



The Francis Forbes Society for Australian Legal History

ABN 55 099 158 620 ACN 099 158 620

THE 2022 ANNUAL PLUNKETT LECTURE

The Unlikely Reformer: Sir John Latham and the Australian Constitution

PROGRAMME

Lecturer:	Dr Patrick Graham
Chair:	Dr Simon Chapple, Secretary of the Forbes Society
Date:	27 October 2022
Time:	5.15pm – 6.15pm
Venue:	Court 13A 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 Secretary of the Society,
Dr Simon Chapple
2. **PRESENTATION OF THE LECTURE** – by Dr Patrick
Graham

THE PLUNKETT LECTURER

Dr Patrick Graham is a lecturer in law at the University of New England.

He researches in legal history, particularly on emergency power, and constitutional law and theory.

He has most recently published on the constitutionally implied freedom of political communication and Sir John Latham's constitutional thought. Patrick's doctoral thesis looked at the use of emergency power in early twentieth century England.

Patrick received a grant from the Forbes Fund in 2021 for his project "Sir John Latham and constitutional autochthony

Patrick is from Ireland and studied law at the London School of Economics and Queen Mary, University of London.

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. COVID-19 restrictions affected our ability to deliver the tutorial series in 2020 and 2021. Recent presentations include:

- Dr Coel Kirkby (University of Sydney Law School), "Themes in Australian Legal History and the development of Succession Law" (28 February 2022), combined with a formal presentation of certificates and prizes to 2021 essayists
- Dr Nicole Graham, Associate Professor (Sydney Law School), "Antipodean Property Law" (15 June 2022)
- Professor Barbara McDonald, Dr Ben Chen, Dr Jeffrey Gordon (Sydney Law School), 'The Mason Court' (9 August 2022)
- Dr Henry Kha (Macquarie Law School) 'Unification of Australian Divorce Law under the Matrimonial Causes Act 1959' (27 September 2022)

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

THE 2022 FORBES LECTURE:

On 31 August 2022 Dr Susan Bartie delivered the Annual Forbes Lecture titled 'Legal Life Histories and the Creation of Legal Fields'. The lecture was chaired by Carol Webster SC, Treasurer of the Forbes Society. 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 2021 PLUNKETT LECTURE:

The Tenth Annual JH Plunkett Lecture 'Dignity in the time of John Hubert Plunkett' was delivered on 19 August 2021 by The Hon Justice Jacqueline Gleeson, High Court of Australia, chaired by the NSW Attorney General, The Hon Mark Speakman SC MP. The Plunkett Lecture honours the memory of one of the State's pivotal Attorneys General. John Hubert Plunkett (1802-1869) arrived in NSW, from Ireland, in 1832.

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:

(2022 grants): *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; *Australian Catholic University* Dr Jessica Lake – 'The Slander of Women'; *University of Sydney* Megan Cameron – an

examination of the work of magistrates in early colonial New South Wales; *UNSW* Associate Professor Marina Nehme – ‘A study of the legal history of proprietary companies’

(2021 grants): *Monash University* Professor Tamara Walsh and Associate Professor Dominique Allen – a research project about the history of human rights complaints in federal law; *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’; *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’.

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

(2019 grants): The digitisation of the notebooks of Sir Keith Officer and Sir Robin Sharwood – a project of 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 (Peter Moore through the University of Adelaide),

Publication of **Pitt Cobbett's grand opus ‘The Government of Australia’** by the 2019 Forbes lecturer, Professor Anne Twomey (Sydney University) was supported through the Fund in 2017 and 2018. 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. Professor Twomey said of the project:

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.

We welcome all further donations to enable us to support such worthy projects – a form for donations is available here: is [Fund Donation Form 2022](#) and on the web site <http://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 legal history events via updates emailed to members from time to time.

THE 2022 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 ANZLHS 2022 Annual Conference will be held 1-3 December 2022 at the University of Technology Sydney. The theme of the conference is Tenuous Histories and Provable Pasts: How Legal Historians Create Knowledge. See [2022 conference](#) for details and a link to the full Call For Papers.