

# THE AUSTRALIAN LAW JOURNAL

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## ARTICLES

### TOWARDS A NORMATIVE STANDARD OF ADMINISTRATIVE JUSTICE: THEMES AND PRINCIPLED TENSIONS

**Amy Elton**

This article proposes a novel theory of administrative justice suitable for creating institution-specific normative standards in Australia. This article examines the content of administrative justice in Australia and identifies previously recognised administrative justice properties. In so doing, this article gives close consideration to the relationship between these properties. It is at this point that a new theory of administrative justice is proposed from foundational rule of law principles. This theory is unique in that it arranges administrative justice properties into four themes which embrace the principled tensions that are ever-present when considering normative standards of administrative justice. The generalised theory of administrative justice presented here is suited to Australian administrative practice and is tailorable to different administrative settings. .... 964

### A LAWYER BY ANY OTHER NAME: THE RESTRICTIONS ON UNQUALIFIED LEGAL PRACTICE IN AUSTRALIA

**Katie Murray**

This article examines the restrictions on engaging in legal practice in Australia, focusing on how the restrictions also apply to lawyers, who remain in good standing with the profession, but who no longer hold a current practising certificate. In doing so, it outlines jurisdictional differences; the tests that have been applied to determine what constitutes “legal practice”; and examines whether the restriction of lawyers can be justified against the dual considerations of public protection. In particular, I question whether placing lawyers in the same category as “laypeople” is justified by the need to protect the public from “unlawful operators” and argue that this may do a disservice to both lawyers and the public. .... 979

### JOHN FLETCHER HARGRAVE – A CHRONICLE OF AUSTRALIA’S FIRST LAW LECTURER

**Dr Alan Davidson**

John Fletcher Hargrave has been described as unhinged of mind and a woman hater. Nevertheless, in the latter half of the 19th century in New South Wales, he became a foundation Judge of the District Court, a Justice of the Supreme Court, including the first Divorce Justice, a member of both the Legislative Assembly and Legislative Council and was Attorney-General and Solicitor General. In the 1850s he was concerned about the lack of formal legal education and presented the first series of law lectures at the newly established University of Sydney. His son, Lawrence Hargrave, became well known for his many aviation experiments in the northern Illawarra. .... 998

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