

The Australian Women's Register

Entry type: Person
Entry ID: AWE5745

Finn, Mary Madeleine

(1946 -)

Born 1 January, 1946, Brisbane Queensland Australia

Occupation Barrister, Judge, Law clerk, Lawyer, Public servant, Solicitor

Summary

Justice Mary Finn of the Family Court of Australia is a second-generation woman lawyer (third generation lawyer). Her mother was Clare Foley, Queensland's fourth woman solicitor, who, in turn, was the daughter of an Ipswich lawyer, Edward Pender. Appointed to the bench of the Family Court in 1990, Justice Finn retired on her seventieth birthday, in July 2016.

Finn's reputation as a drafter and developer of legislation, established during her career in the Federal Attorney-General's office, was renowned. Lionel Bowen, federal Attorney-General 1984-1990, described her advice as both 'practical and accurate'; he was known to ask regularly, when confronted with legislative challenges, 'What would Mary think?'

Finn is well known for her contribution to the review of the Family Law Act 1975, completed in 1980, and for her contribution to committees established to implement the report's recommendations. Her public service experience established her credentials as an expert in family law; at the time of her appointment to the bench in 1990 she was regarded as one of Australia's leading experts on the Family Law Act.

Both of Finn's children, Wilfred and Eugenie, are fourth generation lawyers, with Eugenie enjoying a special and rare status in Australian law as a third generation woman lawyer.

Details

Born in Brisbane in 1946, Mary Foley was educated by the Sisters of the Sacred Heart at her mother's (Clare Foley) alma mater, Stuartholme. She recalls receiving great encouragement, 'academically and intellectually' from the nuns who were 'wonderful teachers'. She loved to read and enjoyed history, but because she did not fancy either of the career options that a straight Arts degree offered women at the time – teaching and librarianship – she looked to her own family history and decided to study a combined degree in Arts Law. She started study at the University of Queensland in 1964; one of seven women among one hundred first year students in her law cohort and one of only three who graduated.

She completed her Arts degree three years into her six year combined course and began work as a law clerk in the Queensland Office of Crown Law. Her first public service job created a precedent; in 1967 the only public service classifications open to women in the Crown Law office were in the secretarial stream, but Mary was the first woman to be employed in the office in a legal capacity. As a legal student studying at the University of Queensland but working in the Crown Law office, according to the practice at the time, she was admitted as a barrister without the requirement of articles and with few additional requirements once her degree was completed. She was, therefore, exposed to court work during her years at Crown Law, although her superiors were reluctant to expose her to criminal law, fearing she would be upset by what she heard and saw.

'Protected' from criminal law, Mary spent most of her time in the common law section of the Crown Law office, but she also had to the opportunity to develop her legal research skills undertaking a variety of projects for the Queensland Attorney-General, Solicitor-General and Crown Solicitor. This experience prepared her for a major part of her career to come because it involved proof-reading draft Commonwealth-state uniform legislation, being developed for the first time in the late 1960s. She was working in the Crown Law office in 1969 when she was admitted to the Queensland Bar, the sixth woman in the state to accomplish the feat.

In 1969, Mary Foley married Paul Finn, who had been in her year at law school. The couple travelled overseas so that Paul could further his studies. Whilst abroad in Britain, Mary found work as a legal advisor for a mining company with operations in Zambia, a job she found fascinating. When the family returned to Brisbane, she took that experience with her and worked for eighteen months as head of the mining section at solicitors Feez Ruthning.

In 1977, the Finns moved to Canberra; by 1979 Mary was again employed as a public servant, working on the review of the Family Law Act 1975, an area of law that was entirely new to her. Thus began her long career as a public servant dealing with family court matters, as legal researcher, adviser, expert drafter of legislation and judge. She was seconded to the Law Reform Commission in 1986 to work on matrimonial property legislative reform, holding positions at that time on the Family Law Council and Board of the Institute of Family Studies. She spent a year as Commonwealth coordinating officer for the Standing Committee of Attorneys-Genera, before moving to the Trade Practices and Competition Policy branch of the Attorney-General's department. She was a member of the Film Review Board from 1988 until her appointment as a Judge of the Family Court of Australia in 1990.

Finn's appointment as a judge was unusual given her relative lack of experience appearing in the court as a barrister. Appointments to the Bench directly from the Attorney-General's department were rare, but Finn's considerable experience and deep knowledge of the Family Law Act were valued highly by her peers. In 1993 she was assigned to the Appeal Division of the Family Court, further testimony to 'her skill, and to the wisdom of those who appointed her'. Before her retirement in July 2016, she was the senior judge (after the Chief and Deputy Chief Justices) on the Appeals division.

Outside her court and family responsibilities, Mary Finn contributed to external boards and tribunals. She was a member of the Council of the Australian National University between 1993 and 2002, an era of great transition and change in the Australian tertiary education sector.

Published resources

Book Section

Clare Foley and her daughter Mary Finn, Gregory, Helen, 2005

Conference Proceedings

Key issues in family law : papers presented at symposium 1994 held on 4 - 6 March, 1994 / papers presented by Mary Finn, Phil Theobald, Michael Habermann, Finn, Mary, 1994

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

Archival resources

National Library of Australia

[Biographical cuttings on Justice Mary Finn, Family Court judge in Canberra, containing one or more cuttings from newspapers or journals]

Author Details

Helen Gregory (with Nikki Henningham)

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