



The Francis Forbes Society for Australian Legal History

ABN 55 099 158 620 ACN 099 158 620

THE TWELFTH ANNUAL PLUNKETT LECTURE

Unheralded nation-builder: another dimension of John Hubert Plunkett

PROGRAMME

Lecturer:	The Honourable A.S. Bell, Chief Justice of New South Wales
Chair:	The Honourable James Allsop AC, President of the Forbes Society
Date:	Tuesday 13 February 2024
Time:	5.15pm – 6.15pm
Venue:	Banco Court, Level 13 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 the Honourable James Allsop AC, President of the Francis Forbes Society for Australian Legal History
2. **PRESENTATION OF THE LECTURE** – by the Honourable A.S. Bell, Chief Justice of New South Wales
3. **PRESENTATION TO PRIZE WINNERS IN THE AUSTRALIAN LEGAL HISTORY ESSAY COMPETITION FOR 2023** – by the Chief Justice
4. **THANKS and CLOSE OF PROCEEDINGS** – by the Chair

THE PLUNKETT LECTURER

The Hon. Andrew Bell was sworn in as Chief Justice of New South Wales on 7 March 2022. Prior to being appointed as Chief Justice, his Honour was President of the New South Wales Court of Appeal, having been appointed to that position on 28 February 2019. His Honour is also Lieutenant Governor of New South Wales and President of the Judicial Commission.

His Honour graduated from the University of Sydney with a Bachelor of Arts and a Bachelor of Laws, receiving First Class Honours and the University Medal in both degrees, and was also awarded the Sydney University Convocation Medal. He was awarded a Rhodes Scholarship to Oxford University where he graduated in 1993 with First Class Honours in the BCL, also being awarded the Vinerian Scholarship for first place in that degree. His Honour completed his doctorate the following year with his thesis forming the basis for his subsequent book *Forum Shopping and Venue in Transnational Litigation* published by Oxford University Press. He is also co-author of *Nygh's Conflict of Laws in Australia* and has taught and published extensively, especially in relation to private international law and transnational litigation.

His Honour was admitted to the Bar in 1995 and was appointed Senior Counsel in 2006. During his time at the Bar, his Honour had a broad national practice at trial and appellate levels, and was also engaged in numerous international arbitrations. At the time of his appointment to the Bench, his Honour was Senior Vice-President of the New South Wales Bar Association. He is also a Fellow of the Australian Academy of Law and an Adjunct Professor at the University of Sydney where he taught part time for many years.

LEGAL HISTORY NEWS

THE 2023 AUSTRALIAN LEGAL HISTORY ESSAY COMPETITION:

Tertiary winner – Archie Hornerman-Wren for his essay, “The facts as we know them today’: Law, narrative, and the Mabo decision as an exercise in Australian historiography.”

Commendations to Jack Zhou “A ‘dismal swamp’ down under: A history of Australian conflict of laws” and Laura Dawes “And along came DNA: The introduction of DNA evidence in Australian courts in the Applebee case”.

Senior Secondary winner – Thomas Blanch for his essay, “Not for Publication: The Opera House Lottery and the Murder of Graeme Thorne”

Commendations to Max Galanti “Family Ties: The History of Divorce Legislation in the Commonwealth of Australia” and Gene Richards “Irregulated: A brief overview of Australian Media Law”

Junior Secondary winner – Kevin Wu for his essay, “The Australian Alien”

Commendations to Jennifer Ou “Did I pass, Factors that affected the success and failure of the 1967 and 2023 referendums on indigenous struggles;” Alice Zhang-Kim “Did the Disability Discrimination Act (1992) succeed in its historical aim of creating a “groundbreaking” legislative framework for protecting disabled people in the workplace?” and Isabella Aun “Does the Federal System still offer advantages to the modern Australian state”

LEGAL HISTORY TUTORIALS AND OTHER PRESENTATIONS:

Lectures and Legal History Tutorials convened by the Forbes Society are generally open to the public, without charge.

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. Recent presentations include:

- Professor Emerita Anne Twomey ‘The Curious History of the Nationhood Power’ (6 March 2023)
- The Hon Andrew Bell, Chief Justice of NSW ‘On classic ground: Martin’s monument and civilizational yearnings in colonial New South Wales’, combined with a formal presentation to 2022 Essayists (28 Feb 2023)
- Professor Peter Gerangelos ‘An Historical Constitutional Approach and the general (non-statutory) executive power of the Commonwealth – History as Method: ‘Ancient’ solutions to Current Problems’ (11 April 2023)
- Dr Peter Edwell and the Hon Keith Mason AC KC ‘Art and the Law: The Archibald prize case of the 1944 and beyond’ (18 April 2023)
- Michael Adams (Counsel in the Office of General Counsel at AGS) ‘The effect of the American Civil War on the law of contract’ (24 May 2023)
- Dane Luo (Associate to Hammerschlag CJ in Eq) The Path to Independence: Australia’s Constitution and her British ties (24 July 2023)
- Skye Krichauff (University of Adelaide) ‘The South Australian Frontier and its Legacies: a truth telling project’ (15 August 2023)
- Megan Cameron (University of Sydney PhD candidate) ‘The work of magistrates in early colonial New South Wales’ (24 Oct 2023)
- Dr Jessica Lake (ACU) ‘The slander of women’ (1 November 2023)

If you have any queries about attending or presenting, please advise the Secretary of the Society, Dr Simon Chapple SC (secretary@forbessociety.org.au)

THE 2023 FORBES LECTURE:

On 23 August 2023 Her Excellency the Hon Margaret Beazley AC KC, Governor of New South Wales delivered the Annual Forbes Lecture ‘The Decade That Shaped Us: Before and After the Third Charter of Justice 1823 – 1833.’ The lecture was chaired by Hon James Allsop AC, President of the Francis Forbes Society.

THE 2022 PLUNKETT LECTURE:

The Eleventh Annual JH Plunkett Lecture ‘The Unlikely Reformer: Sir John Latham and the Australian Constitution’ was delivered on 27 October 2022 by Dr Patrick Graham, chaired by Dr Simon Chapple.

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: [Sir Francis Forbes Society Prize awarded](#). Grants have included:

(2023 grants): *University of Technology Sydney* Dr Alecia Simmonds ‘Race, Legal Status and Subjecthood in Defamation Actions Across the Nineteenth and Twentieth Centuries’; *Australian National University* Dr Susan Bartie ‘Contribution of Solicitors-General to the field of Australian law and environmental politics’; *Macquarie University* Dr Henry Kha ‘Wife sales and legal responses in Colonial Australia’ and *Deakin University* Associate Professor Gabrielle Wolf ‘European Medical Émigrés in Tasmania and the Law, 1933-1946.’

(2022 grants): *University of Adelaide* Ass Professor Robert Foster – ‘Reconciling with the Frontier’; *ACU* Dr Jessica Lake – ‘The Slander of Women’; *University of Sydney* Megan Cameron – an examination of the work of magistrates in early colonial NSW; *UNSW* Ass Professor Marina Nehme – A study of the legal history of proprietary companies.

(2021 grants): *UNE* Dr Patrick Graham – Sir John Latham and constitutional autochthony; *University of Southern Queensland* Professor Antony Gray and Ass Professor Marcus Harmes – The History of Judicial Independence in NSW; *University of Sydney*: Digitisation of letters from solicitors, barristers and law students to the Sydney Law School Comforts Fund during the Second World War (Tony Cunneen), further support for ‘Dynamic and Principled: The Influence of Sir Anthony Mason’ (Professor McDonald, Dr Chen, Dr Gordon); *Monash University* Professor Tamara Walsh & Ass Professor Dominique Allen –research project about the history of human rights complaints in federal law.

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.

We welcome all further donations to enable us to support such worthy projects – a form for donations is available here: [Forbes Donation Form 2023 - 2024](#) 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.