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Review: Tom Hughes QC: A Cab on the Rank

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BIOGRAPHY
Tom Hughes QC: A Cab on the Rank
IAN HANCOCK
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Legal biography in Australia, in comparison to the US and Britain, is a rather sparse field, although in recent years there have been published lives of Mary Gaudron, Michael Kirby and Murray Gleeson. Now comes a biography of long-time barrister and sometime politician Tom Hughes QC by historian Ian Hancock.

Born in 1923, Hughes is of Irish-Catholic descent on one side and English on the other. Unlike most of the Irish in Australia at that time, however, this side of Hughes' family was wealthy and successful, as evidenced by his grandfather being Lord Mayor of Sydney and knighted in the early 1900s. After secondary schooling with the Jesuits at St Ignatius, he started at Sydney University law school in 1941 but joined the RAAF in 1942 and spent the last years of the war in Europe piloting flying boats, sometimes under fire.

Resuming legal studies in 1946, he started at the Bar in 1949 and took silk in 1962. The book captures a period when the Bar was small and its members well known to each other. Hughes was actively involved with the Liberal Party and in 1963 he won pre-selection for the marginal seat of Parkes, centred on the Canterbury area, when the party wanted a Catholic to run for the seat. His campaign director was a 24-year-old John Howard. Hughes won the seat and the Menzies government won the election.

On his arrival in Canberra, Hughes, like most of his colleagues, was a vociferous supporter of the ill-fated war in Vietnam but proved a very able minister when appointed Attorney-General in 1969 by Prime Minister John Gorton. One of the best-known images from his time as Attorney-General is Hughes advancing on Vietnam protesters outside his home in Bellevue Hill with cricket bat in hand. The protesters were led by Ian Macdonald, later a NSW minister and the subject of ICAC findings of corruption. Macdonald brought assault charges against Hughes but they were dismissed.

As one of Gorton's strongest supporters, Hughes was sacked as Attorney-General when Billy McMahon took over as Prime Minister in 1971. He did not stand at the 1972 election but returned to the Bar where he practised for the next 40 years, particularly in defamation but also in constitutional, criminal and corporate litigation. The book provides accounts of many of his best-known cases, including his appearances for Lionel Murphy on criminal charges, in a way that is very accessible to the general reader.

Hughes had the reputation in the 1980s and '90s of being the most expensive barrister in the country. Whether or not this was true, it actually enhanced his desirability for many clients who demanded the most costly representation available. In my own encounters with Hughes as an opponent at the Bar, he was always tough but fair. Just as importantly, in the few cases I worked with him, he explained the risks of litigation very frankly to the clients, something that not all members of the Bar are prepared to do.

There has always been some similarity between the Bar and the stage and Hughes' courtroom style was certainly theatrical. In part, however, this was a product of a time when cases before juries were much more common than they are today. Jury trials are more exciting for barristers but also more difficult than judge-alone hearings because juries are generally much quicker than judges to form likes and dislikes of those at the Bar table.

Hughes' personal life is dealt with candidly by the author. After the end of his first marriage Hughes found there was no shortage in Sydney's Eastern Suburbs of divorcees looking for another husband but ultimately he entered a very successful second marriage. He remains close to his three children, one of whom is Lucy Turnbull, who became Lord Mayor of Sydney like her great-grandfather, and wife of Prime Minister Malcolm Turnbull. Another member of this high-achieving family was Hughes' brother, Robert, who left Australia in the 1960s to make an international reputation as an art critic and author.

Hughes' comments on judges and colleagues in diaries and letters could be caustic. Two judges of the NSW Court of Appeal are referred to as "an intellectually inferior breed of judicial monkey". Another judge is described as "ill-tempered, discourteous, suspicious and slow". A fellow silk is portrayed as a "strange mixture of dishonesty, stupidity and sanctimoniousness".

In 2002, Hughes spoke at John Gorton's memorial service and attacked Malcolm Fraser, who was sitting in the front of the church, for his role in Gorton's downfall. He was criticised for bad taste but Gorton's demise was only one example of Fraser's unscrupulous and untrustworthy conduct over many years.

This is certainly a book to be enjoyed by lawyers but also by anyone who has an interest in the legal profession and some of the best-known cases of the post-war years.

Michael Sexton is the NSW Solicitor-General and author most recently of a memoir, *On the Edges of History*.

This story was found at: ***http://www.smh.com.au/entertainment/books/review-tom-hughes-qc-a-cab-on-the-rank-20160712-gq32t3.html***