

The Francis Forbes Society

For Australian Legal History

August 2022 Events

Legal history tutorial: On **Tuesday 9 August at 5:15pm** the *rescheduled* tutorial “**The Mason Court**” will be presented by Professor Barbara McDonald, Dr Ben Chen and Dr Jeffrey Gordon (University of Sydney Law School) in Court 13A (in person).

Professor McDonald, Dr Chen and Dr Gordon edited the recently launched book “*Dynamic and Principled: The Influence of Sir Anthony Mason*,” a collection of essays from eminent judges, prominent practitioners and leading scholars analysing the work of one of the most important lawyers in Australian history, Sir Anthony Mason, Justice of the High Court of Australia from 1972 to 1987 and Chief Justice of Australia from 1987 to 1995. The book is primarily concerned with the law that Sir Anthony, with his fellow judges, declared and developed over his career in Australia on the High Court and subsequently in Hong Kong as one of the first Non-Permanent Judges on the Court of Final Appeal. This tutorial “**The Mason Court**” will focus on Sir Anthony’s contributions to Australian law.

2022 Forbes Lecture: Dr Susan Bartie of the University of Tasmania will now present the 2022 Forbes Lecture, “**Legal Life Histories and the Creation of Legal Fields**” on **Wednesday 31 August 2022 at 5:15pm** in Court 13A (in person).

Legal Life Histories and the Creation of Legal Fields Dr Bartie’s lecture will examine the role that legal life history can play in investigating how legal fields are created and sustained, and how they change over time. It will also make an argument for greater understandings of Australian legal fields. First, it will draw from Dr Bartie’s life history of Professor Geoffrey Sawer to illustrate the type of insights which can be gleaned from life history. As one of the founders of constitutional law in Australia and the first Australian law professor to work within a school of social scientists, Sawer’s career – and life – provides crucial insights into the creation of both constitutional law and Australian academic law. The choices he made when founding modern constitutional law scholarship and when working alongside social scientists can also help explain the marginal place of both history and life history within Australian academic law. Second, the lecture will outline the potential for group biography (‘prosopography’) to create new and stronger connections between law, politics, culture and society, as well as investigate the creation and sustenance of legal fields. It will introduce Dr Bartie’s new socio-legal history of Australian environmental lawyers as a way of illustrating the changing nature of group biography and how this methodology can both enhance law’s interdisciplinary credentials law and create more holistic understandings of law and legal culture in Australian society.

Biography: Dr Susan Bartie is a legal historian at the University of Tasmania. She has spent the last decade studying the intellectual agendas and endeavours accompanying the rapid growth in the size and stature of Australian law schools. She is currently developing a 50-year socio-legal history of Australia’s environmental lawyers supported by a Discovery Early Career Researcher Award from the Australian Research Council (2022-2024).

For any queries, please email membership@forbessociety.org.au. Alternatively you may contact the Secretary: Simon Chapple secretary@forbessociety.org.au or Treasurer: Carol Webster SC treasurer@forbessociety.org.au.

Legal history tutorial: Dr Henry Kha (Senior Lecturer, Macquarie Law School) who received a grant from the Forbes Fund in 2020 for his project “Unification of Australian Divorce Law under the Matrimonial Causes Act 1959” will present a tutorial on **Tuesday 27 September 2022 at 5:15pm** in Court 13A.

2022 Plunkett Lecture: Dr Patrick Graham (School of Law, University of New England) who received a grant from the Forbes Fund in 2021 for his project “Sir John Latham and constitutional autochthony” will present the 2022 Plunkett Lecture on **Thursday 27 October 2022 at 5:15pm** in Court 13A. Dr Graham’s title will be announced in due course with further details regarding this lecture.

The Francis Forbes Fund: One of the Society’s objects is to encourage and promote research into Australian legal history, and it maintains a fund for that purpose to which donations may be made – the Francis Forbes Fund.

Grants from the Fund for **2022** will support the following projects:

- the University of Adelaide - Associate Professor Robert Foster ‘Reconciling with the Frontier’, which is to produce a digital map of frontier conflict in 19th century South Australia, including First Nations stories and oral history accounts
- the Australian Catholic University - Dr Jessica Lake ‘The Slander of Women’, which will examine why and how the Australian colonies reformed defamation laws in the nineteenth century to make it easier for women to bring claims and better protect their reputations
- the University of Sydney - Megan Cameron: an examination of the work of magistrates in early colonial New South Wales (from 1788 until 1835).
- the University of New South Wales - Associate Professor Marina Nehme, ‘A study of the legal history of proprietary companies’, examining the legal and policy motivations behind the introduction of proprietary companies in Victoria through the enactment of the Companies Act 1896 (Vic) and the key legal features of these companies back then and how they compared with public companies, studying three proprietary companies registered under the Companies Act 1896.

In **2021** grants from the Fund included the support of projects at a number of universities: *University of New England* Dr Patrick Graham – ‘Sir John Latham and constitutional autochthony’; *University of Southern Queensland* Professor Antony Gray and Associate Professor Marcus Harmes – ‘The History of Judicial Independence in New South Wales’, exploring the history of the separation of powers principle in the Australian Colonies in the 19th century; *University of Sydney*: Digitisation of letters from solicitors, barristers and law students to the University of Sydney Law School Comforts Fund during the Second World War (Tony Cunneen); further support for ‘Dynamic and Principled: The Influence of Sir Anthony Mason’ (Professor McDonald, Dr Chen, Dr Gordon); *Monash University* Professor Tamara Walsh and Associate Professor Dominique Allen – a research project about the history of human rights complaints in federal law.

In **2020** grants from included the support of projects at Macquarie University: by Dr Kate Gleeson, Sinead Ring, Kim Stevenson “Legal Responses to Historical Child Sexual Abuse: Critical and Comparative Perspectives” and by Dr Henry Kha “The Unification of Australian Divorce Law under the Matrimonial Causes Act 1959” and at Sydney University: Professor Barbara McDonald, Dr Ben Chen, Dr Jeffrey Gordon, “Dynamic and Principled: The Influence of Sir Anthony Mason”.

In addition, the Society supports an annual Essay prize for the best paper presented at the ANZLHS Conference, judged by a panel appointed by the Editor of law & history. The Fund has supported Sydney Living Museum, noting the approach of the Bicentenary of the Supreme Court and the Legislative Council and the roles of SLM / the State Archives & Records Authority and the Society.

In 2019 the Society was able to support through the Fund:

- Digitisation of the notebooks of Sir Keith Officer and Sir Robin Sharwood – a proposal from Professor Mark Lunney (UNE), Dr Tanya Josev (Melbourne Law School) and Ms Carole Hinchcliff (senior law librarian at Melbourne). The notebooks have now been digitised (<https://digitised-collections.unimelb.edu.au/handle/11343/236008>). Professor Lunney advises that in addition to what was planned, a notebook of KH Bailey, originally thought to be from his time at university in Melbourne but now thought to be from his first year in Oxford, has also been included. The final stage of the project was to involve some summaries and synopsis of the content of a selection of the notebooks
- A Biographical Dictionary of Barristers and Solicitors in Early NSW, 1824-1861 (Peter Moore, through the University of Adelaide)

The Society supported the publication by the 2019 Forbes lecturer, Professor Anne Twomey (Sydney University) of Pitt Cobbett's grand opus 'The Government of Australia' through the Fund. The book *The Constitution and Government of Australia, 1788 to 1919* by William Pitt Cobbett and edited by Anne Twomey was published by Federation Press in October 2019.

The Society encourages **donations** to the Francis Forbes Fund to enable us to continue to support such worthy projects. All donations to the Forbes Fund of \$2.00 or more are tax deductible.

There is provision for a donation on the membership renewal / application form, or a separate form for donations is [Francis Forbes Society 2022 Donation form](#) and on the web site forbessociety.org.au at DONATIONS.

Upcoming Dates

- Tuesday 9 August 2022 – *rescheduled* legal history tutorial “**The Mason Court**” by Professor Barbara McDonald, Dr Ben Chen and Dr Jeffrey Gordon (University of Sydney Law School)
 - Monday 29 August 2022 – **Land and Environment Court Anniversary Conference, book launch and Anniversary Dinner** The Conference programme and booking details for the Conference and the Dinner are available on the Land and Environment Court’s website at: <https://www.lec.nsw.gov.au/lec/news-and-announcements/land-and-environment-court-anniversary-conference-and-dinner.html>
 - Wednesday 31 August 2022 – *rescheduled* **2022 Forbes Lecture, Legal Life Histories and the creation of legal fields** by Dr Susan Bartie
 - Tuesday 27 September 2022 – legal history tutorial by Dr Henry Kha
 - Thursday 27 October 2022 – 2022 Plunkett Lecture by Dr Patrick Graham
 - 1-3 December 2022 – **ANZLHS 2022 Annual Conference** at the University of Technology Sydney. The theme of the conference is *Tenuous Histories and Provable Pasts: How Legal Historians Create Knowledge*. Keynote speakers will include Professors Constance Backhouse and Katherine Biber. See [2022 conference](#) for details and a link to the full Call For Papers
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