

The 27th Australian and New Zealand Law and History Society Conference

Adelaide: December 11 - 13, 2008



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THURSDAY 11 DECEMBER

Flinders University Postgraduate Day

Venue: Kellie Morris Room, Union Building, Flinders University

9.15 - 10.45

Jenny Anderson Femininity, respectability and delinquency in Victorian Supreme Court carnal knowledge cases, 1901-1906

Alan Brooks Assignment and transportation of English convicts 1718-1856

Caroline Dick A Brief History of Tax Evasion

10.45 – 11.15: Coffee / Tea

11.15 - 12.45

Gabrielle Appleby The Federal Spending Power

Peter Prince Who belongs? Aliens in the Australian States 1901-1939

Peter Provis 'I hope to be of some real assistance to your government': Judges and Government in World War II Australia

12.45 – 1.30: Lunch

1.30 - 3.00

Christopher Brien Judicial Office in Port Phillip (1841-43): His Hon. Mr Justice Willis

Dianne Campbell Shaping Lawyers' Practices: Cultural Efficacy amongst Lawyers on the Central Victorian Goldfields 1851-1901

Tony Earls Three Waves of Australian Judges

3.00 - 3.30: Coffee / Tea

3.30 - 5.00

Sue Reynolds Redmond Barry and the Foundation of the Library of the Supreme Court of Victoria: He Fought the Law and the Law Won

Ron Solomon The Range of the Great Divide: Edward Eagar and Barron Field

Postgraduate Day ends (for further details re transport etc., see 'Postgraduate Day' information sheet)

First Plenary Session follows at 6.30pm

First Plenary Session

Chair: Hon. Tom Gray, Justice of the Supreme Court of South Australia

Venue: Court 8, Samuel Way Building, Victoria Square, Adelaide

John McLaren Planters of the Caribbean: the Chimera of Judicial Independence in Britain's West Indian Colonies in the Nineteenth Century

FRIDAY 12 DECEMBER

Venue: Napier Building, North Terrace, University of Adelaide

8:30 - 9.15 Registration - Ground Floor Lobby
9.15 Welcome - Napier Theatre G04

9.20 - 10.30: Kercher Scholarship Prizewinners' Presentations

Chair: Andrew Buck

Ron Solomon Barron Field and Commissioner Bigge – A Judge on trial
Matthew Davie Parliamentary Attainder for Treason in Lieu of Trial during the Reign of Henry VIII
Jessica Day Tribunal History: Interpretations and Counter-facts

10.30 – 11.00: Coffee / Tea - Napier Level 1

11.00 - 12.30

(A) Colonies and the Colonial - Napier Theatre 208

Chair: Stefan Petrow

David Clark The South Australia Ballot in Australia and America 1856 – 1911
Libby Connors Rethinking British Legal History on a Colonial Frontier
Lisa Ford Australian Convicts, Colonial Governance and the British Empire

(B) Law and Indigenous Peoples (i) - Napier Theatre 209

Chair: Judith Raftery

David Williams Whitireia: a block of land and more than a century of NZ legal history
Robert Foster & Aboriginal Legal Status and the Rule of Law on the Australian Frontier
Amanda Nettelbeck

12.30 – 1.45: Lunch (Napier Level 1)

1.45 - 3.15

(A) Judges and Lawyers - Napier Theatre 208

Chair: John Williams

John Bannon Making Law and Justice synonymous: C. C. Kingston and law reform
Stefan Petrow: The Judges *v* the Governor: The Louisa Hunt Case in Tasmania 1873-8

(B) Alternative Approaches - Napier Theatre 209

Chair: David Lemmings

John Orth When Analogy Fails: The State *v*. Mann and Somerset's Case
Mark Lunney Counterfactuals and Corrective Justice - Allan Beever's *Rediscovering the Law of Negligence*, and
Bolton v Stone in Context
Michael Bennett: The Vantandillo Case, 1815: Smallpox, Plebeian Childcare, and Public Nuisance in Regency London

3.15 – 3.45: Coffee / Tea (Napier Level 1)

3.45 - 5.15

(A) Jurisdictions - Napier Theatre 208

Chair: Paul Sendziuk

Stuart Banner Sovereignty in the Air: The Invention of Flight and the Question of National Power, 1901-1914
Warwick Gullett Getting into the pickle instead of the fish: The significance of mistaken colonial legal opinion for current
Australian offshore jurisdiction

Helen Irving & Mary Crock Migrants and the Evolution of Australian Public Law: Two Case Studies

(B) Land and Lawyers - Napier Theatre 209

Chair: Carol Fort

Caroline Miller The NZ Town and Country Planning Appeal Board and Planning Tribunal: The Foundation Years
Jeremy Finn Every man a Lawyer? Entry to the NZ Legal Profession through the Law Professional Exams 1895 – 1925
John Page An Historical Perspective on the Privatisation of Public Lands

5.15 – 6.00: Drinks and nibbles - Napier Level 1

6.00 - 7.00: Second Plenary Session - Napier Theatre G04

Chair: Wilf Prest

Diane Kirkby Workplace Opportunities and the Transformative Hazards of Gender

7.00 for 7.30: Conference Dinner, Chris Jarmer's Air Restaurant, 210 North Terrace

SATURDAY 13 DECEMBER

9.00 - 10.30

Law and Indigenous Peoples (ii) - Napier Theatre G04

Chair: Rob Foster

Noah Riseman Undesirable in principle, but...': The Law and Aboriginal People in World War II
Grant Morris Law on Screen in Aotearoa: An historical survey of legal references in New Zealand visual media from 1975
Judith Raftery The 1836 *Letters Patent*: A basis for redress and reform?

10.30 – 11.00 Coffee / Tea - Napier Level 1

11.00 - 12.30

(A) Crime and Criminals - Napier Theatre 208

Chair: Lisa Ford

Graeme Dunstall Transient Thieves and Violent Neighbours: some implications of prosecutions during the early years of the Timaru Magistrates Court
Kate Gleeson Fitzjames Stephen, necessity and the peculiar history of Australian abortion law
Shane Sullivan A Secular Penance: The Newspaper Apology as a method for the informal resolution of legal disputes: the *Kentish Gazette* 1768-1820'

(B) Gender, Legislation and the family - Napier Theatre G04

Chair: Susan Magarey

Pamela O'Neill Law and history: why isn't rape shield legislation working?
Helen Rhoades, Shurlee Swain and Danielle Thornton: 'Creating a new kind of marriage?': Contesting the future of the family in the *Family Law Act* 1975
Evan Smith and Marinella Marmo: Testing 'Virginity': Evaluating the Integrity and Utility of Women in British Immigration Control

12.30 – 1.30: Lunch - Napier Level 1

12.45 - 1.30 Annual General Meeting, Australian and New Zealand Law and History Society - Napier Theatre 102

1.30 - 3.00 Enterprise and the State - Napier Theatre G04

Chair: David Bamford

Carol Fort Legislating Landscape: Government Drainage Control in South Australia's South East
Jodie Boyd & Nicola Charwat: *The Defence Preparations Acts* (1951): Resolving an Ideological Dilemma
Rob McQueen: The Flowers of Progress: the Corporation Act in the Colonies

3.00 - 4.00 - Napier Theatre G04

Chair: Grant Morris

Andrew Buck, Shaununagh Dorsett, Brent Salter: 'A one-man Selden society', or, recovering colonial case law: The Kercher Reports and their influence

4.00 Conference ends