

The Francis Forbes Society

For Australian Legal History

The next legal history tutorial on **Monday 24 July** at 5.15 pm in Court 13A is by Dane Luo, Associate to the Hon Justice Hammerschlag, Chief Judge in Equity, Level 13 Law Courts Building, 184 Phillip Street Sydney, “**The Path to Independence: Australia’s Constitution and her British ties**”. Dane provides the following outline:

The Australian Constitution created the Commonwealth of Australia on 1 January 1901. It was written ‘at a time of ambivalence about Australia’s place in the world, whether it was an independent country or a child of England.’ Whilst the framers were seeking greater independence from Britain, the Constitution, which itself formed part of an Act of the Imperial Parliament, was a colonial document that assumed the primacy of the ‘Mother Country’. At Federation, the legislature, executive and judiciary branches of the Commonwealth and States were all subject to the control of the Imperial Parliament, British Ministers and the Privy Council. Today, Australia is an independent nation, free from British control. However, unlike other nations whose independence is symbolised by a major historical event, Australia’s independence was achieved ‘[n]ot with a bang but a whimper.’ The process of severing her British ties occurred through a series of milestones spanning nearly nine decades. In his tutorial, Dane will explore the incremental path and the developments that led Australia achieving complete independence from the United Kingdom across all branches of government at both the federal and state level.

BIO: Dane graduated with First Class Honours from both the Bachelor of Laws and Bachelor of Commerce at the University of Sydney and has served as a head academic tutor at the University for the past three years. In 2023, he will be studying the Bachelor of Civil Law at the University of Oxford with the Peter Cameron Sydney Oxford Scholarship. He is the Secretary of the NSW Young Lawyers Public Law and Government Sub-committee.

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

Please direct any questions on the night to treasurer@forbessociety.org.au or secretary@forbessociety.org.au.

Membership renewal for 2023 and supporting the Francis Forbes Fund: The Society invites members to **renew** membership of the Francis Forbes Society for the 2023/2024 financial year and welcomes new applications for membership. Memberships are renewed annually and will run to 30 June 2024. A renewal / application form is available here [2023 - 2024 Forbes Membership Application and Renewal form](#).

The Society is dedicated to studying and documenting the history of Australian law. Its membership includes legal practitioners, academics, journalists and students. Benefits of membership include timely notification of legal history events *via* updates emailed to members from time to time and opportunities to obtain discounts on publications from time to time published or arranged by the Society.

The Society encourages **donations** to the **Francis Forbes Fund** - members know that 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. All donations to the Forbes Fund of \$2.00 or more are tax deductible. There is provision for a donation on the membership renewal form, or there is a separate form for donations on the web site forbessociety.org.au at DONATIONS – [Forbes Donation Form 2023 - 2024](#)

Francis Forbes Fund grants for 2023: We are delighted to announce that grants from the Fund for **2023** will support the following projects:

- University of Technology Sydney - Dr Alecia Simmonds 'Race, Legal Status and Subjecthood in Defamation Actions Across the Nineteenth and Twentieth Centuries'
- Australian National University - Dr Susan Bartie 'Contribution of Solicitors-General to the field of Australian law and environmental politics'
- Macquarie University - Dr Henry Kha 'Wife sales and legal responses in Colonial Australia'
- Deakin University - Associate Professor Gabrielle Wolf 'European Medical Émigrés in Tasmania and the Law, 1933-1946'

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. **Other projects supported by the Fund** – grants from the Fund in **2022** support:

- 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.

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 form, or there is a separate form for donations here [Forbes Donation Form 2023 - 2024](#) and on the web site forbessociety.org.au at DONATIONS

Dates for the Diary

- 24 July 2023 Dane Luo, Associate to Hammerschlag CJ in Eq on *“The Path to Independence: Australia’s Constitution and her British ties”*
- 15 August 2023 Skye Krichauff of the University of Adelaide: *“The South Australian Frontier and its Legacies: a truth telling project”*. Skye is working with Associate Professor Robert Foster, whose project ‘Reconciling the Frontier’ received funding from the Forbes Fund in 2022
- 23 August 2023 Her Excellency the Honourable Margaret Beazley AC KC will present the Forbes Lecture
- 1 November 2023 Dr Jessica Lake of ACU (Melbourne) whose project ‘The Slander of Women’ also received funding from the Forbes Fund in 2022