


CONFERENCE PROGRAM

Friday, 21 September 2007
UNE Bistro

5.30-6.30	Registration – with tea, coffee and biscuits	
6.30-6.50	Welcome	Mark Lunney, <i>University of New England</i> Andrew Buck, President, ANZLHS
6.50-7.50	- Keynote Address -	
	<p>Professor Michael Lobban School of Law, Queen Mary University of London</p> <p><i>Fenceposts of the Empire: The Politics of English Law in the Nineteenth Century</i></p>	
8.00-10.00	Conference BBQ and smorgasbord	

Law and legal institutions are generally left out of surveys of nineteenth century British history. In general, the law tends to be regarded as peripheral to the political, social or economic history of Britain. Yet trends in nineteenth century litigation reveal that, at a time when political parties were largely agreed on the need for limited central government and laissez-faire, the law and its institutions played an increasingly central role in governance.

The ‘fenceposts’ of economic activity were staked out in many areas vital to modern life by a small band of judges in the English superior courts. New rules of law were developed both in court, and through the instrumentality of the legal profession, which were vital to the developing industrial and commercial economy. This meant that the courts and the profession were often as engaged in the politics of governance as parliament was. Moreover, the rules elaborated in these courts were designed to be applied in the wider empire.

Making these rules was often an intensely political matter. Nevertheless, the politics of the courts cannot be mapped in the same way as parliamentary party politics, as can be seen from an examination into how the courts dealt with commercial and economic questions. This means that a history which takes account of what the judges and lawyers did will throw up a different view of nineteenth century political culture from that seen through traditional party lenses.

Saturday Morning: 22 September 2007

School of Law, EBL Building

Lewis Seminar Room (LSR)		Time	LT5	
Session 1A: Magistrates in Comparative Context <i>Chair: Stephen Banks</i>		9.00-10.30	Session 1B: Church, State and the Executive <i>Chair: Mark Finnane</i>	
Shane Sullivan <i>University of Queensland</i>	Violence, local magistrates and the informal law 1700-1833		Charlotte Baines <i>Monash University</i>	The history of church and state relations in Australian Law
Stefan Petrow <i>University of Tasmania</i>	Curbing Magisterial Power: Assistant Police Magistrate George Stephen Davies in George Town 1839-1847		Charlotte Smith <i>The University of Reading (UK)</i>	The Birth of the Diocese of Grafton and Armidale: Local Realities and Global Perplexities
James Rangelov <i>Victoria University</i>	Magisterial Fenceposts in early Port Phillip		Cameron Moore <i>University of New England</i>	The relationship between the Crown and the armed forces in Australia
10.30-11.00: Morning Tea – Law School Staff Courtyard				
Session 2A: Indigenous Rights <i>Chair: Lisa Ford</i>		11.00-1.00	Session 2B: The Australian Colonial Judicial System <i>Chair: Bruce Kercher</i>	
Kay Merry <i>Flinders University</i>	Admissibility of Aboriginal Evidence in South Australia in the 1840s		Janine Rizzetti <i>La Trobe University</i>	Justice John Walpole Willis: more inconvenient stump than fencepost?
David Williams <i>University of Auckland</i>	<i>R v Symonds</i> (1847): The strainer post that anchors Crown paramountcy and subordinates Maori law in New Zealand		Christopher Brien <i>Victoria University</i>	In the Matter of Horatio Nelson Carrington (1842): A Fence Post in the Amoval of His Honour Mr Justice Willis, the First Resident Supreme Court Judge of the Supreme Court of New South Wales in the District of Port Phillip
Wayne Rumbles <i>University of Waikato</i>	The Foreshore Prism: The New Zealand <i>Foreshore and Seabed Act</i> a Refraction of the 1871 <i>Kauwaeranga</i> case?		Libby Connors <i>University of Southern Queensland</i>	The ‘birth of the prison’ at Moreton Bay: The First Brisbane Gaol 1850 to 1859
Jo-anne Weinman <i>Monash University (visiting scholar, ANU)</i>	Mabo: Righting & Re-Writing Australian Legal History		Mary-Louise Brien <i>Prothonotary, Supreme Court of Victoria</i>	The Supreme Court of Victoria Building 1884 – A Fence to Keep People in or Keep People Out

Saturday Afternoon: 22 September 2007

School of Law, EBL Building

1.00 - 2.15: Lunch - Booloominbah				
Lewis Seminar Room (LSR)		Time	LT5	
Session 3A: Parliaments, Speech and Honour <i>Chair: Michael Lobban</i>		2.15-3.45	Session 3B: Crime and Its Context <i>Chair: Shane Sullivan</i>	
Wilfrid Prest <i>University of Adelaide</i>	Blackstone and Parliament		Karen O'Brien <i>Senior Education Consultant</i>	Violent Crime, Gender Relations and Law and Order in Early Modern England
Craig Collins <i>University of New England</i>	The very idea evoked a defamatory response: Lord George Gordon and the proposed penal settlement at Botany Bay		Gregor Urbas <i>Australian National University</i>	Australian Criminal Appeals: A Century of Refinements, a Future of Reforms?
Stephen Banks <i>The University of Reading (UK)</i>	Challengers Chastised and Duellists Deterred: Kings Bench and Criminal Informations 1790-1842		Mark Finnane <i>Griffith University</i>	'Irresistible impulse' – re-examining a judicial innovation in Australian insanity jurisprudence
03.45 - 04.15: Afternoon Tea – Law School Staff Courtyard				
Session 4A: Federation and Citizenship <i>Chair: Wilfrid Prest</i>		4.15-5.45	Session 4B: Fenceposts in Law and Society <i>Chair: Libby Connors</i>	
Mark Lunney <i>University of New England</i>	Federation Follies: Public Reaction to <i>Robertson v Balmain New Ferry Company Ltd</i>		Drew Cottle <i>University of Western Sydney</i>	The Bankstown Eviction Riot: A Crime of the Propertyless
Jim Maher <i>University of New England</i>	The 1967 Referendum on Aborigines		Diane Kirkby <i>La Trobe University</i>	When Justice Gallagher Came to Dinner: Taking the Arbitration Court to Sea
Andrew Buck <i>Macquarie University</i>	Citizenship Tests and the Question of History		Nancy Wright <i>University of Western Sydney</i>	Married Women's Property Rights and Political Agency during the English Civil War
From 7.00pm: Optional Dinner – Jean Pierre's Restaurant (see next page)				

Saturday Lunch Venue



Booloominbah was designed by John Horbury Hunt for F.R. White and completed in 1888. The building reflects the Gothic revivalist influences of the 'Queen Anne' style that emerged in England and the United States in the last half of the 19th century.

The White family occupied the house until 1933. Booloominbah became the New England University College in 1938 and then the University of New England in 1954. Recent refurbishment has restored much of the original decoration.

Saturday Dinner Venue (Optional)

Jean-Pierre's Restaurant, 110 Marsh Street, Armidale

Telephone: 6772 2201



Sunday Morning: 23 September 2007

School of Law, EBL Building

Lewis Seminar Room (LSR)		Time	LT5	
Session 5A: Evidence, Records and Law Reports <i>Chair: Mark Lunney</i>		09.00-10.30	Session 5B: Historical Perspectives on Australian Federal Legislation <i>Chair: Diane Kirkby</i>	
Bruce Kercher & Brent Salter <i>Macquarie University</i>	Law Reporting from 1788 onwards		Karen Lee <i>University of New England</i>	“A Kick in the Backside”: The Adoption of Part 6 of the Telecommunications Act 1997 (Cth)
Alison Wishart <i>State Library of Queensland</i>	The profound impact of one Act, 110 years on		Colin James <i>University of Newcastle</i>	Resisting Equality: Domestic Violence and the Family Court of Australia 1975 - 1999
Eilis Magner <i>University of New England</i>	Documentary Evidence Rules in the Context of the History of Literacy and Technology		Toni Lucev <i>Federal Magistrate</i>	New Boundary Fences: The Development and Expansion of Federal Jurisdiction over Workplace Relations in Australia
10.30-11.00: Morning Tea – Law School Staff Courtyard				
Session 6A: Courts at the Frontier <i>Chair: David Williams</i>		11.00-12.30	Session 6B: Fenceposts on Property <i>Chair: Andrew Buck</i>	
Lisa Ford <i>Colombia/Macquarie Universities</i>	Lachlan Macquarie and the Lost Plurality of Early New South Wales		Greg Taylor <i>Monash University</i>	How The Torrens System Got To Victoria
Ann Hunter <i>Edith Cowan University</i>	1835 - A “fencepost” year? The nature and significance of British proposals for ‘treaties’ with Indigenous peoples in Australia in the early 1830s		Jane Taylor <i>University of Sydney</i>	“An incubus upon the district”: Commons and civilisation in nineteenth century Australia
Simon Adams <i>University of Notre Dame</i>	Richard Bibby, Billimarra and the Law of the Frontier at the Swan River Colony, 1859		Simon Chapple <i>Freehills/University of New South Wales</i>	Royal metals and transnational mining law in 19th century Queensland and California
12.30-1.15: ANZLHS Annual General Meeting - Close				

USEFUL PHONE NUMBERS

Armidale Radio Taxis	13 1008 or 6771 1455
Qantaslink, Armidale Airport	6772 4140
Qantaslink, Bookings & Enquiries	13 1313
Armidale Visitors' Centre and Coach Station	6772 4655 1800 627 736
Armidale Railway Station	6774 8630
Countrylink Rail Information and Bookings	13 22 32
UNE Safety and Security (including emergency after hours)	6773 2099
UNE Sports Union	6773 2316
Belgrave Cinema	6773 3833 or 6772 2856
Craig Collins, Convenor	0429 425 748 or 6773 5209
Mark Lunney, Convenor	0410 959 215 or 6773 2713