



THE THIRTEENTH ANNUAL PLUNKETT LECTURE

Liberty not Licence: The law's response to the challenges of ethno-religious sectarianism in nineteenth and early twentieth century Australia

PROGRAMME

Lecturer:	Dr Jeff Kildea
Chair:	The Hon. Michael Daley MP, Attorney General of NSW
Date:	Tuesday, 10 September 2024
Time:	5.30pm – 6.30pm
Venue:	Banco Court, Level 13 Law Courts Building, Queen's Square, Sydney

CONTEXT: The J.H. Plunkett Lecture is an annual Lecture to honour the memory of one of the State's pivotal Attorneys General. John Hubert Plunkett (1802-1869) arrived in NSW, from Ireland, in 1832. For more than 30 years thereafter he made a major contribution to colonial law and society, serving, inter alia, as Solicitor General and Attorney General. In 1835 he published *The Australian Magistrate*, the first Australian legal practice book. He was the first Australian lawyer to be granted a commission as Queen's Counsel. He led Roger Therry, another Irish-born barrister, in the conduct of the Myall Creek Murder trials.

ORDER OF EVENTS

1. **WELCOME** – by the Hon. Michael Daley MP, Attorney General of NSW
2. **PRESENTATION OF THE LECTURE** – by Dr Jeff Kildea
3. **THANKS and CLOSE OF PROCEEDINGS** – by the Chair

THE PLUNKETT LECTURER

Dr Jeff Kildea is an honorary professor in Irish Studies at the University of New South Wales.

He practised as a solicitor from 1974 to 1979 and as a barrister from 1979 to 2013 as a member of 5th Floor Wentworth Chambers. His areas of practice were Equity, Land and Environment, and Native Title. In 2014 he held the Keith Cameron Chair of Australian History at University College Dublin.

He has written extensively on the history of the Irish in Australia. His books include *Tearing the Fabric: Sectarianism in Australia 1910-1925* (2002), *Anzacs and Ireland* (2007), *Wartime Australians: Billy Hughes* (2008), *Hugh Mahon: Patriot, Pressman, Politician* Volume 1 (2017) and Volume 2 (2020), *Leaving Home: Stories of my Emigrant Ancestors* (2021), *Sister Liguori: The Nun who Divided a Nation* (2024). He is a co-author of *To Foster an Irish Spirit: The Irish National Association of Australasia* (2020).

LEGAL HISTORY NEWS

Lectures and Legal History Tutorials convened by the Forbes Society are generally open to the public, without charge.

LEGAL HISTORY TUTORIALS AND OTHER PRESENTATIONS:

The Forbes Society's annual programme of legal history tutorials has, since its inception in 2013, included presentations by senior judges, academics, members of the Bar and Court staff. Recent presentations include:

- Professor Peter Gerangelos 'An Historical Constitutional Approach and the general (non-statutory) executive power of the Commonwealth – History as Method: 'Ancient' solutions to Current Problems' (11 April 2023)
- Dr Peter Edwell and the Hon Keith Mason AC KC 'Art and the Law: The Archibald prize case of the 1944 and beyond' (18 April 2023)
- Michael Adams (Counsel in the Office of General Counsel at AGS) 'The effect of the American Civil War on the law of contract' (24 May 2023)
- Dane Luo (Associate to Hammerschlag CJ in Eq) 'The Path to Independence: Australia's Constitution and her British ties' (24 July 2023)
- Skye Krichauff (University of Adelaide) 'The South Australian Frontier and its Legacies: a truth telling project' (15 August 2023)
- Megan Cameron, PhD candidate at Sydney Law School, 'The work of magistrates in early colonial New South Wales' (24 October 2023)
- Dr Jessica Lake (ACU) 'The slander of women' (1 November 2023)
- Dr Lucas Alcolea (University of Otago) 'Contractual Licences Over Land: Neither this nor that' (18 March 2024)
- Dr Ben Chen 'Automating Empirical Legal Research' (6 May 2024)
- Dr Simon Blount 'The Failed Federation: Why the All Blacks do not play for Australia' (11 July 2024)
- Robert Turnbull, 'The History of Precedents' (13 August 2024)
- Dr Henry Kha, 'Wife Sales and Legal Responses in Colonial Australia' (5 September 2024)

If you have any queries about attending or presenting, please advise the Treasurer (Carol Webster SC) or the Secretary of the Society (Simon Chapple SC) at secretariat@forbessociety.org.au.

TWELFTH JH PLUNKETT LECTURE:

The Hon. Andrew Bell, Chief Justice of NSW delivered the Twelfth Annual JH Plunkett Lecture on 13 February 2024 titled 'Unheralded nation-builder: another dimension of John Hubert Plunkett'. The Lecture was chaired by the Hon. James Allsop AC, President of the Forbes Society and combined with a formal presentation to 2023 Essayists.

THE 2024 FORBES LECTURE:

On 31 July 2024, Daniel Yazdani, barrister of 13th Floor St James Hall, delivered the Annual Forbes Lecture titled 'Francis Forbes and the Parable of the Gown and Wig: A History of Legal Dress in NSW'. The lecture was chaired by Dr Simon Chapple SC, Secretary of the Forbes Society.

THE FORBES FUND:

One of the Society's objects is to encourage and promote research into Australian legal history and it maintains for that purpose the Francis Forbes Fund, to which donations may be made. Donations to the Forbes Fund (in the sum of \$2.00 or more) are tax deductible.

As well as specific projects each year, 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. Grants have included:

(2024 grants): *University of Sydney Law School* Inma Conde, 'A historical interpretation of Article 7(1) of the United Nations Convention on Contracts for the International Sale of Goods'; *University of Sydney Law School* Dr Jeffrey Gordon, 'Free speech moments in Australian legal history'; *UNSW Law & Justice* Dr Henry Kha, 'Ne Temere and the Marriage Law of New South Wales: Religious Sectarianism in the 1920s'.

(2023 grants): *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' and *Deakin University* Associate Professor Gabrielle Wolf 'European Medical Émigrés in Tasmania and the Law, 1933-1946.'

(2022 grants): *University of Adelaide* Ass Professor Robert Foster – 'Reconciling with the Frontier'; *ACU* Dr Jessica Lake – 'The Slander of Women'; *University of Sydney* Megan Cameron – an examination of the work of magistrates in early colonial NSW; *UNSW* Ass Professor Marina Nehme – A study of the legal history of proprietary companies.

We welcome all further donations to enable us to support such worthy projects – provision for donations is made on the membership form.

MEMBERSHIP OF THE FORBES SOCIETY:

Membership of the Forbes Society is open to everybody. Membership application forms can be downloaded from the Society's website <http://www.forbessociety.org.au>. Benefits of membership include timely notification of legal history events via updates emailed to members from time to time.

THE ANZ LAW AND HISTORY SOCIETY ANNUAL CONFERENCE:

The ANZLHS 2024 Annual Conference 'Change and Continuity' will be held 17 – 19 November 2024 at Faculty of Law and Justice, UNSW Sydney. Further information can be found on the UNSW conference website: <https://conference.unsw.edu.au/en/43rd-annual-conference-of-the-australian-and-new-zealand-law-and-history-society>.