

# THE FRANCIS FORBES SOCIETY FOR AUSTRALIAN LEGAL HISTORY

ABN 55 099 158 620

## 2018 AUSTRALIAN LEGAL HISTORY ESSAY COMPETITION: CONDITIONS OF ENTRY AND GUIDELINES

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1. **COMPETITION OBJECTS:**

- (a) To promote interest in, and an awareness of, Australian legal history by encouraging students to develop a facility for describing historical events and for recognising their place in broader themes;
- (b) To provide opportunities for Educators and Students (at several levels) to encounter Australian legal history through development of story-telling skills and exposure to broad themes; concepts underlying the general law; and particular cases of interest; and
- (c) To recognise excellence in the study of Australian legal history.

2. **THE TASK TO BE PERFORMED BY ESSAYISTS:** Entrants in the Competition may address any question on Australian legal history. Possible subject matters might include Australian Constitutional history, the development of Australian law (eg, Contract, Tort, Criminal Law, Property Law, Indigenous Law), Australian legal biography and stories about Australian law and society generally (including stories about colonial engagement with Aboriginal society, the development of parliamentary democracy in Australia, tales of Australian bushrangers and stories about Australian lawyers and their families in times of war).

Essayists in search of a topic are free to address, or draw upon, essay questions set in previous years' competitions. The Competition Guidelines, and Background Notes, published in connection with earlier Competitions can be accessed *via* the link under the heading "Essay Competition" on the website of the Forbes Society ([www.forbessociety.org.au](http://www.forbessociety.org.au)). Without in any way intending to limit the freedom of essayists to address any question on Australian legal history, possible questions for consideration include:

- 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.

- Can Australian History teach us anything about the role of altruism and personal responsibility in the law?
- Does legal history have anything to teach us about whether, on a proper construction of the Australian Constitution, the national parliament's "marriage power" should be interpreted as including a power to enact legislation defining marriage as including a same sex relationship?
- The use of litigation to restrain the excesses of Government, especially with respect to public policy.

### 3. **COMPETITION CATEGORIES AND PRIZES:**

The Competition is open to all Students enrolled, at any time during 2018, in an Australian Secondary School or in an undergraduate or graduate Tertiary Course, including a postgraduate practical skills course leading to admission to practice as a lawyer.

There are three categories of award: one for Tertiary Students, another for Senior School Students, and a third for Junior School Students.

#### a) **Tertiary Student Category**

Suggested essay length: 2000-4000 words approximately.

Essayist's Prize: \$1,000.00 and a \$500.00 Abbey's Book Voucher.

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

Suggested essay length: 750-2000 words approximately.

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

#### c) **Junior Secondary School Category (NSW Years 7-10 and Interstate Equivalents).**

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

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

- d) 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.

### 4. **ESSAY SUBMISSION DEADLINE:** 5.00 pm on Monday, 21 December 2018. Essays should be submitted by email to [secretary@forbessociety.org.au](mailto:secretary@forbessociety.org.au).

5. **ESSAY WINNERS ANNOUNCEMENT: Australia Day (26 January) 2019.** The announcement will be made on the web site of the Forbes Society ([www.forbessociety.org.au](http://www.forbessociety.org.au))

6. **CONDITIONS OF ENTRY**

- a) The Society is the sole judge of whether an Essay satisfies the requirement that it be about “Australian legal history”.
- b) Each Essayist must certify that his or her Essay is his or her own original work.
- c) The Society reserves a right (without obligation) to accept Essays received after the Essay Submission Deadline and before the announcement of prizes.
- d) 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.
- e) 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].
- f) 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.

7. **ACKNOWLEDGEMENT OF SUPPORT:** The Francis Forbes Society for Australian Legal History acknowledges the support for this 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.

**Macquarie Law School,  
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: The Dean.

**The Law Society of New South Wales,**  
ACN 000 000 699,  
170 Phillip Street.

**Abbey’s Bookshop,**  
ABN 86 000 650 975,  
131 York Street,  
SYDNEY, NSW, 2000.

SYDNEY, NSW, 2000.  
[www.lawsociety.com.au](http://www.lawsociety.com.au)  
Tel: (02) 9992 6033  
Contact: Michael Tidball.

**The Federation Press,**  
ABN 67 003 409 318,  
PO Box 45,  
ANNANDALE, NSW, 2038.  
[www.federationpress.com.au](http://www.federationpress.com.au)  
Contact: Jason Monaghan  
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.  
[www.records.nsw.gov.au](http://www.records.nsw.gov.au)  
Contact: Christine Yeats,  
Manager, Public Access.  
Tel: (02) 8247 8617

[www.abbey.com.au](http://www.abbey.com.au)  
Tel: (02) 9264 3111  
Contact: Dave Hall,  
Manager.

**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***