



Law Council
OF AUSTRALIA

Opening of the Legal Year – Remarks at UK-Australia Reception

Speech delivered by Law Council of Australia President, Mr Greg McIntyre SC, London.

1 October 2024

Thank you, Richard Atkinson.

As President of the Law Council of Australia, It is an honour to be with you this evening.

Thank you to the Law Society of England and Wales for convening this event to bring together visiting representatives of Australia's legal profession, bar leaders and representatives of [England and Wales, Scotland and Northern Ireland], and Australian lawyers practising here in London, as well as representatives of the Ministry of Justice and Department of Business and Trade.

I am also delighted to be joined by Deputy High Commissioner Elisabeth Bowes and Andrew Sainsbury from the Australian High Commission.

The connections between the legal professions of the United Kingdom and Australia have been developed and strengthened for over 230 years.

Through the fictitious assumption that Australia was *terra nullius*, or uninhabited land, the laws of England were applied to Australia in 1788. We know the assumption was fictitious because the High Court of Australia said so in the 1992 decision of *Mabo v State of Queensland*, which I had the privilege of conducting on behalf of the Plaintiffs.

Although the direct application of English law in Australia gradually diminished with the granting of self-governance to the colonies, the advent of federation and the abolition of appeals to the Privy Council, Australia's legal heritage – both with respect to its laws and its institutions – remains unmistakably British.¹

While it will seem a drop in the ocean compared to the history of the legal profession here in the UK, the Law Council of Australia celebrated its 90th anniversary last year.

To mark that milestone, former Law Council President Dr Gordon Hughes AM published a second edition of *The People, the Profession and the Institutions* which chronicles the history of the Law Council of Australia, as well as Australia's legal system and institutions.

Dr Hughes noted that Australia's first lawyers were transplanted from England to Sydney. Some were free settlers; others were convict transportees who won their freedom after completing their sentence in Australia.²

When the Law Council was established in 1933, there were approximately 4,300 qualified lawyers in Australia, of which about 2,700 held practising certificates.³

There were no national law firms in 1933, however each jurisdiction had prominent firms, many of which would later evolve into the large law firms operating in Australia today.

These include Allen Allen & Hemsley, Freehill Hollingdale & Co, Blake & Rigall and Dawson Waldron Edwards & Nicholls.⁴

Of course, these eminent Australian firms merged with UK firms, and are known today as Allens Linklaters, Herbert Smith Freehills and Ashurst.

¹ Gordon Hughes AM, *The Law Council of Australia: The People, the Profession and the Institutions* (Halstead Press, 2nd ed, 2023) 27.

² Ibid 235.

³ Ibid 31.

⁴ Ibid 32.

Considering the longevity and strength of our interwoven pasts, it is no surprise that our present relationship, built on those foundations, remains one of great respect and collaboration.

Due to our shared legal tradition and people-to-people ties, Australian lawyers have long sought the experience of practising in the UK and entering into commercial association with UK lawyers; and vice versa.

It is for this reason that we so warmly welcomed the signing of the Australia-United Kingdom Free Trade Agreement and have actively participated in the Legal Services Regulatory Dialogue, which was established to facilitate discussion of matters affecting the qualifications and mobility of lawyers, legal business and trade in legal services, and other regulatory issues.

It has been a great honour, in my time as President of the Law Council, to meet with counterpart leaders of the legal professions of England and Wales, Northern Ireland and Scotland, to discuss legal sector issues and developments in our jurisdictions – including our shared commitment to the rule of law, access to justice and to advocating for an appropriately funded legal assistance sector.

On behalf of the Australian legal profession, I wish you well for the legal year ahead.

Thank you.

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