



The Francis Forbes Society for Australian Legal History

ABN 55 099 158 620 ACN 099 158 620

THE 2020 ANNUAL PLUNKETT LECTURE

John Hubert Plunkett: An Irish Lawyer in Australia

PROGRAMME

Lecturer:	Dr John McLaughlin AM
Chair:	NSW Attorney General, The Hon Mark Speakman SC MP
Date:	24 November 2020
Time:	5.15pm – 6.15pm
Venue:	virtually from Banco Court 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 NSW Attorney General,
The Hon Mark Speakman SC MP
2. **PRESENTATION OF THE LECTURE** – by Dr John
McLaughlin AM
3. **VOTE OF THANKS** – by Wendy Robinson QC
(Councillor, founding junior Vice-President of
the Forbes Society)

THE PLUNKETT LECTURER

John Kennedy McLaughlin practised at the New South Wales Bar from 1961 until 1989, when he was appointed to the Supreme Court of New South Wales, Equity Division (first as Master, then Associate Judge from 2005). After his retirement in 2010 he was an Acting Judge of the District Court of New South Wales for three years. He holds the degrees of Bachelor of Arts and Master of Laws (Hons I) from the University of Sydney and Doctor of Philosophy from Monash University in Melbourne. He has held part-time academic appointments in Law at the University of Sydney and at the University of Technology Sydney, and is an Honorary Fellow of the University of Sydney.

John McLaughlin has written articles and book reviews for various scholarly journals and for the Australian Dictionary of Biography. His ancestry is Irish, and the subject of his doctoral thesis was, *The Immigration of Irish Lawyers to Australia in the Nineteenth Century: Causes and Consequences*.

In 2014 John McLaughlin was appointed a Member of the Order of Australia.

LEGAL HISTORY NEWS

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

LEGAL HISTORY TUTORIALS:

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.

In 2019, presentations were made by:

- Dr Simon Chapple "Introduction to Australian Legal History" (21 May 2019),
- Professor Mark Lunney (Junior Vice President of the Society; Professor of Law University of New England), Dr Tanya Josev (Senior Lecturer, Melbourne Law School) and Dr Susan Bartie (Lecturer, University of Tasmania Faculty of Law), "Legalism in the twentieth century: the chameleon concept" (3 September 2019),
- the Hon J C Campbell QC "The History of Equity" (in two parts: 6 and 13 August 2019);
- the Chief Justice, the Hon T F Bathurst AC "History of the legal profession in NSW" (18 September 2019).

COVID-19 restrictions affected the 2020 tutorial series. Nonetheless the Chief Justice delivered a tutorial on 8 October 2020, "The History of Defamation Law"

If you would be interested to attend as a presenter, please advise the Secretary of the Society, Dr Simon Chapple (secretary@forbessociety.org.au)

THE 2020 FORBES LECTURE:

On 19 May 2020 the Hon Justice Mark Leeming, NSW Court of Appeal, delivered the Annual Forbes Lecture titled 'Lawyers' uses of history, from *Entick v Carrington* to *Smethurst v Commissioner of Police*'. The lecture was chaired by the Hon Justice Stephen Gageler AC, High Court of Australia. The Forbes Society, and the annual Forbes Lecture, are named for Francis Forbes (1784-1841), the first Chief Justice of the Supreme Court of NSW, 1824-1837. He was knighted in 1837.

THE 2019 PLUNKETT LECTURE:

The Eighth Annual JH Plunkett Lecture "Law and Politics: Attorneys-General in Eighteenth-Century England" was delivered on 13 November 2019 by Professor Wilfrid Prest (Professor Emeritus of History and of Law, University of Adelaide) chaired by the Hon Justice Andrew Bell, President of the Court of Appeal. Professor Prest spoke on the office of attorney-general in the 18th century.

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.

(2020 grants): The following projects were supported:

Macquarie University: (1) Dr Kate Gleeson, Sinead Ring, Kim Stevenson "Legal Responses to Historical Child Sexual Abuse: Critical and Comparative Perspectives" (2) Dr Henry Kha "The Unification of Australian Divorce Law under the Matrimonial Causes Act 1959"

Sydney University: Professor Barbara McDonald, Dr Ben Chen, Dr Jeffrey Gordon, “Dynamic and Principled: The Influence of Sir Anthony Mason”.

A grant to Sydney Living Museum, in the interests of future cooperation between SLM / the State Archives & Records Authority and the Society, noting the approach of the Bicentenary of the Supreme Court and the Legislative Council in 2023.

The Australian and New Zealand Legal History Society Annual Prize in Legal History, an annual award for the best piece (book or article) of legal history writing by a member of ANZLHS about Australian / New Zealand history.

(2019 grants): Grants were made to support:

The digitisation of the notebooks of Sir Keith Officer and Sir Robin Sharwood – a proposal from Professor Lunney, Dr Tanya Josev (Melbourne Law School) and Ms Carole Hinchcliff (senior law librarian at Melbourne), and a Biographical Dictionary of Barristers and Solicitors in Early NSW, 1824-1861 (to Peter Moore through the University of Adelaide),

(2017 and 2018 grants) Pitt Cobbett's grand opus ‘The Government of Australia’: Support for publication of Pitt Cobbett's ‘The Government of Australia’. William Pitt Cobbett was appointed to the Challis chair of law at Sydney University in 1890 and became the first Dean of the Law School in 1891. He completed a handwritten manuscript of about 275,000 words before he died in October 1919. In early 2018 Professor Twomey said of the project:

... The Forbes Society has kindly supported the project of finishing, editing and publishing this work. ... The support of the Society is essential for this type of work, which would otherwise not see the light of day and remain moulding away, unseen and forgotten. We will not learn from our past unless our history is readily accessible. The Francis Forbes Society ensures that it is.

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.

We welcome all further donations to enable us to support such worthy projects – a form for donations is available here: [Forbes Fund Donation Form](#) and on our web site www.forbessociety.org.au at DONATIONS.

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. Benefits of membership include timely notification of events organised by the Society and ready access to the Society’s newsletter, the *Forbes Flyer*.

THE 2020 AUSTRALIAN LEGAL HISTORY ESSAY COMPETITION:

The Forbes Society’s Annual Essay Competition is open to all students enrolled in an Australian secondary school or an Australian undergraduate university course (including courses leading to a qualification for legal practice). Guidelines, together with sample questions and essay questions set in previous years’ competitions, are published on the Society’s website: www.forbessociety.org.au.

THE ANZ LAW AND HISTORY SOCIETY ANNUAL CONFERENCE:

The 39th Annual Conference of the ANZLHS will be held virtually in Auckland on 9 December 2020. The conference programme is available on the ANZLHS website page: <https://anzlhs.org/conferences-2/> There will be four concurrent parallel sessions for 39 individual papers and 7 panel presentations.