable. While in 1949 he was the 880 yards champion for NSW, it was in rowing that he made a particular mark. He was a member of the NSW champion King’s Cup rowing eight in 1950 and 1951, and in 1952 rowed in the Australian eight, which won the bronze medal at the Helsinki Olympics. Another member of crew was Ted Pain, later a senior Crown prosecutor. In his middle age he took up marathon running, completing Honolulu, Melbourne and Sydney marathons. He was a keen swimmer late into his 80s and had been president of the Rose Bay Surf Club.

In retirement from the law he became Inspector of the NSW Police Integrity

Commission for five years and headed up a review of the Innocence Panel which led to enactment of the *Crimes (Appeal and Review) Amendment (DNA Review Panel) Act 2006* (NSW).

Although his contribution to the law was significant, the personal example he set by the way he lived his life was even more notable. His philosophy was that a complete life required daily ‘visits’ to what he described as the four rooms: the physical, the emotional, the spiritual and the mental. He shared his philosophy fully with his wife Prudence, his children and grandchildren who were the centre of his life.

He had read AB Facey’s biography *A Fortunate Life* which, he said, helped him realise that most people suffer hardship, sadness and loss, so that a daily, positive attitude was called for in life.

What never changed even until the end of his life was the presence created by his courtesy, his intelligence, and his integrity.

**By Dr James Renwick SC**

*(The writer first met Finlay in the 1970s and now wears his silk robes.)*