

OBITUARIES

The Hon John Slattery AO KGCSG QC (1918–2014)

Dad was born in the same year and only two weeks after Nelson Mandela. In dad's later years he watched the tolling of that great man's years with his own. But in recent months dad had increasing weakness of the heart. Fortunately, until only days before his death his great mind was entirely unaffected.

He was conscious of death. But just as you would expect, he joked about it. Typically, using sporting analogies, he described his outlook in recent years as being 'in the nervous 90s'. And when his knees began to swell in hospital, he looked down at them and said 'Oh well,

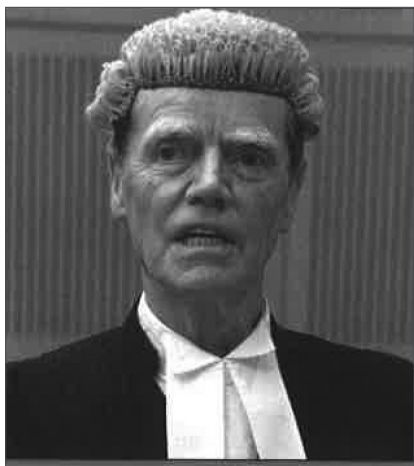
I suppose they'll put me in the forwards now'. Only two weeks ago his son-in-law Peter saw him reading a paper in hospital and asked him 'What are you reading John?' he looked up and said 'The death notices'. Then John paused and added 'Just checking I'm not there'.

But he was thinking of mum right until the end. By sheer force of will he maintained his health long enough to be discharged from Royal North Shore Hospital, so they could both settle into Pathways the aged care facility, where he died last Friday in the very best of care.

Like the Saint he so much admired, Thomas More, John was born for friendship. With our mother Margaret he made a rare contribution to Australian public life. But for us most of all he was a wonderful husband, father, grandfather, great grandfather, brother, uncle and friend. He graced our history. And for those of us, who knew and loved him, he graced our lives.

By the Hon Justice Michael Slattery

Billy Purves (1933–2014)



Billy Purves died at the Sacred Heart hospice in Darlinghurst, a hand-up brief's throw from the Central Criminal Court and not much further from Kings Cross and the ABC radio newsroom where he worked as a subeditor while taking his law degree part-time at UNSW almost forty years ago.

It was at Darlinghurst that Billy achieved his greatest fame: he was prosecuting a former policeman for a significant drug supply conspiracy, with Don Stewart

DCJ presiding. Judge Stewart was irritated that, on occasion, the Crown prosecutor (who was, to be fair, a little hard of hearing) was not displaying the zeal the judge expected and, finally, he discharged the jury, claiming that the Crown was unable to conduct the matter because he couldn't hear the oral evidence as it was given. The judge ordered that the trial would have to begin again, with a different Crown. The aborted trial became famous (as did Billy) when the *Herald's* street poster declared: JUDGE PASSES DEAF SENTENCE.

The DPP, to his eternal credit (it was then Reg Blanch QC), made it clear that any re-trial would be prosecuted by Mr Purves. As it was, and the accused was duly convicted in front of another judge.

Born in Glasgow, Billy Purves never lost his Scots accent, though it diluted and mellowed over the years into a gentle burr that charmed juries. When he visited friends in Scotland, he complained, they thought the accent was

very Australian. Nothing wrong with that – Billy had the greatest affection for his adopted country, which he didn't doubt had been generous to him: he escaped the austerity of postwar Britain (although his youth there wasn't without its exciting moments, such as when Billy engaged in hours of conversation with an American in a London pub, theorising about great literature, only to learn the next day that he had been haranguing Orson Welles), migrating first to New Zealand where he worked on provincial newspapers and the *Auckland Star* and then Perth and on to Longreach, working as bookkeeper on a cattle property. In western Queensland, probably Camooweal, he used his training as a featherweight boxer to accept the 'round or two for a pound or two' challenge at Jimmy Sharman's boxing booth, and walked away unscathed and with three quid in his hand. On to newspaper journalism in Sydney, where *inter alia* he covered federal parliament for *The Sun* newspaper. His next employer was ABC Radio News

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in Sydney, and whatever his assignment, any story's accuracy was greatly aided by Billy's faultless Pitman's shorthand. It served him well as a barrister, too - court reporters would invariably check their outlines with Billy at the first possible adjournment.

In the 1970s, Gough Whitlam gave Billy a free tertiary education, and once his law degree was awarded, he went straight to the bar – a rare course, and a brave one for a new graduate with no solicitor contacts whatever. Thirty-five years ago, barristers' clerks looked after personable readers (Billy read with John Szabo and worked closely with his friend Ernie Byron QC), and he fell into criminal defence, including many successful

briefs from the Western Aboriginal Legal Service. One of his notable trials, in which his clients – two Aboriginal boys – were convicted of manslaughter at Bourke, went on to establish, on appeal, a high-water mark for the mandatory exclusion of improperly-obtained confessions.

As a defender, Billy Purves exploited what Rod Madgwick (then) DCJ described as an 'insidious style', particularly in a trial with several accused: 'Billy would get up and ask a couple of apparently innocuous questions after everyone else, establishing that no witness had much to say about his client. He'd then sit down, thanking the witness. Kept doing just that. By the end of the Crown case and without anyone noticing, he'd extracted his client from the group of guilty ones, like a pickpocket.'

Perhaps the most significant case he did in his career was *Regina v Chin*, where Billy established a precedent in the Court of Criminal Appeal, later confirmed by the High Court, that prevented unscrupulous Crowns from ambushing an accused who had been enticed into the witness box to be confronted with cross-examination on crucial evidence that had to that point been held back, unfairly.

Eventually, he took the queen's shilling, joined the Crown, and greatly enjoyed it, particularly when running trials at Campbelltown where, he used to say, the prosecutors were able to avoid the constant scrutiny of the DPP's head office.

Whether prosecuting or defending, the things that mattered to Billy Purves were fair trials, Charles Dickens, *The Times* crossword, long-distance running, English first-division soccer teams with Scottish strikers, and golf; but none was so important as his family. Billy married Linda Howley in 1972, and they had two daughters – Gemma and Diana, of whose careers Billy was quietly very proud. What he told very few people, indeed it took him 30 years to tell one of his close friends, was that he was brought up, with his older brother, in a Scottish orphanage at Aberlour in the 1940s. He was the first boy from the orphanage ever to be enrolled at the village school, but that didn't mean he was ever invited into a village house, even by a classmate. It was little wonder that he identified with Australia.

By Stuart Littlemore QC

Correction

The Hon Mervyn David Finlay QC (1925–2014)

The Winter 2014 edition (page 77) featured an obituary for the Hon Mervyn Finlay QC. It mentioned, among other things, that he practised in Papua New Guinea and his room on 12 Wentworth Chambers was a double room. *Bar News* has learned that these points are incorrect. A corrected version of the obituary has now been published on the Bar Association's website: <http://www.nswbar.asn.au/for-members/bar-news>. *Bar News* apologises for any confusion that might have been caused.