



The Francis Forbes Society for Australian Legal History

ABN 55 099 158 620 ACN 099 158 620

ANNUAL REPORT 2011

ESTABLISHMENT

As was noted in previous Annual Reports, the Society has its origins in the Centenary Celebrations of the NSW Bar Association in 2002.

Its formation was publicized at the Centenary Dinner of the NSW Bar Association (on 31 May 2002) in connection with the publication of its Centenary Essays (Lindsay and Webster (*ed*), *No Mere Mouthpiece: Servants of All, Yet of None*) and Macquarie University's inaugural Macquarie Lecture (on 25 July 2002), and in publications ancillary to those functions.

COUNCILLORS

The inaugural meeting of the Council of the Forbes Society was held on Monday 5 August 2002.

The 'founding' members of the Society were the inaugural members of its Council and its Honorary Executive Director.

The inaugural members of the Council were:

- Professor Bruce Kercher of Macquarie University (President);
- Justice Keith Mason AC of the NSW Court of Appeal (Senior Vice President);
- Wendy Robinson QC of the NSW Bar (Junior Vice President);
- Geoff Lindsay S.C. of the NSW Bar (Secretary);
- Carol Webster of the NSW Bar (Treasurer);

- Michael Sexton, S.C., Solicitor General of NSW; Laurie Glanfield AM, Director General of the NSW Attorney General's Department; Mark Richardson, Chief Executive of the Law Society of NSW and Stephen Toomey of Toomey Pegg Solicitors (Members).

The Honorary Executive Director of the Society was, and is, Philip Selth OAM, the Executive Director of the NSW Bar Association.

Michael Sexton SC retired at the Annual General Meeting on 21 September 2005, and was replaced by Michael Pelly. Mark Richardson resigned on 27 March 2006 and was replaced by June McPhie, then President of the Law Society of NSW (appointed on 8 May 2006). June McPhie retired at the Annual General Meeting on 18 November 2008, and was replaced by Michael Tidball, the CEO of the Law Society of NSW.

In accordance with the Society's constitution all Councillors retire at this Annual General Meeting and are eligible for re-election. All Councillors have offered themselves for re-election.

CONSTITUTION

The Forbes Society was registered as a public company, limited by guarantee, on 2 January 2002, and is authorised under *section 150 Corporations Act 2001* (Cth), to dispense with the word "Limited" from its title. The registered office of the Society is care of the Office of the NSW Bar Association, Basement Level, Selborne Chambers, 174 Phillip Street, Sydney.

"The Francis Forbes Fund" was established by Deed of Trust executed on 12 February 2002. Under the Deed the Society is trustee of the Fund. The Society and the Fund are endorsed as "income tax exempt charities", and the Fund is endorsed as a "deductible gift recipient", under the *Income Tax Assessment Act 1997* (Cth).

The NSW Department of Sport and Recreation has issued an "Authority to Fundraise" to the Society under the *Charitable Fund Raising Act 1991* (NSW).

ANNUAL FORBES LECTURE

Since its foundation the Forbes Society has encouraged the study of the history of Australian law through an annual public lecture. The Forbes Lecture has become an important date in the legal calendar.

2011 Forbes Lecture

On 16 November 2011 Dr Shaunnagh Dorsett of UTS delivered the 2011 Forbes Lecture (entitled "Adapting Law to Circumstances of the Colony: The First Supreme Court Rules of New South Wales and New Zealand") in the Common Room of the NSW Bar Association. Associate Professor Dorsett was introduced by Emeritus Professor Bruce Kercher, with Bernard Coles QC (the President of the NSW Bar Association) serving as Master of Ceremonies. The Lecture provided a snapshot of Shaunnagh's ongoing research into legal practice throughout the British Empire. The paper on which the Lecture was based will be published in the *Australian Bar Review*.

2010 Forbes Lecture

On 17 November 2010 Dr Lisa Ford of UNSW, delivered the 2010 Forbes Lecture (entitled “Thinking Big about Early NSW: Colonial Law in Global Perspective”) in the Banco Court, Supreme Court of NSW. The event was chaired by Justice Virginia Bell of the High Court of Australia. Dr Ford was introduced by Emeritus Professor Bruce Kercher, Dr Ford’s paper was published in (2011) 34 *Aust Bar Rev* 204.

The Lecture provided an occasion to celebrate the success of Lisa’s *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Harvard University Press, 2010). In 2008 it won the Thomas J Wilson Memorial Prize awarded by Harvard University Press for “outstanding content, style and mode of presentation” of a “first book” approved by that publisher for publication. In 2010 it won two further awards. First, it won the 2010 NSW Premier’s Prize for the best general history book. Subsequently it was awarded the 2010 Littleton-Griswold Prize for the best book in any subject on the history of American law and society, awarded by the American Historical Association.

2009 Forbes Lecture

On 5 November 2009 Associate Professor Mark Lunney of UNE, delivered the 2009 Forbes Lecture (entitled “the History of the Law of Tort in Australia”) in the Common Room of the NSW Bar Association. He was introduced by the Hon Justice Michael J Slattery with the Hon John Hamilton QC as MC on the night. Professor Lunney’s paper was published in (2010) 33 *Aust Bar Rev* 77 as “Federation and Beyond: What the History of Australian Tort Law can tell us”.

2008 Forbes Lecture

On 6 November 2008 Professor Rosalind Croucher, then a Commissioner of the Australian Law Reform Commission, delivered the 2008 Forbes Lecture (entitled “150 Years of Torrens – Too Much, Too Little, Too Soon”) in the Common Room of the NSW Bar Association. She was introduced by Anna Katzmann S.C., President of the Association. Her paper was published in (2009) 31 *Aust Bar Review* 245.

2007 Forbes Lecture

On 8 November 2007 Andrew Tink, formerly Shadow Attorney General in the NSW Parliament, delivered the 2007 Forbes Lecture on “The Life and Times of William Charles Wentworth” in the Bar Common Room. He was introduced by Anna Katzmann S.C., then President of the Bar Association. His biography of Wentworth was published by Allen & Unwin in 2009. His Forbes Lecture was published in (2009) 32 *Aust Bar Review* 316.

2006 Forbes Lecture

On 9 November 2006 Rosemary Annable presented the 2006 Forbes Lecture on the topic “A Setting for Justice: Building for the Supreme Court of New South Wales” in the Bar Common Room. It addressed the history of the architecture of the Supreme Court. A guided tour of the Old Supreme Court building conducted by the Court Architect Diane Jones preceded the lecture. In 2007 UNSW Press (in collaboration with the Attorney General’s Department of NSW) published the long awaited book upon which Rosemary’s Lecture was based. It bears the same title, *A Setting for Justice*.

2005 Forbes Lecture

On the 3 November 2005 the Hon Justice B H McPherson CBE, a judge of the Queensland Court of Appeal, presented the 2005 Forbes Lecture on the topic “New quilts from old rags”, in the Bar Common Room. It addressed the reception of English law in Australia. In 2007, following his retirement from the Court of Appeal, Bruce published the major work which was in preparation at the time of his Lecture. It is entitled, *The Reception of English Law Abroad*. It was published by the Supreme Court of Queensland Library.

2004 Forbes Lecture

On 14 October 2004 Professor Bruce Kercher of Macquarie University and Tim Castle of the NSW Bar presented the 2004 Forbes Lecture, on the topic of “Bringing the Supreme Court to Order, 1828-1844”, in the Bar Common Room. The lecture was chaired by the then Shadow Attorney General for NSW, Andrew Tink MP. It has been published by the Society.

2003 Forbes Lecture

On 15 October 2003, the Hon P.E. Powell A.M. QC presented the 2003 Forbes Lecture (entitled “The Origins and Development of the Protective Jurisdiction of the Supreme Court of NSW”) in the Banco Court. It has been published by the Society.

2002 Forbes Lecture

On 28 November 2002 I. M. Barker QC presented the inaugural Forbes Lecture entitled “The History of Trial by Jury in NSW” in the Banco Court, with Chief Justice Spigelman as the guest of honour and Professor Kercher as the Master of Ceremonies. It was published by the Society. It is now accessible on the Society’s website.

BRYSON LECTURE

On 30 August 2011 JP Bryson QC delivered a public lecture (on the History of Pleading in New South Wales) in the Common Room of the NSW Bar Association. The Lecture was co-sponsored by the Forbes Society, the Seldon Society and the Bar Association. Justice PW Young chaired the Lecture and provided a brief commentary on the paper presented. The paper is due to be published in the *Australian Law Journal*.

THE LEGAL HISTORY DISCUSSION GROUP

The Legal History Discussion Group held six meetings in 2011, all highly successful. The first five were chaired by the Convenor of the Group Dr Lisa Ford of UNSW. In Lisa's absence overseas, the final meeting was chaired by Dr Shaunnagh Dorsett of UTS.

The following presentations were made at these meetings:

8 March 2011	Keith Mason : Areas of Australian Legal History in need of research.
24 May 2011	Shaunnagh Dorsett : The Importance of the History of Legal Procedure.
16 August 2011	Michael Pelly : Chief Justice Murray Gleeson, A Biography in the Making.
27 September 2011	Wilf Prest : Blackstone, History and England's Century of Revolution.
18 October 2011	Paula J Byrne : The Cultural Background of Ellis Bent.
8 November 2011	John McLaughlin : Irish Lawyers in Colonial Australia.

Discussion at the first meeting was assisted by publication of Emeritus Professor Horst Lucke's paper, "Legal History in Australia: The Development of Australian Legal/Historical Scholarship" (2010) 34 *Aust Bar Rev* 109 in December 2010.

Papers delivered at the final two meetings will be published in the *Australian Bar Review*.

The Group will meet in 2012 with a programme to be published early in the New Year.

The Society records its thanks to the organisers and presenters who made Group meetings possible.

THE JOURNAL "LEGAL HISTORY"

Sadly, no issue of the Journal *Legal History* has been published in 2011, despite sanguine expectations.

The legal history community needs to give urgent consideration to rectification of the administrative problems that have bedevilled the publication of a specialist journal of Australian Legal History.

THE SOCIETY'S WEBSITE

The major addition to the Society's website (www.forbessociety.org.au) during the course of 2011 has been publication of research papers.

The website can be used as a means of publicising research projects, inviting comments on draft papers and publishing papers. Members and friends of the Society are invited to use it accordingly.

The website now carries a number of papers prepared by Tony Cunneen (on the involvement of the New South Wales legal profession in Australia's Wars), some of which have been published in *Bar News*, the NSW Law Society journal, *Digger Magazine* and the *Australian Army Journal*.

On a similar, but distinct theme, the website publishes a paper by Geoff Lindsay SC entitled, "Be Substantially Great in Thyself : Getting to Know CEW Bean; Barrister, Judges' Associate, Moral Philosopher".

Another paper prepared by Lindsay SC, on a totally unrelated topic, has also been published: "Understanding Contract Law Through Australian Legal History : Whatever Happened to Assumpsit in New South Wales?"

CURRENT RESEARCH PROJECTS

The Select Cases Project

The Select Cases 1828-1863 Project, being undertaken by the Forbes Society in conjunction with Macquarie University, is progressing through ongoing work of Brent Salter and Emeritus Professor Bruce Kercher in consultation with Dr Lisa Ford. The Society hopes to be able to move, in 2012, towards publication of two volumes following upon Kercher and Salter (eds), *The Kercher Reports : Decisions of the New South Wales Superior Courts, 1788 to 1827* (Forbes Society, 2009/2010).

The Capital Punishment Database

The Australian Capital Punishment Database Project is continuing under the supervision of Tim Castle. Dr Amanda Kladelfos has recently joined Tim as a collaborator in the Project.

The Ellis Bent Project

The Ellis Bent Project, designed to assist publication of the journal and letters of Ellis Bent under the editorship of Dr Paula Jane Byrne, will result in the publication (early in 2012) of Paula's *Judge Advocate ELLIS BENT : Letters and Diaries, 1810-1821*. The book is to be published by the Forbes Society, through Federation Press, with the benefit of a grant made by the Public Purpose Fund.

The Legal Profession and Australia's Defence Forces

Tony Cunneen's research on the historical relationship between the legal profession and the Australian Defence Forces has continued with tangible success. Tony has located a mass of fresh primary material likely to open to view new insights into the social history of the legal profession in the 20th Century.

The Reminiscences of Sir Francis Forbes' Widow

Mandy Tibbey has volunteered to edit for publication *Sydney Society in Crown Colony Days : The Personal Reminiscences of the Late Forbes*, the manuscript of which was prepared in or about 1875 by George Forbes. The Society thanks Shari Williams for retyping the manuscript to facilitate the current publication project.

PUBLICATIONS

Forthcoming Publications

The Forbes Society has two books in the course of publication in the near future.

The first is a co-publication with the Osgoode Society for Canadian Legal History. Professor John McLaren's *Dewigged, Bothered and Bewildered : British Colonial Judges on Trial, 1800-1900* (Osgoode/Forbes Societies 2011) has been published in Canada and will be published in Australia next month. It will be formally launched at the Annual Conference of the Australian and New Zealand Law & History Society in Brisbane on 12-13 December 2011. John will be in attendance for that event.

As noted above, Dr Paula J Bryne's *Judge Advocate ELLIS BENT : Letters and Diaries, 1810-1821* will be published by the Forbes Society in early 2012.

Both books are being marketed by the Federation Press on behalf of the Forbes Society. Discounted prices are available to members of the Society.

Publications to Date

The Society's first publication, in 2003, was the 2002 Francis Forbes Lecture, given by Ian Barker QC, *Sorely Tried - Democracy and Trial by Jury in New South Wales*, released in October 2003. It is now out-of-print, but published electronically on the Society's website.

The Society has published five further books:

- The 2003 Francis Forbes Lecture, given by Philip Powell AM QC, *The Origins and Development of the Protective Jurisdiction of the Supreme Court of New South Wales*.

- *Dowling's Select Cases 1828 to 1844*, edited by T D Castle and Bruce Kercher - the notebooks of Sir James Dowling, the second Chief Justice of NSW.
- The 2004 Francis Forbes Lecture, given by T D Castle and Bruce Kercher, *The Dowling Legacy - Foundations of an Australian legal culture 1828 - 1844*.
- *Callaghan's Diary*, edited by J M Bennett AM, formally launched by Judge Greg Woods QC on 31 May 2006.
- *The Kercher Reports: Decisions of the New South Wales Superior Courts, 1788 to 1827*, edited by Bruce Kercher and Brent Salter.

Availability of Forbes Society Publications

By an arrangement with The Federation Press, these publications can generally be obtained from that publisher.

Website: www.federationpress.com.au
 Email: info@federationpress.com.au
 Telephone: (02) 9552 2200
 Fax: (02) 9552 1681

Several *Forbes Lectures* and entries in the Society's *Australian Legal History Essay Competition* have been published in the *Australian Bar Review*.

THE FORBES FLYER

The Society's newsletter for members, the *Forbes Flyer*, is published quarterly via email and on the Society's web site. The Editor, David Ash, has developed what has become an entertaining, regular publication reaching out beyond the legal profession, to academia and the general public. Our thanks are due to David.

THE AUSTRALIAN LEGAL HISTORY SCHOOL ESSAY COMPETITION

The Inaugural Competition (2007-2008)

In March 2007 the Society launched the inaugural Australian Legal History School Essay Competition. The Society awarded a prize to James Triggs, a Year 9 student at Doncaster College in Victoria. His essay (entitled "Authority, Democracy and the Rule of Law") was subsequently published in the *Australian Bar Review* at (2008) 30 Aust Bar Rev 221) and on the Society's website.

The Second Annual Competition (2008-2009)

The second annual Essay Competition was launched in February 2008. Its theme was: "The Importance to the Effective Working of the Legal System of Individual Honesty, a Well-Informed Conscience and Trust". More specifically, the Essay Topic was: "Honesty, Legal Ethics and the Limits of a Guilty Secret". The Essay Question was: "**How can a lawyer defend somebody he or she 'knows' is 'guilty'?...What is it to 'know' that somebody is 'guilty'?...Okay, to be more precise: What are, or should be, the ethical obligations of a lawyer acting for a client who, after being charged with a crime, makes a confidential confession of guilt?. Discuss this question from the perspective of a member of the community (who is not a lawyer) using examples drawn from the Dean Controversy (1895-1896) and/or Tuckiar's Case (1932-1934)**". Potential Entrants in the Competition were assisted by a publication on the Society's website of Background Information Paper entitled, "A Question of Conscience, a Question of Trust".

The results of the Competition were formally announced on Australia Day, 2009. The Forbes Society awarded three prizes to essayists: two to Tertiary Students, and one to a Junior High School Student. The winners in the University or Tertiary Student Categories were Adam Arnold of the University of New South Wales and Sarah Dorn of the University of Melbourne. Adam's essay was published in the Australian Bar Review ((2009) 31 Aust Bar Rev 352) and on the website of *The Australian* newspaper (www.theaustralian.com.au/legalaffairs). The winner in the Junior High School Category was Ben Nam of Year 8 at St Pius X College at Chatswood in NSW.

The Third Annual Competition (2009-2010)

The third annual Essay Competition was launched in December 2008. Its Theme was: "A foundational objective of law in a modern democratic state is to serve, and protect, "the people" (all the people, not just a few) as the ultimate source of legal authority and, for that purpose, to adapt (in an orderly and principled way) to the changing needs of society". The Essay Topic was: "Land ownership, power and sovereignty (supreme authority in a system of government) as an example of law and society changing over time, and between places, with "new law" and "old" blending in ways imperceptible to a casual observer". The Essay Question was: "**Who owns this land, anyway? Discuss whether Australian history has any lessons for us, today, about the meaning or significance of "land ownership"**. Do so by reference to one or more of: (a) Australia as a "settled" or "conquered" territory, and Aboriginal Land Rights; (b) the land titles system (known as the "Torrens System") devised by Robert Richard Torrens; and/or (c) debate about whether Australia should, as a modern sovereign nation, be a republic".

Potential Entrants in the Competition were assisted by four publications on the Society's website of Background Information Papers entitled, "Living with Property", "Living in Community", "Folklore Rules: The Origins and Growth of Australian Law", "Snapshots in the Mirror: Paradigms for Australia Day" and "By your Deeds Be Known: Episodes in Australasian Legal History".

The results of the Competition were formally announced on Australia Day, 2010.

The Society awarded two prizes to essayists: both Junior High School Students. The principal prize was awarded to Isabelle Urbano, a student at Camberwell Girls' Grammar School in Victoria. Her essay, entitled "The Peoples Land" was published in the Australian Bar Review: (2010) 33 Aust Bar Rev 70. A Commendation was awarded to Andrew Long of St Pius X College in Chatswood, NSW.

The Fourth Annual Competition (2010-2011)

The fourth annual Essay Competition was launched in December 2009. It was sponsored by the New South Wales Bar Association, the Law Society of New South Wales, the Law School at Macquarie University, Abbeys Bookshop, the Federation Press, State Records NSW and the State Library of New South Wales. It was also actively supported by the Legal Affairs Section of *The Australian* newspaper.

The 2010 Competition Theme was: "An important function of the law in any society is to reconcile tensions between self interest and altruism and between personal responsibility and a need to be mindful of the welfare of the community". The Essay Topic was: "**How moral imperatives of altruism (regard for others as a principle of action) and autonomy (personal freedom and self government) play out in the law, using as illustrations: (a) the concept of an actionable 'wrong' (what lawyers call a 'tort') in the 'law of negligence' applied in civil proceedings between litigants asserting rights as individuals; (b) the criminal law, when the State seeks redress in court proceedings brought against an individual in the name of the public; and (c) the provision of a public apology for a 'collective wrong' by a parliament speaking in the name of the State and as a representative of its citizens**".

The Essay Question was: "**Can Australian history teach us anything about the role of altruism and personal responsibility in the law? Discuss this question by reference to one or more of the following: (a) The civil law of negligence:** the idea (found in the law of negligence as applied by courts exercising civil jurisdiction) that one person might owe to another person a 'duty of care', a breach of which entitles the other person to an award of damages (compensation) in proceedings that he or she might institute against the negligent party, contrasting: (i) the famous formula of Lord Atkin in *Donoghue v Stevenson* [1932] AC 562 at 580 ('the Snail in the Ginger Beer Bottle Case'), for determining whether a 'duty of care' is owed by one person to another in the law of negligence; and (ii) the determination of the High Court of Australia (in *Cole v South Tweed Heads Rugby League Football Club Limited* [2004] HCA 29; 217 CLR 469 at [9]-[18] and [129]-[132] and *CAL No. 14 Pty Limited v Motor Accidents Insurance Board and Scott* [2009] HCA 47 at [49] and [52]-[57]) that publicans owe no general duty of care to patrons in relation to the amount of alcohol served and the consequences of its service, save in exceptional circumstances; **and/or (b) The Criminal Law of Homicide:** the idea that, outside war, no person is entitled to save his or her own life by killing another, an issue debated in *The Queen v Dudley and Stephens* (1884) 14 QBD 273 (and 560) at 286-288, where a court held that 'necessity is no defence to a charge of murder' and, accordingly, shipwrecked

sailors bound for Australia were not entitled to cannibalise their cabin boy to survive; and/or (c) **Cases Involving ‘Collective Wrongs’**: the plight of ‘the Stolen Generations’ and ‘the Forgotten Generations’ to whom Australia’s Parliament delivered formal apologies on 13 February 2008 and 16 November 2009 respectively”. Potential Entrants in the Competition were assisted by an introductory outline on each of these three nominated subject areas.

The Prize for the 2010 Competition was awarded to Sarah Webster, a Year 10 student at Cecil Hills High School in Sydney, whose work was supervised by Mr Ashok Shandil, a History Teacher at the School. Sarah’s essay, entitled “Illustrations” was published at (2011) 34 *Aust Bar Rev* 231.

The Fifth Annual Competition (2011-2012)

The fifth annual Essay Competition was launched in early 2011. Essayists were invited to address a theme, topic or question of their own choice on “Australian Legal History” or to address the following question:

“Does Australian history offer examples of why the law does not recognise a contractual right to a reward unless a claimant has acted in reliance on the offer of a reward, but insists that anybody who makes an offer to the public must make good on the offer to anybody who does act in reliance upon it? Discuss this question by reference to one or more of *R v Clarke* (1927) 43 CLR 227; *Australian Woollen Mills Pty Limited v The Commonwealth* (1942) 92 CLR 424 at 456-560; or *Carlill v Carbonic Smokeball Company* [1893] 1 QB 256”.

Potential entrants in the Competition were assisted by publication, on the Society’s website, of each of the three named cases, together with an extract from HR Curlewis’ *The Mirror of Justice* (1906) that provided historical and legal context. The website explained that the Competition theme (should essayists choose to address the nominated question rather than one of their own) was the dependency of the peace and prosperity of a modern democratic society on its members being free to make, and bound to honour, a contract. This theme recognises that part of the function of the law is to lay down principles to help everybody to know when, and how, a contract is made. The Competition Guidelines published on the website included a short elaboration of that theme.

This year’s Competition presents three departures from previous Competitions. The first is the invitation to potential entrants to formulate their own theme, topic or question. The second is the decision taken not to publish on the Society’s website detailed Background Information Papers. The third is postponement of the deadline for submission of essays from mid-November to mid-December. Hopefully each innovation will encourage, rather than discourage, participation in the Competition.

The deadline for submission of essays is 5.00pm on Monday, 12 December 2011.

The results of the Competition will be formally announced on Australia Day, 2012.

The Sixth Annual Competition (2012-2013)

The Sixth Annual Competition is in the planning stages. It is likely to be launched, in conjunction with announcement of results in the Fifth Competition, on Australia Day, 2012.

Arrangements for the Competition will take into account experience of the innovations introduced in the 2011 Competition.

The Secretary would welcome feedback on the Competitions held to date and proposals for the forthcoming Competition(s).

THE OSGOODE SOCIETY

For the second year running the Annual Report of the Forbes Society has had occasion to notice the Osgoode Society for Canadian History. Last year's Annual Report noted that Professor Jim Phillips had presented an "Australia-Canada Lecture" at the invitation of the Forbes Society.

This year's Annual Report records the two Societies' co-publication of Professor John McLaren's *Dewigged, Bothered and Bewildered*.

Dewigged, Bothered and Bewildered is a major publication, drawing together fundamental issues about judicial tenure, accountability and independence throughout the British Empire. The initiative for its presentation as a co-publication of the Osgoode and Forbes Societies came from our Canadian friends. It was an act of generosity for which the Forbes Society is grateful. It brings to mind the debt of gratitude already owed by Australian legal historians for the example that the Osgoode Society provided at the time of the Forbes Society's establishment a decade ago.

Membership of the Osgoode Society is open to all comers, as is membership of the Forbes Society. As is apparent from its website (www.osgoodesociety.ca), the publications and programme of the Osgoode Society are worthy of both emulation and engagement.

THE SELDEN SOCIETY

The Forbes Society continues to have a close, collaborative connection with the Selden Society. Like the Osgoode Society, it was an inspiration for establishment of the Forbes Society.

In each of the last two calendar years the Forbes Society has been honoured by the presentation to its membership of learned lectures from John Bryson

QC (under the auspices of both the Forbes and Selden Societies and the NSW Bar Association) as well as having the active support of Emeritus Professor Wilf Prest (of the University of Adelaide), a member of the Council of the Selden Society.

The Australian Secretary of the Selden Society is Aladin Rahemtula, the Librarian of the Supreme Court of Queensland. His contact details are as follows:

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NEWS AND EVENTS

Presentation to Bathurst CJ

Shortly before TF Bathurst QC was sworn in as the 17th Chief Justice of New South Wales (on 1 June 2011) the Forbes Society, in conjunction with the Council of the NSW Bar Association, presented to him an inscribed copy of CH Currey's classic biography, *Sir Francis Forbes : The First Chief Justice of the Supreme Court of New South Wales* (Angus & Robertson, Sydney, 1968). The presentation was made at his Honour's last meeting of the Bar Council, at which he retired as the Bar Association's President.

Australian Presentation at the British Legal History Conference

A contingent of Forbes Society members attended the British Legal History Conference held at Cambridge University on 13-16 July 2011: Keith Mason, John Hamilton, Wendy Robinson, Geoff Lindsay, Mandy Tibbey, Geoff Graham, Robyn Tupman and Shaunnagh Dorsett. Together with Wilf Prest, they made a presentation of Australian legal history books to James McComish (an Australian scholar on the staff of the Faculty of Law at Cambridge) in recognition of an outstanding paper presented to the Conference. James is a graduate of the University of Melbourne, and a former Associate to Justice Bill Gummow of the High Court of Australia.

Symposium on the Legal Profession and the Australian Defence Forces

On Saturday, 24 March 2012, the Faculty of Law at UTS, the Forbes Society and the New South Wales Bar Association will conduct a symposium on *The Legal Profession and the Defence Forces : Historical Connections*. The Event Co-ordinators and their contact details are: Shaunnagh Dorsett (Shaunnagh.Dorsett@uts.edu.au), Tony Cunneen (TCunneen@stpiusx.nsw.edu.au or acunneen@bigpond.net.au) and Geoff Lindsay (secretary@forbessociety.org.au). Some of Tony's papers on the symposium topic can be found on the website of the Forbes Society (www.forbessociety.org.au). For further information, consult the symposium website: www.uts.edu.au/research/conferences/historical_connections.html

NSW Bar Association Oral History Project / Women Barristers Forum

Members of the Forbes Society were cordially invited to the launch of the NSW Bar Association's Oral History Project and a video presentation prepared by the Association's Women Barristers Forum (entitled "Women Practising at the NSW Bar : The Years to 1975") on 1 September 2011. The official launch was effected by the President of the Association, Bernard Coles QC. Guest speakers were Justice Margaret Beazley AO and Chester Porter QC.

The Dictionary of Sydney

The Forbes Society has established fruitful contact with the Sydney City Historian (Dr Lisa Murray) and the Board of the Trustees of the *Dictionary of Sydney* (www.dictionaryofsydney.org).

Dr Murray and Emma Grahame (Editorial Co-Ordinator, Dictionary of Sydney) attended a meeting of the Australian Legal History Discussion Group and took steps to help publicise the current Australian Legal History Essay Competition.

Members' Publications

On 20 September 2011 Justice Dyson Heydon officially launched *The Australian Book of Great Trials : The Cases That Shaped a Nation* (Murdoch Books, Sydney, 2011) by Jeremy Stoljar SC.

Andrew Tink's long awaited biography of Lord Sydney is due to be published by Australian Scholarly Publishing Pty Limited this month: *Lord Sydney : The Life and Times of Tommy Townshend*.

ACKNOWLEDGEMENTS

The Society acknowledges the assistance it has received through the voluntary efforts of many people. Particular thanks are due to members of the Council and to David Ash (as Editor of the *Flyer*), Chris Winslow (as Honorary Publicity Officer), Fiona Williams (Personal Assistant to Carol Webster) and Shari Williams (Secretary to Geoff Lindsay). The continuing support of Philip Selth OAM as Honorary Executive Director of the Society, and the support of the Bar Association generally, is vital.

The Society also acknowledges the support it receives from sponsors of the annual Australian Legal History Essay Competition: Abbey's Book Shop, The Federation Press, the NSW Bar Association, The Law Society of NSW, Macquarie Law School, State Records NSW and The State Library of NSW. Special thanks are due to the Editor of the Legal Affairs Section of *The Australian*, Mr Chris Merritt, and his team of journalists, including (until his appointment as Media Adviser to the NSW Attorney General) Michael Pelly. Their support for the Competition significantly aids the Society's efforts to bring both the Competition and the work of the Society to the notice of a national audience.

Date: 21 November 2011

GEOFF LINDSAY S.C.

Secretary

CAROL WEBSTER

Treasurer/Assistant Secretary