

The Francis Forbes Society

For Australian Legal History

Forbes Society Legal History tutorial 22 November 2022: Our next legal history tutorial will be delivered by Declan Noble on “A partial history of the Public Law Injunction in Australia” on **Tuesday 22 November 2022** at 5.15pm in Court 13A, Law Courts Building, Queens Square, 184 Phillip St Sydney.

Declan is currently Associate to the Hon Justice Jeremy Kirk in the New South Wales Court of Appeal. In 2021, he was tipstaff to the Hon Justice Richard White, also in the New South Wales Court of Appeal. He completed a Bachelor Arts in Classics (Hons I) and a Bachelor of Laws (Hons I) at the University of Sydney. Declan’s LLB Honours thesis, titled “The Section 75(v) Injunction: History and Principles”, examines the development in Australia of the public law injunction over the course of the 20th century, especially in constitutional contexts. It will be published in the *Australian Law Journal* in January 2023.

The Society is very grateful to Chief Justice Bell for his generous permission to use Supreme Court facilities.

Please email membership@forbessociety.org.au for any queries. Please direct any questions on the night to treasurer@forbessociety.org.au

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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: [2022-23 Francis Forbes Membership](#) (to be returned to the address on the form) or by email to membership@forbessociety.org.au - a separate form for donations is [Fund Donation Form 2022](#), also available on the web site forbessociety.org.au at DONATIONS.

Other events

- 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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