



The Francis Forbes Society for Australian Legal History

ABN 55 099 158 620 ACN 099 158 620

THE 2021 ANNUAL FORBES LECTURE

'She was looking for her child' Evatt J's dissent in *Chester v the Council of Waverley Municipality*

PROGRAMME

Lecturer:	Gideon Haigh
Chair:	Professor Mark Lunney, Junior Vice-President of the Forbes Society
Date:	Wednesday 9 June 2021
Time:	5.15pm – 6.15pm
Venue:	Banco Court Law Courts Building, Queen's Square, Sydney

CONTEXT: The Forbes Society, and the annual Forbes Lecture sponsored by the Society, are named for Francis Forbes (1784-1841), the first Chief Justice of the Supreme Court of NSW, 1824-1837. He was knighted in 1837.

ORDER OF EVENTS

1. **WELCOME** – by Professor Mark Lunney
(Junior Vice-President of the Forbes Society;
Professor of Law, University of New
England)
2. **PRESENTATION OF THE LECTURE** – by Gideon
Haigh

THE FORBES LECTURER

Gideon Haigh has been writing about sport, business, both and neither, for more than 30 years.

His most recent book is *The Brilliant Boy Doc Evatt and the Great Australian Dissent*. It discusses the dissent of H V Evatt in *Chester v the Council of Waverley Municipality*, which argued for the law to acknowledge inner suffering as it did physical injury. *The Brilliant Boy* shows Australia in a rare light, as a genuinely clever country prepared to contest big ideas and face the future confidently.

His previous biography, *On Warne*, won the MCC/Cricket Society and the British Sports Book Awards prizes as the cricket book of the year. Gideon Haigh lives in Melbourne.

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 a tutorial series in 2020. Presentations have been made in recent times by:

- the Chief Justice of NSW, the Hon T F Bathurst AC "The History of Defamation law" (8 October 2020)
- Dr Simon Chapple (Secretary of the Society), "Themes in Australian Legal History and the development of Succession Law" (18 May 2021), combined with a formal presentation of certificates and prizes to 2020 essayists by Forbes Society President, the Hon JLB Allsop AO, Chief Justice, Federal Court of Australia.

The following legal history tutorials and lectures are planned for 2021:

- Dr Henry Kha of Macquarie University "Quo Vadis? The Road to English Divorce Law Reform" (28 June)
- 2021 Plunkett Lecture to be given by the Hon Justice Jacqueline Gleeson, High Court, chaired by the Attorney General, the Hon Mark Speakman SC MP (19 August)
- Dr Nicole Graham, Associate Professor, Sydney Law School (28 August)
- the Chief Justice of NSW, "The History of Sentencing Law" (22 September)

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 2020 PLUNKETT LECTURE:

The Ninth Annual JH Plunkett Lecture on "John Hubert Plunkett: An Irish Lawyer in Australia" was delivered on 24 November 2020 by John McLaughlin AM chaired by the NSW Attorney General, The Hon Mark Speakman SC MP. This was the first Plunkett Lecture to focus on the man himself. 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 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 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.

(2020 grants): to 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" 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 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.

We welcome all further donations to enable us to support such worthy projects – a form for donations is available here: [Fund Donation Form 2021](#) 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 2021 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 40th Annual Conference of the ANZLHS, *Tenuous Histories and Provable Pasts: How Legal Historians Create Knowledge*, will be held at UTS and online on 3-4 December 2021 (<https://anzlhs.org/>).