

# THE FRANCIS FORBES SOCIETY FOR AUSTRALIAN LEGAL HISTORY

ABN 55 099 158 620

## 2009 AUSTRALIAN LEGAL HISTORY ESSAY COMPETITION: DESCRIPTION, CONDITIONS OF ENTRY AND GUIDELINES

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1. **COMPETITION OBJECT:** To promote interest in, and an awareness of, Australian Legal History by encouraging students to develop a facility for describing historical events and for recognizing their place in broader themes. The best essays will be lucid and entertaining. While further research is welcome, the Society anticipates that students will be able to meet these goals with the “Background Information Paper” to be published as foreshadowed in the “Competition Outline” dated 22 December 2008.
2. **COMPETITION THEME:** 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.
3. **ESSAY TOPIC:** 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.
4. **ESSAY QUESTION:** *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.*
5. **COMPETITION CATEGORIES AND PRIZES:**

- a. The Competition is open to all Students enrolled, at any time during 2009, in an Australian Secondary School or in an “undergraduate” Tertiary Course (defined as a course of study leading to the award of an undergraduate degree by an Australian University or an equivalent course, such as a Legal Practitioners Admission Board Course, approved for the purposes of the Competition by the Society). For those students there are three categories of award; one for Tertiary Students, another for Senior School Students, and a third for Junior School Students.
- b. The Competition is not confined to students enrolled in formal study of history or law.

c. **Tertiary Student Category**

Suggested essay length: 2000-4000 words approximately.

Essayist's Prize: \$1,000.00 and a \$1,000.00 Abbey's Book Voucher.

d. **Senior Secondary School Category (Years 11-12 in NSW, and Interstate Equivalents).**

Suggested essay length: 750-2000 words approximately.

School prize (for the School of the Winning Essayist): \$500.00 and a \$500.00 book voucher from Abbeys Bookshop, Sydney.

Essayist's personal prize: \$250 and a \$250.00 Abbey's book voucher.

e. **Junior Secondary Category (NSW Years 7-10 and Interstate Equivalents).**

Suggested essay length: 500-1,000 words approximately.

School prize (for the School of the winning Essayist): \$500.00 and a \$500.00 Abbey's book voucher.

Essayist's personal prize: \$250.00 and a \$250.00 Abbey's book voucher.

- h. Each Essayist will receive a Certificate of Acknowledgement acknowledging participation in the Competition. At the discretion of the Society, Merit Certificates may be issued to selected Essayists.
6. **ESSAY SUBMISSION DEADLINE:** 5.00 pm on Monday, 16 November 2009. Essays should be submitted by email (preferably) or by post. They may be delivered by hand. Essays submitted by email should be sent to [secretary@forbessociety.org.au](mailto:secretary@forbessociety.org.au) Essays submitted by post should be addressed to The Secretary, The Francis Society for Australian Legal History, C/- NSW Bar Association, Lower Ground Floor, Selborne Chambers, 174 Phillip Street, Sydney, NSW, 2000. Essays submitted by hand should be delivered to that address.
7. **ESSAY WINNERS ANNOUNCEMENT:** **Australia Day (26 January) 2010.** The announcement will be made on the web site of the Forbes Society ([www.forbessociety.org.au](http://www.forbessociety.org.au))
8. **CONDITIONS OF ENTRY**
- a. Each Essayist must certify that his or her Essay is his or her own original work, and that certification must be countersigned by a lecturer, tutor or teacher at his or her educational institution.
  - b. The Society reserves a right (without obligation) to accept Essays received after the Essay Submission Deadline and before the announcement of prizes.
  - c. The Society reserves a right: (i) not to make any award if, in the opinion of the Council of the Society, no essay merits an award; and (ii) to award more than one prize in any Category (including prizes of lesser value for meritorious essays other than a winning essay) if the Council thinks fit.
  - d. The Society reserves a right to publish, or to cause to be published as it sees fit, any Essay submitted and for that purpose to edit any Essay. [The Society anticipates that some essays will be published on its web

site, and might be published or extracted in a law journal or newspaper, but does not bind itself or anybody else to publish anything].

- e. The decision of the Council of the Society is final on all questions relating to the Competition, including those relating to the conduct and outcome of the Competition, publication of Essays and editorial work.

## 9. **RESEARCH HINTS AND BACKGROUND INFORMATION**

- a. All Essays should address the “Essay Topic” and the “Essay Question”, and be written with the “Competition Theme” and the “Competition Object” in mind.
- b. Each Essay should be typed. Handwritten Essays will be accepted, but typed Essays are preferred.
- c. There is no “word limit” as such. The “suggested Essay length” indicators for each Competition Category are for guidance only.
- d. Each Essay should include a short bibliography of the main books or other sources consulted by the Essayist in preparation of the Essay, and an acknowledgment of assistance received (eg, from teachers).
- e. So far as possible, Essayists should avoid use of quotations, particularly lengthy quotations and quotations of secondary (as distinct from primary) material.
- f. The “Competition Outline” and “Background Information Paper” are offered primarily as aids to the staff of educational institutions, and others supervising students, who may be unfamiliar with the historical or legal issues they canvass or the availability of writings with a “legal history” flavour. They are not intended to constrain any Essayist’s approach to the Topic or any expression of opinion. They should not be read as “model essays” designed to be copied. Their object is to make available to all participants in the Competition information which might be inaccessible to some, and to serve as an encouragement to everybody to consider the desirability of consulting primary sources

such as may be found in Law Reports and Hansard records of Parliamentary Debates.

- g. The “Competition Outline” offers guidance about the degrees of difficulty of particular aspects of the Essay Question. It also contains recommendations about approaches that might be adopted to accommodate the different levels of maturity of Essayists.
- h. One of the lessons to be learned from an examination of issues that arise in the context of the Essay Questions is the importance of basing any opinion upon particular facts. Judgements can vary significantly depending upon the facts identified for opinion. That is why a useful aid to clarifying thoughts is a “Chronology” which lays bare the sequence of facts thought to be relevant to any question stated for opinion.

10. **ACKNOWLEDGEMENT OF SUPPORT:** The Francis Forbes Society for Australian Legal History acknowledges the support for this School Essay Competition it has received from the following institutions:

**The New South Wales Bar Association,**  
ABN 18 526 414 014,  
Basement, Selborne Chambers,  
174 Phillip Street,  
SYDNEY, NSW, 2000.  
[www.nswbar.asn.au](http://www.nswbar.asn.au)  
Tel: (02) 9232 4055  
Contact: Chris Winslow,  
Publications Manager.

**The Law Society of New South Wales,**  
ACN 000 000 699,  
170 Phillip Street.  
SYDNEY, NSW, 2000.  
[www.lawsociety.com.au](http://www.lawsociety.com.au)  
Tel: (02) 9992 6033  
Contact: Michael Tidball.

**Division of Law,  
Macquarie University,**  
ABN 90 952 801 237,  
Epping Road,  
NORTH RYDE, NSW, 2109.  
[www.law.mq.edu.au](http://www.law.mq.edu.au)  
Contact: Professor Andrew Buck,  
Tel: (02) 9850 7087.

**Abbey’s Bookshop,**  
ABN 86 000 650 975,  
131 York Street,  
SYDNEY, NSW, 2000.  
[www.abbey.com.au](http://www.abbey.com.au)  
Tel: (02) 9264 3111  
Contact: Dave Hall,  
Manager.

**The Federation Press,**  
ABN 67 003 409 318,  
PO Box 45,  
ANNANDALE, NSW, 2038.  
[www.federationpress.com.au](http://www.federationpress.com.au)  
Contact: Diane Young,  
Director.  
Tel: (02) 9552 2200.

**State Records NSW,**  
ABN 96 588 554 718,  
NSW Department of Commerce.  
Western Sydney Records Centre:  
143 O'Connell Street,  
KINGSWOOD, NSW, 2747.  
Sydney Records Centre:  
2 Globe Street,  
The Rocks,  
SYDNEY, NSW, 2000.  
[www.records.nsw.gov.au](http://www.records.nsw.gov.au)  
Contact: Christine Yeats,  
Manager, Public Access.  
Tel: (02) 8247 8617.

**The State Library of New South  
Wales,**  
Macquarie Street,  
SYDNEY, NSW, 2000.  
[www.sl.nsw.gov.au](http://www.sl.nsw.gov.au)  
Contact: Kay Payne,  
State Library Foundation.  
Tel: (02) 9273 1593.

**The Legal Affairs Section,  
The Australian Newspaper**  
[www.theaustralian.com.au/legalaffairs](http://www.theaustralian.com.au/legalaffairs)

**Date: 22 January 2009**