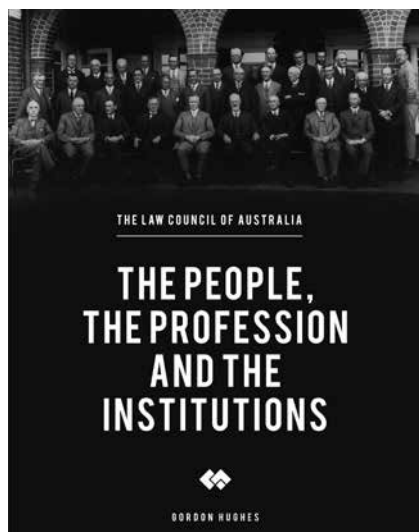


The Law Council of Australia: The People, the Profession and the Institutions

By Gordon Hughes | Halstead Press | 2013



This book traces the history and operations of the Law Council of Australia from its inception in 1933 to the present day in commendable detail, against the broader backdrop of Australian legal and political history.

Dr Hughes describes the social and political landscape of Australia in the early 1930s, arguing that in a climate of political upheaval (with every government in Australia changing between 1931 and 1934) and high unemployment in the aftermath of the Great Depression, the legal profession ‘demonstrated a reassuring degree of stability and leadership’ (at p.26). By 1933 there was a stable judiciary, three federal courts, a Supreme Court in each state, four long-established law schools, a number of law firms in the capital cities which were the forebears of today’s large firms, and a well-established independent bar in each of Sydney, Melbourne and Brisbane. By 1927, it had been observed that the legal profession was one of the few professions or businesses in Australia without a federal organisation of some kind. Dr Hughes explains that it was felt that such an association would promote a united profession throughout Australia, at a

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time when an enhanced sense of national identity arising from the First World War and an enhanced social conscience following the Great Depression had just come into existence.

As one might expect, the book outlines the formation and structure of the Law Council, its contribution to practice regulation (for example in establishing uniform admission rules and requirements and uniform principles for assessing overseas qualifications) and its contribution to shaping law and policy in Australia. The work and major achievements of each ‘section’ of the Law Council is examined, and its response to broader political issues, for example, the council’s opposition to the ‘intervention’ by the federal government in Northern Territory Aboriginal communities in 2007.

However, the work goes beyond a strict review of the structure and work of the Law Council itself to outline the history and development of many aspects of the modern legal profession in Australia. The history of the federal courts and tribunals, each of Australia’s largest law firms, main law schools and the development of the independent bar in each state and territory are outlined. The book also examines developments which have contributed to change in the profession over time including the provision of legal aid, community legal centre services and pro bono representation, the introduction of corporate in-house counsel, the advent of alternative dispute resolution and the

internationalisation of legal practice. Issues such as recruitment and retention of lawyers and equal opportunity in the workplace are also briefly analysed.

The book contains a number of historical points of interest, identifying the earliest lawyers in Australia, including the first convict transportees to Australia who were qualified legal practitioners, the first free legal practitioners, the first lawyers to fully complete legal training in Australia, the first native-born Australian admitted to practice as a solicitor and the first practitioners to be admitted as independent barristers.

The author is certainly well-qualified to write this work. In addition to being a partner of Ashurst Australia, Dr Hughes was president of the Law Institute of Victoria from 1992 to 1993, president of the Law Council of Australia in 1999, president of LAWASIA from 2003 to 2005, and has been the chair of the International Law Section of the Law Council of Australia since 2008.

This book will undoubtedly appeal to those with an interest in the development and work of the Law Council of Australia and its constituent bodies, but should have broader appeal to anyone with an interest in the evolution of, and personalities within, the Australian legal profession over the twentieth and twenty-first centuries.

Reviewed by Victoria Brigden