University of Southern Queensland

November 30th – December 1st, 2023

# Australia and New Zealand Legal History Society 2023 Annual Conference: Intersectionality and Legal Identities

**UniSQ Toowoomba campus and hybrid**

CRICOS: QLD 00244B, NSW 02225M TEQSA: PRV12081

University of Southern Queensland

# Welcome

On behalf of UniSQ College, the School of Law and Justice, and the School of Humanities and Communication at the University of Southern Queensland (UniSQ), we welcome you to the 2023 Australian and New Zealand Law and History Conference.

The Australian and New Zealand Law and History Society (ANZLHS) comprises historians, legal academics, and lawyers whose research interests span the breadth of law, history, and legal history in Australia, New Zealand, and beyond. Founded in 1993, this year's conference represents the 40th anniversary of the ANZLHS. We are thrilled to welcome delegates to the University of Southern Queensland at this exciting historical juncture.

We also acknowledge that the 2023 ANZLHS Conference takes place at a challenging historical and legal juncture for many First Nations people in Australia. The outcome of the Referendum on the Indigenous Voice to Parliament has brought frustration at the lack of progress that First Nations people have had towards recognition in their own lands; while still too many of our Indigenous brothers and sisters are overrepresented in the legal and custodial system. The panel on the afternoon of Thursday, 30 November, is an opportunity to hear from academics in this space; it is, again an opportunity for us all to listen.

This conference is an opportunity to bring together the most cutting-edge current research in the fields of law, history, and legal history. These areas represent the breadth of the dynamic research taking place in UniSQ College, the School of Law and Justice, and the School of Humanities and Communication. This year's hybrid conference also brings together scholars from across Australia and New Zealand, as well as from Germany, India, Ireland, Namibia, Switzerland, South Africa, and the UK.

Equally, this conference reflects the strength of teaching in law and history at UniSQ. The pathways programs at UniSQ College prepare students to enter undergraduate degrees, including degrees in the humanities and law. Among the conference organisers are academic staff responsible for teaching legal history as part of the first-year suite of subjects in the University's Bachelor of Laws and Juris Doctor degrees. UniSQ is rare in making legal history a mandatory part of these degrees, but does so in recognition of the value for students to have a long perspective on the cultural and political forces which have shaped and will continue to shape the law.

The presentations at this conference testify to this point of the intersection of the past with the present and future.

**2023 Conference Committee**

| | |
|---|---|
| Dr Ana Stevenson – UniSQ College | Associate Professor Jayne Persian – School of Humanities and Communication |
| Ms Fatima-Zahra Blila – UniSQ College | Dr Jeremy Patrick – School of Law and Justice |
| Dr Lindsay Helwig – UniSQ College | Dr Sarah McKibbin – School of Law and Justice |
| Mr Geoff Keating – UniSQ College | Professor Marcus Harmes – UniSQ College |
| Ms Kate Kuzma – UniSQ College | |

University of Southern Queensland



*The University of Southern Queensland acknowledges the traditional custodians of the lands and waterways where the University is located. Further, we acknowledge the cultural diversity of Aboriginal and Torres Strait Islander peoples and pay respect to Elders past, present and future.*

*We celebrate the continuous living cultures of First Australians and acknowledge the important contributions Aboriginal and Torres Strait Islander people have and continue to make in Australian society.*

*The University respects and acknowledges our Aboriginal and Torres Strait Islander students, staff, Elders and visitors who come from many nations.*

# Sponsorship

UniSQ College would like to sincerely thank the Centre for Heritage and Culture for their generous sponsorship of the 2023 Australian and New Zealand Law and History Conference.

The Centre for Heritage and Culture (CHC) is a research centre housed within the Institute for Resilient Regions, at the University of Southern Queensland.

The CHC works in partnership with communities to uncover, record and analyse stories that characterise landscapes and experiences of regional Australia. CHC researchers re-interpret these stories through unique multi-modal forms of storytelling, including creative expression, digital platforms and scholarly publications. Renewed storytelling brings the past into the present to strengthen identities and foster social inclusion and wellbeing in regional communities.

Led by Professor Celmara Pocock as Director, the CHC's program of research mentoring builds the capacity of regional researchers to address complex social and cultural issues of global significance.

To find out more about the CHC, please visit the website:

UniSQ Centre for Heritage and Culture | University of Southern Queensland

## General Information

### Contact Details

If you have any questions, please contact the conference committee via anzlhs2023@usq.edu.au

### Health and Safety

UniSQ's COVID Safe Plan Framework encourages preventative health measures such as physical distancing, hygiene, and PPE, especially to protect vulnerable staff and students. Please take appropriate measures to protect yourself and others. Masks will be available as required from the registration desk.

### Internet Access

Wireless Internet is available throughout the venue – Eduroam or UniSQ-Visitor.

For ICT support, please see the instructions or visit iConnect located at R Block.

### Mobile Phones

Please ensure your phone is switched off or on silent during all sessions.

### Lost Property

All lost property can be handed in or collected from the registration desk.

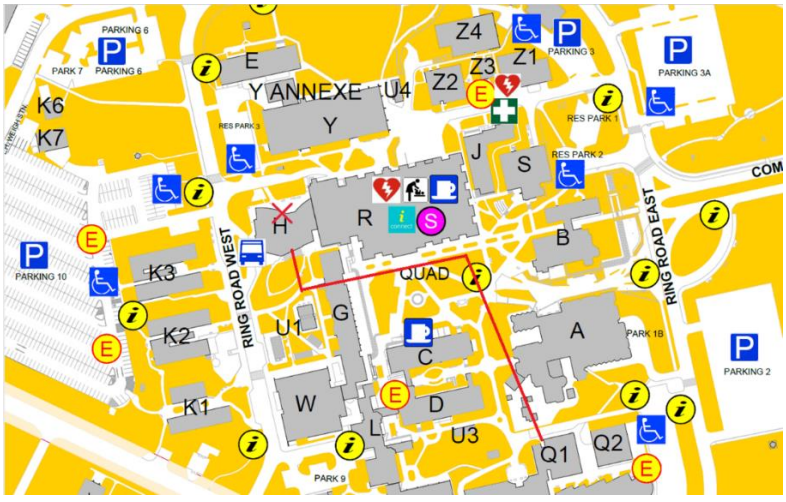
Please talk to our friendly staff, Fatima-Zahra Blila, if you require any assistance during the event.

### Conference Venue

**UniSQ Toowoomba**
487-535 West St, Darling Heights QLD 4350

**H block:** H102 (also known as the Alison Dickson lecture theatre) For registrations, conference opening, Indigineous panel

**Q Block:** Q402, Q501 & Q502 for all conference sessions.



## Parking

Conference delegates are welcome to park in non-restricted parking zones. See for example, Parking Area 2.

## In-City Transportation

A UniSQ 8-seater minibus has been hired to assist with transporting delegates whose accommodation is in the city centre. This service is available on a first come first served basis. Please see schedule below:

| **Thursday 30th November** | |
|---|---|
| **7.45am** | Pick up: Burke & Wills hotel (554 Ruthven St)<br>Drop off: UniSQ Taxi rank, outside K3 block |
| **5.45pm** | Pick up: UniSQ Taxi rank, outside K3 bloc<br>Drop off: outside Burke & Wills Hotel |
| **Friday 1st December** | |
| **8.30am** | Pick up: Burke & Wills hotel (554 Ruthven St)<br>Drop off: UniSQ Taxi rank, outside K3 block |
| **6.15pm** | Pick up UniSQ Taxi rank, outside K3 block.<br>Drop off outside Burke & Wills Hotel. |

## Full conference booklet

We thank you for supporting our eco-conscious decision to provide you a short version of the program. Please scan the QR code for details on abstracts and speaker biographies.

# Full Program

**Time Zone:** Australian Eastern Standard Time (AEST), Queensland: Australian Eastern Standard Time – AEST Time Zone (timeanddate.com)

## Zoom Links

Room 1: H102 Conference opening & Indigenous Law and History panel

Room 2: Q402

Room 3: Q501

Room 4: Q502

# Day 1 – Thursday 30 November 2023

**Registration 8:00 - 8:30 AEST – Venue: H102, Allison Dickson Lecture Theatre Foyer (map)**

### Welcome and Housekeeping 8:30 – 8:55 AEST

**Venue: Allison Dickson Lecture Theatre (map)**

**8.30 AM – Acknowledgement of Country:** Professor Ben Wilson, Head of College (College for First Nations), University of Southern Queensland

**8.35 AM – Welcome Address:** Professor Glen Coleman, Deputy Vice-Chancellor (Academic Affairs), University of Southern Queensland

**8.40 AM – Opening Speech**: *Useful Legal History* – The Honourable Justice Thomas Bradley, Associate Judge of the Supreme Court of Queensland

**Chair:** Professor Ian Wells, Head of College and Dean (Pathways Education), UniSQ College

**Digital Room Monitors:** Dr Lindsay Helwig (UniSQ) and Dr Ana Stevenson (UniSQ)

### Day One Plenary 9:00 – 10:00 AEST

**Venue: Allison Dickson Lecture Theatre**

**Professor Lisa Featherstone:** Head of School of Historical and Philosophical Inquiry, The University of Queensland

**Chair:** Professor Ian Wells, Head of College and Dean (Pathways Education), UniSQ College

**Digital Room Monitors:** Dr Lindsay Helwig (UniSQ) and Dr Ana Stevenson (UniSQ)

### Morning Tea 10:00 – 10:30 AEST

**Venue: Allison Dickson Lecture Theatre Foyer**

**Special Guest:** The Honourable Justice Thomas Bradley, Judge of the Supreme Court of Queensland

| Day 1 – Session 10:30 – 12:00 AEST<br>* in-person attendance | | |
|---|---|---|
| **Indigenous Australia** | **Environmental Law and Life Writing** | **Legal Identities Historically and Today** |
| **ROOM 1: Q402** | **ROOM 2: Q502** | **ROOM 3: Q501** |
| **Digital Room Monitor:** Danaé Carlile (UniSQ) | **Digital Room Monitor:** Ana Stevenson (UniSQ) | **Digital Room Monitor:** Farhan Khudir (UniSQ) |
| **Chair:** Geoff Keating* (UniSQ) | **Chair:** Naomi Ryan* (UniSQ) | **Chair:** Jeremy Patrick* (UniSQ) |
| Jeremie Bracka<br>Reckoning with Race, Identity and Colonial Harm for Indigenous Australia: The Yorrook Justice Commission<br>*RMIT University* | Susan Bartie*<br>Writing the Life of Australia's Environmental Lawyers<br>*Australian National University* | Prue Vines*<br>Did the Third Charter of justice make any difference to the ecclesiastical jurisdiction in New South Wales?<br>*University of New South Wales* |
| Rhett Martin*<br>Understanding Laws of Country: Lessons from the Battle of Meerwah (One Tree Hill)<br>*University of Southern Queensland* | Mohammadhossein Latifian*<br>Advisory Proceedings on Climate Change: Insights from Ricoeur's Hermeneutics<br>*Monash University* | Matthew Allen<br>Drunkenness and Responsibility: The Drunkard as an Intersectional Legal Identity in Colonial New South Wales<br>*University of New England* |
| Ben Hingley*<br>Enemy Subjects: First Nations Women and the Law in 1820s New South Wales<br>*University of New England* | Tanya Josev<br>Legal Identities and Cloaked Histories, Part III: Judicial Archives<br>*The University of Melbourne* | Ivneet Kaur Walia<br>Understanding the Interconnection between Intersectionality and the Basics of Human Rights Law<br>*Rajiv Gandhi National University of Law* |
| **12:00 – 1:00 AEST Lunch – Q5 Space** | | |

| Day 1 – Session 1:00 – 2:30 AEST | | |
|---|---|---|
| **Indigenous and Feminist Witnesses** | **Race and Legal Identities in South Africa and Pakistan** | **Historical Legal Identities** |
| **ROOM 1: Q402** | **ROOM 2: Q502** | **ROOM 3: Q501** |
| **Digital Room Monitor:** Danaé Carlile (UniSQ) | **Digital Room Monitor:** Ana Stevenson (UniSQ) | **Digital Room Monitor:** Farhan Khudir (UniSQ) |
| **Chair:** Geoff Keating* (UniSQ) | **Chair:** Jayne Persian* (UniSQ) | **Chair:** Lindsay Helwig* (UniSQ) |
| David Plater*<br>'Virtually Outlaws in their Native Land which they have never Alienated or Forfeited': The 'Incompetence' of Aboriginal Witnesses in 19th century colonial Australia<br>*University of Adelaide* | Paul Swanepoel*<br>'In-Between Black and White': Defining Racial Boundaries in Colonial Natal<br>*University of KwaZulu-Natal* | Clare Davidson<br>'Anglo-Saxons' in the common law of Australia: the significance of a legal medievalism<br>*Australian Catholic University* |
| Tonia Chalk*<br>'Failed to elicit the slightest evidence': Aboriginal witnesses, the settler colonial archive, and the death of 15-year-old 'half caste' Winnie Brown<br>*University of Southern Queensland* | Nadia Gregory<br>'No man's land': racial classifications and coloured women's oppression and opposition in apartheid South Africa<br>*University of Wollongong* | Joanne Lee*<br>The English Enclosure Laws: Economic Progress or Tool of Oppression?<br>*The University of Queensland* |
| Caryn Coatney*<br>Extra! Extra! Tabloid Justice: The news panic about a celebrity spy<br>*University of Southern Queensland* | Tuba Azeem and Umar Rashid<br>Baloch Legal Identities in the Colonial Era: Post-Colonial Continuation of the Exploitative Legal Practices<br>*Victoria University of Wellington and University of Adelaide* | |
| **Afternoon Tea 2:30 - 3:00 AEST – Q5 Space** | | |

| Day 1 – Session 3.00 – 4.30 AEST | | |
|---|---|---|
| **Legal Identities in Women's Histories** | **Book Panel: *The Rise of Mass Advertising*** | **The Law in Colonial Australia** |
| **ROOM 1: Q402** | **ROOM 2: Q502** | **ROOM 3: Q501** |
| **Digital Room Monitor:** Danaé Carlile (UniSQ) | **Digital Room Monitor:** Ana Stevenson (UniSQ) | **Digital Room Monitor:** Farhan Khudir (UniSQ) |
| **Chair:** Alana Piper* (UTS) | **Chair:** Jayne Persian* (UniSQ) | **Chair:** Lindsay Helwig* (UniSQ) |
| Caroline Ingram<br><br>'A Hardened Thief': Quanitar, Menang Girls, and the Criminal Justice System at King George Sound<br><br>*University of Western Australia* | Anat Rosenberg, Hannah Forsyth, Arlie Loughnan, and Megan Richardson<br><br>Book Panel:<br><br>*The Rise of Mass Advertising: Law, Enchantment, and the Cultural Boundaries of British Modernity* (Oxford University Press, 2022)<br><br>*Reichman University, Australian Catholic University, The University of Sydney, and The University of Melbourne* | Emily Lanman*<br><br>'A convict in her own right': Re-thinking prisoner classification in Western Australia, 1829-1868<br><br>*University of Notre Dame* |
| Zoe Smith<br><br>Victims in a 'chamber of horrors': The legal identities of wives in the marital bed in late 19th century and early 20th century Australia<br><br>*Australian National University* | | Paula Jane Byrne<br><br>Carcoar Two, Evidence in Criminal Cases in the 1850s<br><br>*State Library of New South Wales* |
| Satish Rai and Varshunn Bhan Miskeen<br><br>Fostering Equality: Navigating Intersectionality and the Women's Reservation Bill in India<br><br>*OP Jindal Global University* | | Henry Kha*<br><br>Wife Sales and Legal Responses in Colonial Australia<br><br>*Macquarie University* |

## Day One – Panel 4:30 – 5:30 AEST

**Venue: Allison Dickson Lecture Theatre (**map**)**

**Indigenous Law and History Panel:** Professor Ben Wilson (UniSQ), Professor Simon Young (UniSQ), Dr Cally Jetta (UniSQ), and Ms Kirstie Smith (UniSQ)

**Chairs:** Geoff Keating (UniSQ) and Dr Ana Stevenson (UniSQ)

**Digital Room Monitors:** Dr Lindsay Helwig (UniSQ), Farhan Khudir (UniSQ), and Danaé Carlile (UniSQ)

## Day 2 – Friday 1 December 2023

### Day Two Plenary 9:00 – 10:00 AEST

**Venue: Q501 & Q502**

Dr Alana Piper (UTS), ***A History of Sexual Violence and the Australian Military***

**Chair:** Professor Ian Wells, Head of College and Dean (Pathways Education), UniSQ College

**Digital Room Monitors:** Dr Lindsay Helwig (UniSQ) and Dr Ana Stevenson (UniSQ)

### Morning Tea 10:00 – 10:30 AEST

| **Day 2 – 10:30 – 12:00 AEST** | | |
|---|---|---|
| **The Law and Technology** | **Young People and Sexual Abuse** | **Gender and Sexual Diversity** |
| **ROOM 1: Q402** | **ROOM 2: Q502** | **ROOM 3: Q501** |
| **Digital Room Monitor:** Danaé Carlile (UniSQ) | **Digital Room Monitor:** Ana Stevenson (UniSQ) | **Digital Room Monitor:** Farhan Khudir (UniSQ) |
| **Chair:** Jeremy Patrick* (UniSQ) | **Chair:** Caryn Coatney* (UniSQ) | **Chair:** Anthony Gray (UniSQ) |
| Laura Dawes*<br>'And along came DNA' – the Applebee case and the introduction of DNA evidence in Australian courts<br>*Australian National University* | Lauren Humby, Naomi Ryan and Jill Lawrence*<br>Consent Education for Young People: A Reconsideration<br>*University of Southern Queensland* | Andreas Thier<br>Hermaphrodites and the Legal Construction of Gender in Roman-Canonical European Jurisprudence of Medieval and Early Modern Period<br>*University of Zurich* |
| Maya Arguello Gomez<br>Intersectionality and Legal Identity: Important Concepts for AI in the Justice System<br>*Swinburne University* | Shannon Ross*<br>"Enemies in our midst": Parental Advocacy and Child Sexual Abuse in Australian Institutions<br>*The University of Queensland* | Anenaa Cherian and Arnold Stanley<br>Queer Liberation vs Gay Rights: Are All Members Truly Equal?<br>*Karnataka State Law University* |
| | Zara Saunders<br>Representations and Narrative Patterns in the *Age* newspaper's reporting on sexual assault against women and teenage girls, 2011-2012 | Nachiketa Mittal<br>Intersectionality and Legal Identity: The Struggle of Transgender Individuals in India<br>*National Law Institute University* |

| | | |
|---|---|---|
| | *Australian Catholic University* | |
| **12:00– 1:00 AEST: Lunch - Q5 Space**<br>**12:00– 1:00 AEST: ANZLHS AGM – Q501** | | |

| **Day 2 – Session 1:00 – 2:30 AEST** | | |
|---|---|---|
| **Commercial Law** | **Intersectionality in Asia** | **Disability and Legal Identities** |
| **ROOM 1: Q402** | **ROOM 2: Q502** | **ROOM 3: Q501** |
| **Digital Room Monitor:** Danaé Carlile (UniSQ) | **Digital Room Monitor:** Ana Stevenson (UniSQ) | **Digital Room Monitor:** Farhan Khudir (UniSQ) |
| **Chair:** Reid Mortensen* (UniSQ) | **Chair:** Sarah Wilson* (York) | **Chair:** Jayne Persian* (UniSQ) |
| Isa Alade<br>History and Evolution of Fintech: The Danger of a Single Story<br>*Deakin University* | Luisa Stella de Oliveira Coutinho Silva<br>Changing cohabitation practices in Japan after Christianity: the translation and production of knowledge about repudiation and divorce in the 16th and 17th centuries<br>*Max Planck Institute for Legal History and Legal Theory* | Olugbenga Damola Falade<br>The Intersectional Challenges of the IDPs with Disabilities<br>*University of Hull* |
| Max Bruce<br>A Consolidated History of Corporate Tax Avoidance in Australia<br>*Australian National University* | Yuan Jing*<br>'Are You Married or Not Married?': The Intersection of State Legislation, Customary Law, and Local Marriage Customs on Defining Marital Status in south-eastern China at the end of the 20th century<br>*The University of Queensland* | Avinash Kumar Babu and Tanya Singh<br>Gender Discrimination against Women with Disability: A Study in South Asian Region<br>*Amity University* |
| Inma Conde<br>The Creation of a New International Commercial Uniform Regulation: 1970 to 1980<br>*The University of Sydney* | Arunava Banerjee<br>A Discourse on Caste, Welfarism and Transgender Rights in India<br>*Ashoka University* | Sarah Williams<br>Dr Evatt and the Genocide Convention: 'an epoch-making' moment<br>*University of New South Wales* |
| **Afternoon Tea 2.30 - 3:00 AEST - Q5 Space** | | |

| Day 2 – Session F 3:00 – 4:30 pm AEST | | |
|---|---|---|
| **Labour Law on Land and at Sea** | **Professional Development Workshop** | **Legal Identities and Lawmaking in Queensland** |
| **ROOM 1: Q402** | **ROOM 2: Q502** | **ROOM 3: Q501** |
| **Digital Room Monitor:** Lindsay Helwig (UniSQ) | **Digital Room Monitor:** Danaé Carlile (UniSQ) and Ana Stevenson (UniSQ) | **Digital Room Monitor:** Farhan Khudir (UniSQ) |
| **Chair:** Anthony Gray (UniSQ) | **Chair:** Sarah McKibbin* (UniSQ) | **Chair:** Geoff Keating* (UniSQ) |
| Kathy Bowrey<br>The threat posed by a woman inventor: law, labour and the subjugation of Louisa Lawson<br>*University of New South Wales* | Ana Stevenson* and Danaé Carlile*<br>Professional Development Workshop:<br>Academic Blogging and the Public Humanities in the Twenty-First Century Knowledge Economy<br>*University of Southern Queensland* | Bridget Andresen*<br>The Imagined Rapist in Post-War Queensland, 1945-1955<br>*The University of Queensland* |
| Diane Kirkby<br>At Sea and on the Waterfront: Discrimination Law and Women's Work<br>*University of Technology Sydney* | | Julie Copley*<br>A Rule-of-Law State: Lessons from Sir Joh Bjelke-Petersen's time as a Queensland Lawmaker<br>*University of Southern Queensland* |
| Thandekile Phulu<br>Shaping Equitable Labour Law Landscapes: The Global Influence of Intersectionality and the Role of the ILO<br>*Triumphant College* | | Michael Stockwell<br>Homosexuality – Bjelke-Petersen's scapegoat and the enduring impact on Australia's aging gay men<br>*University of Southern Queensland* |

| Day 2 – Session G 4.30 – 6.00 AEST | | |
|---|---|---|
| **Criminal Identities and Legal Personhood** | **Legal Identities in the Borderlands** | **Intersectional Identities and Women's Rights** |
| **Digital Room Monitor:** Danaé Carlile (UniSQ) | **Digital Room Monitor:** Ana Stevenson (UniSQ) | **Digital Room Monitor:** Farhan Khudir (UniSQ) |
| **ROOM 1: Q402** | **ROOM 2: Q502** | **ROOM 3: Q501** |
| **Chair:** Reid Mortensen* (UniSQ) | **Chair:** Jayne Persian* (UniSQ) | **Chair:** Jeremy Patrick* (UniSQ) |
| Sarah Wilson*<br>Intersections of 'criminal' and 'respectable' identities past and present: Reflecting on findings from 19th century Britain in the search for an Australian history of financial crime<br>*University of York* | Amanda Alexander*<br>Captives and Citizens: Borderlands Methodology and the History of the Laws of Armed Conflict<br>*Australian Catholic University* | Noelene McNamara<br>Intersectionality and Adoption – an Australian Experience<br>*University of Southern Queensland* |
| Emily Ireland<br>Legal Personhood and Subordination under the English Common Law, 1689-1760<br>*University of Liverpool* | David Prosser*<br>Rethinking treaty formation in early colonial Australia in light of the contemporaneous experience of Sierra Leone, 1787-1793<br>*University of Bristol* | Zaina Najeeb and Abdur Razzaq<br>Navigating Intersectionality: A Comprehensive Analysis of Immigrant Women's Rights within Australia's Legal Landscape<br>*St Joseph's College of Law* |
| Matthew Thompson<br>Romantic Hero or Entangled Everyman: Interpretations of Abberline in *From Hell*<br>*University of Southern Queensland* | Geoff Keating*<br>The End of the *Times*: Defamation and the Media in Papua New Guinea<br>*University of Southern Queensland* | Niamh Howlin<br>Immigrants, Lawyers, Colonisers: Intersectional Irish Identities in the British Empire<br>*University College Dublin* |

**Conference Dinner: 7.00pm, Urban Grounds Café,** 210 Herries St, Toowoomba City QLD 4350

## Day 3 - Optional Recreational Activities

Information on available attractions and activities can be found in this link: https://www.anzlhsconference2023.com/discover-toowoomba

## Guest Speaker

### Guest Speaker – Day 1

**Justice Thomas Bradley**

Supreme Court of Queensland

Justice Thomas Bradley is a member of the Supreme Court of Queensland. His Honour is one of the court's Commercial List judges. Justice Bradley is chair of the Supreme Court Library's Legal Heritage Subcommittee.

Justice Bradley is a graduate of The University of Queensland, Australia. He practised as a solicitor, including as a seconded corporate counsel. Called to the Bar in 2000, he took silk in 2013. At the time of appointment to the court, his Honour was Treasurer of the Bar Association of Queensland and a member of the Bar Council. While at the Bar, he served as a Deputy Chair of the Competition and Consumer Committee of the Law Council of Australia.

Outside the law, Justice Bradley is chair of the Brisbane Writers Festival, and chair of the Brisbane Festival giving committee. His Honour is also an ambassador for the Pinnacle Foundation.

From 2013 until 2023, Justice Bradley was chair of Access Arts. Before appointment as a judge, he was a member of the Council of the National Library of Australia. His Honour remains a patron of the National Library. His Honour is also a vice patron of the Queensland Art Gallery/Gallery of Modern Art Foundation, a member of the Queensland committee of The Australiana Fund, a Fellow of the Royal Numismatic Society, and a member of the Royal Queensland Historical Society and the Royal Geographical Society of Queensland.

## Keynote Speakers

### Keynote Speaker – Day 1

**Professor Lisa Featherstone**

Head of School in the School of Historical and Philosophical Inquiry

The University of Queensland

Professor Lisa Featherstone's research focuses on sexual violence in Australia's recent past. Her work interrogates the ways historical attitudes inform attitudes towards sexual assault in both the past and the present. She has published widely on sexual crimes, including sexual assaults on women, child sexual abuse, and rape in marriage.

Featherstone is the author of three monographs: *Sexual Violence in Australia, 1970s-1980s: Rape and Child Sexual Abuse* (2021); *Sex Crimes in the 1950s* (co-authored with Andy Kaladelfos, 2016); and *Let's Talk About Sex: Histories of Sexuality in Australia from Federation to the Pill* (2011).

Currently, Featherstone is the lead investigator on a UQ Strategic Investment grant entitled "Sexual Violence and the Limits of Consent", an interdisciplinary project which brings together researchers from across The University of Queensland to examine the possibilities and problems of affirmative consent. She was recently awarded an ARC DP, "Responding to Sexual Harm: An Australian Historical Criminology Approach", with Dr Andy Kaladelfos (University of New South Wales), Dr Yorick Smaal (Griffith University) and Dr Bianca Fileborn (University of Melbourne).

### Keynote Speaker – Day 2

**Dr Alana Piper**

Lecturer and Research Fellow at the Australian Centre for Public History

University of Technology Sydney

Dr Alana Piper's research interests draw together the social and cultural history of crime with criminological, legal and digital humanities approaches. A leading historian on the role of gender in the processes of crime and criminal justice, she is currently an investigator on the ARC Discovery project "Sex and the Australian Military, 1914-2020"

(2021-2023). Her other ongoing research project, Criminal Characters, uses digital history and citizen science to chart the lives and criminal careers of Australian offenders across the nineteenth and twentieth centuries.

Piper has authored over 40 academic publications, including in a range of high-ranking international journals such as the *Journal of Interdisciplinary History*, *Women's History Review*, *Journal of Social History*, *History Workshop Journal*, *Law & History Review*, and *Journal of Legal History*. With Ana Stevenson, she produced the edited collection *Gender Violence in Australia: Historical Perspectives* (Monash University Publishing, 2019).

Previously, Piper was a Postdoctoral Research Fellow at Griffith University, working on The Prosecution Project, which investigated the history of the criminal trial in Australia through the compilation of large-scale data on criminal prosecutions from across the Supreme Courts of Australia from the courts' inceptions through to the late twentieth century.

**Opening Speech and Plenary Chair:**

**Professor Ian Wells** is the Head of College and Dean (Pathways Education) of UniSQ College at the University of Southern Queensland, Toowoomba campus, Australia. Professor Wells studied history and politics at Flinders University of South Australia, researching in the area of Indian Muslim nationalist politics in pre-independent India. Professor Wells held a number of senior positions within Australian intelligence and security organisations before taking up a career in academia. Professor Wells has worked in the tertiary sector for over 20 years holding management positions at Queensland University of Technology, Macquarie University, TAFE Queensland, and now the University of Southern Queensland.

## Indigenous Law and History Panellists

**Professor Ben Wilson** is an educator, researcher, and facilitator. He has worked in the education sector for over fifteen years and is highly regarded as a public speaker, educational philosopher, and thought leader in developing new and innovative pedagogies. Ben has a particular interest and specialty in educational leadership and its relationship to Indigenous ways of knowing, being, and doing. As a consultant and facilitator, Ben has worked in many diverse communities across Australia and as an academic he has published and worked extensively on projects to do with Indigenous education, health, and wellbeing.

**Professor Simon Young** is a law and justice academic at the University of Southern Queensland, Toowoomba campus, Australia, and Deputy Director of the Centre for Heritage and Culture. Simon specialises in the areas of First Nations law and policy (particularly native title) and public law (particularly administrative law). Simon has provided expert advice to government agencies in Australia and Canada, non-government organisations, law reform commissions, courts and tribunals, law firms, barristers, and journalists. In 2023, he was awarded a Fulbright Scholar Award to work on First Nations' water rights at the University of Wisconsin in the United States.

**Dr Cally Jetta** lives and teaches from her home on Noongar Country where she lives with her partner and four sons. An experienced secondary educator Cally is now a Senior Lecturer at the University of Southern Queensland within the University's College for First Nations. She is passionate about social justice for First Nations peoples, exploring the topic of Indigenous self-determination in her recently completed PhD studies.

**Panel Chairs:**

**Dr Ana Stevenson** is a Senior Lecturer (Pathways) with UniSQ College at the University of Southern Queensland, Australia, and a Research Associate of the International Studies Group at the University of the Free State, South Africa. As a feminist historian, her research is concerned with racism in the transnational history of women's social movements in the United States, Australia, and South Africa.

**Geoff Keating** is an Associate Lecturer (Pathways) and PhD candidate in History with UniSQ College, University of Southern Queensland. A Kunja man living on Giabal, Jagera and Jarowair land, and experienced educator, Geoff has worked across diverse and challenging educational environments and is passionate about Indigenous education in truth-telling and Australian history. Geoff's research focus is on Colonial and Imperial systems, particularly those in the Pacific region, and the experience of Indigenous people wherein.

## Kercher Scholarship Grantees

The Australia and New Zealand Law and History Society (ANZLHS) established the Kercher Scholarships in recognition of the substantial contribution its founding President, Bruce Kercher, made to legal history and the ANZLHS. Any postgraduate student enrolled at a university in Australia or New Zealand and wishing to attend the annual conference is eligible to apply.

Kercher Scholarships are awarded on the basis of merit through a process of application to the conference committee. The 2023 Kercher Scholarship recipients are:

**Isa Abiodun Alade** – Deakin University

**Nadia Gregory** – University of Wollongong

**Ben Hingley** – University of New England

**Geoff Keating** – University of Southern Queensland

**Mohammadhossein Latifian** – Monash Law School

Congratulations to all 2023 Kercher Scholars!

## Abstracts

### History and Evolution of Fintech: The Danger of a Single Story

Isa Abiodun Alade, Deakin University

Financial technology (fintech) has redefined the financial services industry by disrupting the existing financial services offerings through the deployment of innovative technologies to generate better efficiencies. It has also facilitated the provision of financial services to historically underserved communities. These value offerings have fuelled the significant growth of the fintech market over the last decade.

Technology has been used to deliver financial services for centuries, but the narrative on the history of fintech in the literature is western-centric. It does not incorporate the timeline for fintech adoption in African countries (and several other economies). For instance, colonization had significant impact on the use (and regulation) of technology in the delivery of financial services in African countries, but this has been largely ignored in the literature. The factors responsible for the growth of fintech, as highlighted in the literature, are also not universal. The literature identifies the global financial crisis (GFC) of 2007/2008 as a critical factor whereas African countries have been experiencing financial crisis long before 2007. One of the defining fintech products in Africa - the M-Pesa mobile money - was launched before the GFC. M-Pesa's launch also predates the release of the first iPhone, with significant implication for the history of fintech, but unacknowledged in the literature.

This paper provides an analysis of the history/evolution of fintech adoption in selected African countries. It also traces how the regulation of fintech on the continent has evolved alongside its adoption. The paper seeks to promote a broader approach to analysing the history and evolution of fintech beyond the perspectives of developed countries. This is important because failure to properly understand the peculiarities of the African fintech story may undermine the design of effective fintech regulation on the continent.

### Captives and Citizens: Borderlands Methodology and the History of the Laws of Armed Conflict

Amanda Alexander, Australian Catholic University

International humanitarian law, or the law of armed conflict, is sometimes regarded as a repository of universal principles. More often is seen as a Western achievement – or a Western imposition. In recent years, however, there has been an increased understanding that international law is contingent and contested, influenced by a range of normative perspectives. There have been efforts to recover the influence of other thinkers and movements on international law in general and, occasionally, on international humanitarian law. This attempt is important in providing a more complex account of the history of international law. It may also be useful for understanding the possibilities of accommodation and change in contemporary international law.

Over a similar period, historians working in borderlands studies have attempted to disrupt simplistic narratives of conquest and hegemony by developing a methodology for tracing cultural accommodation between different groups. This methodology acknowledges, but does not assume, cultural accommodation and it also considers situations where accommodation can break down. Borderlands studies pays particular attention to the role of conflict and violence in these interactions. As such, this methodology appears to have potential for analysing the development of practices and rules of war in complex historical contexts.

This paper will present a preliminary attempt to use a borderlands methodology for these purposes. It will use the Texas Indian Papers and texts such as Three Years Among the Comanche to examine the shared or contested laws and practices that shaped and deployed captive and citizen identities in the conflicts of the 1840s and 1850s American Southwest. As this is the region most studied by borderlands scholars, it provides a useful foundation for considering the possibilities and limitations of borderlands methodology for the history of the laws of armed conflict.

### Drunkenness and Responsibility: The Drunkard as an Intersectional Legal Identity in Colonial New South Wales

Matthew Allen, University of New England

During the nineteenth century the legal identity of the habitual drunkard was invented as a means to apply greater severity to problem drinkers. In NSW, from 1835, habitual drunkards – recidivists who were arrested multiple times for public drunkenness – were defined as a specific category of legal person, subject to arrest as vagrants and to stricter penalties and increased police surveillance. Both the offence of public drunkenness and the identity of habitual drunkard were used to police particular kinds of people deemed disorderly, notably women who went unaccompanied at night in urban areas. But, in the same period, a seemingly opposed trend saw some kinds of drinkers, treated with patronising lenience. From 1838, it became illegal to supply Aboriginal people with alcohol, based on an assumption that they were unable to drink properly, and magistrates consistently failed to punish Aboriginal drinkers, even those who were repeatedly arrested for drunkenness.

Both this severity and lenience reflect the symbolic significance of drinking as a test of the capacity for responsible citizenship. Habitual drunkards had demonstrated that they could not be trusted with the freedom to drink in public, while Aboriginal people were assumed to inherently lack that capacity. In this paper I explore the intersection of different kinds of identity with the law of drunkenness to illustrate the importance of alcohol to the democratic imaginary in colonial NSW.

**The Imagined Rapist in Post-war Queensland, 1945-1955**
Bridget Andresen, The University of Queensland

When Justice Philp sentenced a man to eighteen months imprisonment with hard labour for indecently assaulting a woman in 1953, he remarked during sentencing, "It was a dreadful type of crime that you committed – terrible. The details were shocking. See that you keep off the liquor. You do not seem to be a bad sort of chap." Such remarks invite questions, particularly as this defendant was originally charged with attempted rape, but was found guilty of the lesser offence. If a man who indecently assaulted a woman was not considered a 'bad sort of chap', then who was? What are the characteristics of a 'bad chap' who allegedly attempted to rape a woman, or the type of man who succeeded in doing so? Who is a 'real rapist'?

The imagined figure of the rapist is one that has changed over time and in response to social understandings of sexual violence, criminality, gender, and sexuality. Indeed, it was not until 1883 that the term 'rapist' existed, highlighting not only that the language around this issue is a rather modern invention, but so too is this 'figure.' This paper uses the court material from fifty-four adult rape and attempted rape trials in post-war Queensland to deconstruct who the imagined figure of the rapist was in this period and place. I argue that harmful stereotypes about rape, race, and class, had a direct impact on who a 'real rapist' was assumed to be, and therefore the charges which were ultimately laid, and the cases which were taken to court. However, the application of these ideas within the courtroom reveals the malleability and tension between social markers and rape myths in influencing understandings of who the imagined rapist was. Despite discourse suggesting that there was a certain 'type' of person who was a rapist, in practice, this figure seemingly disappeared.

**Gender Discrimination against Women with Disability: A Study in Asia Pacific**
Avinash Kumar Babu and Tanya Singh, Amity University Jharkhand

Gender discrimination against women with disabilities is a pressing issue in Asia Pacific, encompassing countries such as India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, and the Maldives. This intersectional form of discrimination compounds the challenges that both disabled individuals and women face, resulting in severe inequalities and limited access to opportunities. This study dwells into investigating the discrimination that women with disability face in South Asian region. It has been observed that women with disabilities experience a double layer of discrimination – one based on their gender and another on their disability. This often results in increased social isolation, limited access to education and employment, and a higher risk of violence and abuse. They often face barriers to accessing quality education. Physical infrastructure, lack of specialized teaching methods, and societal stigma contribute to their exclusion from mainstream educational institutions. It is often the case that they encounter difficulties in accessing adequate healthcare services, including maternal health services. Not only this, discrimination limits women with disabilities' participation in the workforce, exacerbating their economic vulnerability. They often lack access to vocational training and suitable job opportunities, pushing them into low-paying or informal work. There is even a higher risk of experiencing physical, emotional, and sexual abuse to women with disability as they may be more susceptible due to their dependence on caregivers, communication barriers, and societal attitudes that perceive them as helpless. Despite the plight of women with disability in this region, it has been observed that the frameworks and policies in South Asian countries often do not adequately address the specific needs and rights of women with disabilities as there remain implementation and enforcement challenges to the existing laws. Addressing gender discrimination against women with disabilities in South Asia requires comprehensive efforts, including legal reforms, policy initiatives, awareness campaigns, and the promotion of inclusive education and employment opportunities. By recognizing the unique challenges faced by this marginalized group, societies can work toward creating a more equitable and inclusive environment for all individuals, regardless of their gender or disability.

**Baloch Legal Identities in the Colonial Era: Post-Colonial Continuation of the Exploitative Legal Practices**
Tuba Azeem and Umar Rashid, Victoria University of Wellington and University of Adelaide

This paper looks at the British Empire's expansion into Balochistan, the Southwestern coastal province of present-day Pakistan, the imposition of the colonial legal system and its post-colonial continuation by the Pakistani state. Specifically, it focuses on agreements with tribal leaders and land settlement reforms. Through agreements with Baloch tribal leaders and through buying, leasing, and land grants the British Empire came to indirectly govern Balochistan. The institutionalization of customary norms, jirgas (traditional dispute resolution bodies), and land rights

transformed the politico-legal landscape of Balochistan. Indelibly changing the legal identities of Baloch people, affecting the relationship between tribal heads and the members of the tribe, creating rigid identities, classes, and hierarchies. The Empire's aim to exploit the economic and mineral resources of the vast province quickly and most cost-effectively, without regard to the harm caused to the socio-legal fabric of the tribal people continued post-independence. The paper analyses this change by looking at Frontier Crimes Regulation and Customary law Manual compiled by the British Agents in mid twentieth century at Kalat Confederacy of Balochistan. Finally, the paper argues that the current legal challenges in Balochistan are linked to the British Colonial era and the continuation of the same exploitative indirect governance. Arguing how legal identities created during the colonial era continue to wrong people. This paper will focus on the Makran region of Balochistan which is located at the southern end sharing the Arabian Sea.

**A Discourse on Caste, Welfarism and Transgender Rights in India**
Arunava Banerjee, Ashoka University

It is imperative to note that the major articulation of queer voices within India has been a product of judicial pronouncement where the NALSA v. Union of India continues to be the poster child of positive judicial pronouncement towards ascertaining transgender rights. Yet there continue to be intersections which the current major discourses on transgender rights fail to address. This paper looks forth address such an intersection between transgender rights, welfarism and the idea of caste. To do so this paper delves into the discourses regarding the appropriation of the orders of the apex court from the NALSA judgement highlights how there have been significant lacunae within the appropriation of the same and doing so critically discusses the issue of considering trans-genders as a caste. Further this paper discusses the major issues cropping out of the Transgender Persons (Protection of Rights) Act, 2019 (Trans Act) and tries to study this law from the lens of welfarism, human rights and also questions the aspects of caste consciousness within the appropriation of this law. Lastly this paper looks forth towards outlining a suggestive 'lex ferenda' towards the realization and protection rights of the trans-people.

**Writing the Lives of Australia's Environmental Lawyers**
Susan Bartie, Australian National University

Over the last twenty years, legal life history has grown in popularity and interest within the discipline of law. It has attracted a range of socio-legal scholars and legal historians who have challenged traditional legal biography models. Much has been written about the way these new works are broadening fields of inquiry and challenging traditional understandings of law. Less has been said about how theories and methods from biography and sociology might best be combined to create new knowledge.

In this presentation I will explain some of the central biographical and sociological considerations which have informed a large life writing project. The project seeks to generate new knowledge about environmental law by examining the lives and careers of around 40 environmental lawyers (both academic and practising). In particular, I will explain my attempts to unearth and describe the role of 'social skills' in creating the field of environmental lawyering. As Neil Fligstein and Doug McAdam's explain in the context of their theory of fields, social skills are the 'ability to induce cooperation by appealing to and helping to create shared meanings and collective identities.' (Fligstein and McAdam, 2012, 46) In the context of climate change, the term 'existential' is most often used to describe the threat such change poses to the very existence of humans as a species. Studying the social skills of environmental lawyers, however, involves exploring a different kind of existentialism, one that examines how and why environmental lawyers have cooperated to achieve both material rewards as well as existential benefits, such as creating meaning. I will explain how existing legal life writing projects provide strong models for capturing social skills that can help both historically and sociologically inclined scholars generate new knowledge from biographical data.

**The threat posed by a woman inventor: law, labour and the subjugation of Louisa Lawson**
Kathy Bowrey, University of New South Wales

In 1896 Louisa Lawson (1848-1920) filed a number of patent applications. This article explains how her inventions were an expression of modern feminist practice aligned with progressive suffragette values. Progressive suffragettes emphasised the importance of equal economic rights for women. They were opposed to union and government policies that sought to construct women as dependents of men. Lawson's entrepreneurial efforts faced strident, somewhat co-ordinated resistance from several senior public servants, politicians and industrialists that ensured her entrepreneurship came to nought. Infringement of her mail bag buckle patent led to litigation in which she was vindicated, but the damages award was financially ruinous. This paper plots the unrelenting opposition to Lawson's entrepreneurship, raising questions about law, culture, power and political strategy in view of the resistance of all

major institutions of the modern democratic state – unions, bureaucracy, Parliament and the courts – to gender inclusion.

**Reckoning with Race, Identity and Colonial Harm for Indigenous Australia: The Yoorrook Justice Commission**
Jeremie Bracka, RMIT University

This article considers the Yoorrook Justice Commission and its relationship with First Australians as both Indigenous and racially 'other'. Australia's colonial era is over. Yet legacies of structural inequality, territorial dispossession, exploitation, and racism against 'Black Australia' remain alive and well. From inter-generational trauma to historical massacres, Australia is beginning to grapple with its past. Today, Australia finds itself at a critical juncture. The absence of constitutional protections and accountability for structural racism as well as the lack of treaty agreements, places First Nations' people in a uniquely vulnerable position. This article examines the relevance of transitional justice to forging new 'identities' based on the goals of truth-telling, accountability, and national healing. To date, national efforts to deal with the colonial past have been piecemeal and relatively ineffective. Moreover, Australia has engaged in 'reconciliation' solely as a political discourse.

Nevertheless, in 2021, Victoria established Australia's first ever truth-telling process with the Yoorrook Justice Commission. Seeking to address harm since colonisation, the state process is unprecedented (both nationally and abroad) based on its scope, Royal Commission powers and ability to hold the Victorian state accountable. It is heralding a new approach to law and memory. Ultimately, the work and design of the commission reflect the importance of Indigenous ownership over identity and the need to name 'race' in conversations about harm and healing processes. Whist the Yoorrook Commission is no silver bullet, it provides an important means of relational and structural truth-telling and way of reshaping identity and righting racial wrongs.

**A Consolidated History of Corporate Tax Avoidance in Australia**
Max Bruce, Australian National University

Concomitant with the introduction of income taxation in Australia was a recognition of the potential for a taxpayer to avoid its application. To that end, Australia has, in one form or another, maintained a general statutory rule prohibiting the avoidance of tax since income taxation was first introduced in 1884. Indeed, few laws currently on the statute books could lay claim to such a pedigree as the current General Anti-Avoidance Rule (GAAR). However, despite its extensive lineage, few laws remain as uncertain in their operation and effect. Indeed, the vast increase in legislative amendment and significant volume of case law has rendered the GAAR less clear. Of particular concern in recent years has been the extent of corporate tax avoidance. However, despite this, little exists in the way of historical analysis of corporate tax avoidance in Australia. This paper examines the history of corporate tax avoidance in Australia and the concurrent development of Australia's General Anti-Avoidance Rule to discuss how this informs our current understanding of the Rule. It addresses a broad range of interrelated matters including, tax morality and taxpayers' justifications for engaging in tax avoidance, the conceptual justification for corporate income tax and the growing reliance on corporate tax revenues.

**Carcoar Two, Evidence in Criminal Cases in the 1850s**
Paula Jane Byrne, State Library of New South Wales

This paper explores varying and conflicting ideas of what constituted evidence in criminal cases in the Carcoar and Lachlan region of western New South Wales. The Carcoar magistrates frequently used the word 'evidence' in their letters to the Attorneys General and this distinguishes them from other benches.

The Attorneys General and the Criminal Crown Solicitor had their own reasoning and the local population sought to oblige with their variant of what magistrates would want to hear. The paper begins with discussion of a young man with long silky blond hair and a waistcoat with smoky grey pearl buttons on his way to the goldfields.

**"Failed to elicit the slightest evidence": Aboriginal witnesses, the settler colonial archive, and the death of 15-year-old 'half caste' Winnie Brown**
Tonia Chalk, University of Southern Queensland

Aboriginal females in Queensland during the early 20th century were key to the success of the economic agenda of the settler state through their interpersonal relations with white men, women, and children, in the affective space of the household. They were expected to be 'good' in terms of moral sensibilities and could not be sexually promiscuous, as Aboriginal females were seen as 'naturally desirable' and therefore dangerous. However, through transgressing geographic or domestic/sexual boundaries, Aboriginal females became both a political vulnerability and politically vulnerable to the settler-colonial state. This colonial anxiety was reinforced in how Aboriginal female deaths were investigated, as evident in the witness testimonies in an inquest file.

In coronial investigations into suspicious Aboriginal female deaths, it was the identity of the person giving evidence that was key to the reliability of the testimony. While Aboriginal witnesses provided statements in inquest files, the substance of their testimonies were sometimes questioned and undermined based on their validity in relation to blood quantum. 'Half castes', who were neither fully white nor fully Aboriginal could not be trusted to know the true cause of death as their mixed identity perpetuated an anxiety about racial degeneracy.

This paper examines the 1907 inquest of 15-year-old 'half caste' Winnie Brown who was attacked and raped near Mr Smith's property at Mount Joseph, Tiaro, North Queensland. The investigation into her death includes the witness testimonies of property owners, police constables, the Government Medical Officer, employers, and family members, coupled with the testimonies of Winnie's Aboriginal family. In her inquest these testimonies present a a space for multiple narratives and social identities, while exemplifying how colonial and coronial discourses focussed on the unreliable Aboriginal victim and witness to write the settler colonial as honest and all knowing.

**Queer Liberation vs Gay Rights: Are All Members Truly Equal?**
Anenaa Cherian and Arnold Stanley, Karnataka State Law University

The LGBT movement calls itself a coalition of gay, lesbian, and transgender people, but are all members of the community given the equal recognition, privilege and rights? It is known that many people only accept and support the former (LG), not the latter (T). This paper outlines the dilemma the LGBT movement is in, stating the ways in which the LGBT rights opponents have benefitted from the disparity between LG and T. With the emergence of a new Queer Liberation Movement (QLM), a framework of justice and liberation rather than equality was fought for by the marginalized people of the LGBT community. The QLM is focused on a wider, more intersectional political agenda that includes: challenging the entire criminal legal system; extending health care and the social safety net; and advocating for comprehensive immigration reform, in contrast to the dominant mainstream Gay Rights Movement (GRM), which focuses on inclusion into existing systems (such as marriage and the military) and securing legal protections (such as non-discrimination laws and hate crime protections). This paper examines how these values and priorities affect the collective identity of the QLM and how it uses identity as a site for organizing social movements. It also looks at some of the most important theories that have been applied to the GRM and assesses how and whether they may also apply to the QLM. Finally, it offers alternative frameworks for understanding the QLM.

**Extra! Extra! Tabloid Justice: The news panic about a celebrity spy**
Caryn Coatney, University of Southern Queensland

Sensational anti-spy reporting has been a popular theme of tabloid journalism since the development of compact newspapers. News expressions of outrage have focused on scandals about so-called traitors. This paper explores the tabloid justice coverage of an event involving British accused spy and self-proclaimed journalist, Adela Pankhurst, and John Curtin, a hard-hitting, labour-oriented reporter who became Australia's Prime Minister during World War II. The daughter of pioneering feminist Emmeline Pankhurst, Adela Pankhurst had been a celebrity labour ally, joining Australia's anti-conscription protests in World War I. However, a press-inspired panic engulfed Adela Pankhurst and a circle of fascist sympathisers at the onset of another global war. By then, she had changed her political affiliation and produced a short-lived newspaper that was dubbed "Axis propaganda" in the popular press.1 Government investigators charged that she had become a pro-Nazi spy who had passed on war secrets to foreign agents. She was imprisoned for several months during the war. This study draws on the concept of moral panic that can involve stylised and stereotyped media representations about an individual threat.2 The paper counters traditional views that the wartime media cooperated in unison to generate an anti-spy panic. This study has discovered that the initial press panic about Pankhurst generated both news supporters and critics. News groups also showed Curtin's desire to distance his prime ministership from an anti-spy panic. As this paper argues, there is a need to consider the varied voices within journalism that have helped to calm a moral panic and provide different views beyond the media identity of a celebrity traitor.

**The Creation of a New International Commercial Uniform Regulation: 1970 TO 1980**
Inma Conde, The University of Sydney

From 1970 to 1980, representatives of different countries discussed the possibility of a new international uniform regulation that would not depend on national laws in the field of International Trade Law. This paper shows some of those discussions and the development of a new international interpretative rule that highly relies on legislative history as a method of interpretation.

International sales are essential for economic development and wealth. They do involve not only an economic benefit but also other advantages such as the exchange of new goods, technological innovations, culture, philosophy, language, and a wide variety of ideas. Furthermore, international sales are a peacemaking tool as they promote understanding and cooperation across peoples and nations worldwide. These considerations prompted the

establishment of the United Nations Commission on International Trade Law ('UNCITRAL') with the goal of promoting the progressive harmonisation and unification of the law of international trade. The study shows that international transactions cannot be governed by national laws or the unification of conflict rules because they are diverse, and disputes would be interpreted differently in each legal system. Also, national laws do not suit the international distinctive feature of international relations and business. They constitute an obstacle to the development of international trade. Creating a new international uniform regulation with its own interpretation rule was necessary.

**A Rule-of-Law State: lessons from Sir Joh Bjelke-Petersen's time as a Queensland lawmaker**
Julie Copley, University of Southern Queensland

The agreed beginning for contentions about the rule of law, the Australian High Court says, is that State power is exercised via 'promulgated, non-retrospective law made according to established procedures'. In a Rule-of-Law State, established legislative procedures comprise legal as well as political controls, confining legislators within the limits expected by the polity. The resulting paradox – that politicians regarded as 'fools and knaves who know or care nothing for justice and the common good' can make laws effecting constructive legal, social and economic growth and progress – is described in the legal and political theory of Jeremy Waldron and Conor Gearty as the 'dignity' of legislation.

Legislation's paradoxes are exemplified by late twentieth-century Queensland laws introducing innovative reforms to real property legislation – laws enacted throughout the period when Sir Joh Bjelke-Petersen was Queensland's Premier (1968-1987). This paper examines the making of that real property legislation against the rule of law jurisprudence of the Australian High Court and against the contemporary legal and political rule of law theory of Waldron, Gearty and Sir John Laws. It will emerge that the Bjelke-Petersen Government's legislation met three rule of law objectives common to the jurisprudence and the theory: predictability of promulgated rules; a commitment to established procedures; and a society bound by law. The findings are consistent with the rule of law caution urged by legal scholar Ronald Cass's: conformity should not be measured in discrete increments but viewed as the product of a State attending to rule of law limitations. Surprisingly, then, Sir Joh Bjelke-Petersen's time as lawmaker holds lessons for contemporary lawmakers in Queensland and for lawmakers in other Rule-of-Law States.

**Changing cohabitation practices in Japan after Christianity: the translation and production of knowledge about repudiation and divorce in the 16th and 17th centuries**
Luisa Stella de Oliveira Coutinho Silva, Max Planck Institute for Legal History and Legal Theory

When Christian missionaries arrived in Japan during the 16th century, they began to observe practices of cohabitation, covering their initiation, establishment, and termination. In an attempt to find parallels in their vocabulary, missionaries employed terms like marriage, divorce, and repudiation to describe these practices. In the instance referred to as repudiation, missionaries documented it as a prevalent custom in Japan, occurring frequently among both women and men. This was facilitated by the absence of ceremonies involved in the formation of Japanese marriages. However, the pragmatic literature and correspondence of these missionaries triggered discussions regarding novel practices that emerged in Japan after the conversion of the Japanese populace. Among these, missionaries reported instances of wives being repudiated due to their refusal to convert to Christianity alongside their husbands. Building upon these descriptions that encompassed moral theology and canon law, theological discussions, and case studies, this study introduces a novel approach to the missionaries' sources. It employs a women's legal history framework to offer further interpretations about the generation of knowledge surrounding the practice of repudiation, taking into consideration intersectional aspects such as status, position, religion, and gender. In a broader context, the paper also strives to demonstrate how practices revolving around the role of converted women in Japanese society redefined social standings and legal classifications as they underwent cultural translation. To do so, it analyzes concepts that had been present in Japan for centuries, at least since the 7th century, in Japanese legal history, such as "kisai" (棄妻). However, these concepts assumed varying connotations throughout different historical periods in Japan.

**'Anglo-Saxons' in the common law of Australia: the significance of a legal medievalism**
Clare Davidson, Australian Catholic University

This paper critically engages with the judicial use of 'Anglo-Saxon' as a cultural and racial signifier in the Australian legal system, historicising the concept through reference to contemporary historical research in Medieval Studies. I consider the historical significance of the term 'Anglo-Saxon' as a nineteenth-century racial ideology, before charting trends in its meaning and use in Australian case law. I theorise the concept of 'legal medievalism' as a means of engaging with legal facts and fictions that draw authority from politicised versions of premodern English history. I show the relationship between 'Anglo-Saxon' as a concept and the construction of legal identities and rights, drawing examples from significant decisions in land and criminal law. More broadly, this paper engages with the political and

analytical significance of 'Anglo-Saxonism' as a means by which the Western legal tradition is understood as 'a complex and enduring historical reality' in the Australian landscape.

**"And along came DNA" – The Applebee case and the introduction of DNA evidence in Australian courts**
Laura Dawes, Australian National University

In 1989, serial offender Desmond Applebee was tried in the ACT Supreme Court on charges of unlawful assault and engaging in unconsensual sexual intercourse – rape. Applebee at first claimed he was miles away and unconscious in his car at the time of the rape. The prosecution led what was a first in Australian courts - DNA testing - to show that Applebee had been there and had sex with his victim. DNA made "I wasn't there" no longer a tenable defence. The case provided a smooth ride to admissibility for this novel form of scientific evidence. This paper looks at how DNA evidence was explained to the court, the motivations for using it, and the challenges it presented – or ought to have presented - as an entree to considering how novel scientific evidence is introduced in Australian law.

**The Intersectional Challenges of the IDPs with Disabilities**
Olugbenga Damola Falade, University of Hull

The number of Internally Displaced Persons (IDPs) reached 71.1 million at the end of 2022, but data on the number of IDPs with disabilities are lacking, and there are no durable solutions to their plights. IDPs with disabilities do not belong to a single, homogeneous community because of their displacement. They have unique identities, characteristics, challenges, and environments in which they lived. Their status is not universally recognised while their population is not specifically identified. Their needs are not ascertained or provided for. Even with the Convention on the Rights of Persons with Disabilities, they are subject to several intersectional challenges based on their age, sex, gender, disability, and other characteristics. This study critically examined the intersectional challenges of the IDPs with disabilities and proffered solutions to the infringements of their rights. Intersectional theory was adopted, and doctrinal methodology was used. The study found that there are policies calling for the protection of the rights of people with disabilities caused by disasters, conflicts, and violence by including them in humanitarian action and sustainable development. The study argued that the IDPs with disability are in triple jeopardy, as they are disabled, displaced, and denied their rights. Without universal recognition of the status of the IDPs with disability, their actual number, and intersectional challenges, they will not be included in the plan of activities and the all-inclusiveness aim of the 2030 global goals for sustainable development will not be achieved. The study made several recommendations, including that the marginalisation of IDPs with disabilities be addressed, data accessibility be guaranteed, and their significant involvement in all decisions affecting them be encouraged.

**Book Panel: *The Rise of Mass Advertising: Law, Enchantment, and the Cultural Boundaries of British Modernity* (Oxford University Press, 2022)**
Anat Rosenberg, Reichman University
Hannah Forsyth, Australian Catholic University
Arlie Loughnan, The University of Sydney
Megan Richardson, The University of Melbourne

This panel will discuss Anat Rosenberg's new book, *The Rise of Mass Advertising: Law, Enchantment, and the Cultural Boundaries of British Modernity* (Oxford University Press, 2022), which is a first cultural legal history to trace the rise of mass advertising in Britain c.1840-1914. The emergence of this new system disrupted the perceived foundations of modernity. The idea that culture was organised by identifiable fields of knowledge, experience, and authority came under strain as advertisers claimed to share values with the era's most prominent fields, including news, art, science, and religiously inflected morality. While cultural boundaries grew blurry, the assumption that the world was becoming progressively disenchanted was undermined, as enchanted experiences multiplied with the transformation of everyday environments by advertising. Magical thinking, a dwelling in mysteries, searches for transfiguration, affective connection between humans and things, and powerful fantasy disrupted assumptions that the capitalist economy was a victory of reason.

**'No man's land': racial classifications and coloured women's oppression and opposition in apartheid South Africa**
Nadia Gregory, University of Wollongong

In mid-twentieth century South Africa, legal classifications surrounding race became official state policy with the introduction of apartheid. The country was segregated into four racial classifications - Black or Bantu, White, Indian or Asian, and Coloured, signalling a turning point in what was already a period of increasingly punitive legal measures by the government to ensure racial separation. As the legislation supporting racial segregation intensified, so too did the opposition movements within and across the colour line. I am researching how legal classifications in South

African apartheid led to unique experiences and forms of opposition, shown through the lens of a lesser focused on people within South African resistance: coloured women. I will research the legal classification of 'Coloured', highlighting the various laws that targeted coloured individuals, and explore how coloured people resisted and challenged the legal barriers in South Africa, through the stories of select coloured women. I hope to highlight the intersectionality of race and class within the legal system of apartheid and explore how different forms of resistance challenged oppressive legislature within South Africa.

**Intersectionality and Legal Identity: Important Concepts for AI in The Justice System**
Maya Arguello Gomez, Swinburne Law School

Artificial intelligence (AI) is increasingly being used within the justice system. There is widespread concern that AI technology has the potential to both improve and harm access to justice for marginalised groups. On the one hand, there is potential for AI to be used to identify and address bias in the justice system however on the other hand, AI can also be used to reinforce existing patterns of discrimination.

This paper will discuss why intersectionality and legal identities are important concepts to consider when assessing the potential impact of AI on the justice system. Intersectionality is the concept that different social identities, such as race, gender, and class, intersect and overlap to create unique experiences of discrimination and oppression. Legal identities are the ways in which people are classified and identified by the law. AI tools are increasingly being used within the justice system to aid in decision-making processes. This paper specifically considers the potential issues of bias, access to justice, and transparency and accountability that may arise as AI tools become more widely used and seek to classify both the intersectionality and legal identity of an individual.

**Enemy Subjects: First Nations Women and the Law in 1820s New South Wales**
Ben Hingley, University of New England

Aboriginal women of Australia, in the early decades of European colonisation of the continent, were both inside and outside the law. This was partly due to the unique legal and constitutional conditions of NSW as both a colony and a military-run prison. It was also a consequence of the inconsistent and undecided legal status of Aboriginal Australians as neither hostile combatants nor British subjects. Whether, and how far, British jurisdiction extended to Aboriginal people remained uncertain until well into the mid-1800s. Meanwhile Aboriginal customary law remained unrecognised by the common law.

Aboriginal women of the period were even less well represented, more vulnerable, and faced a wider range of dangers than Aboriginal men. Reprisals and raids on Aboriginal camps all too often occurred while the men were away, leading to the indiscriminate killing of non-combatant women and children.

In Bathurst in 1824 the Wiradjuri conducted a series of increasingly organised and deadly attacks on farms and cattle stations that collectively constitute some of the fiercest resistance to European intrusion in the history of the continent. This paper will explore the experience of Wiradjuri women during the conflicts. I hope to show how the records of the 1824 conflicts in Bathurst lay bare the gaps and contradictions in the legal historical narrative of European engagement with Aboriginal women. Crimes against Aboriginal women went either unreported or unpunished, with some arrests made but no convictions. As neither subjects nor hostile combatants, they had none of the protections, but many of the strictures, of British law.

**Immigrants, Lawyers, Colonisers: Intersectional Irish Identities in the British Empire**
Niamh Howlin, University College Dublin

In the nineteenth century, Irish-qualified barristers regularly took up legal appointments in British colonies. Ronayne, for example, has traced the contribution of Irish lawyers to the States of Australia in the nineteenth century. After the establishment of the Irish Free State in 1922, there was a steady flow of Irish barristers to far-flung parts of the British Empire. This appears to have been partly driven partly as a consequence of advertising by the Colonial Office and partly by a perceived lack of opportunity at home in the years after 1922.

Many went on to have lengthy careers in the Colonial Legal Service, serving as attorneys general and crown counsel, in, for example in the Gold Coast and Hong Kong. They sat as senior members of the judiciaries of the Bahamas, the Seychelles, the Leeward Islands, Gibraltar, Brunei, Cyprus, Kenya, Jamaica, Trinidad and Tobago and Uganda. Irish barristers were also represented in more junior judicial appointments in such places as Rhodesia and Malaya. Several of them were knighted for their services to the empire and the commonwealth.

This paper focuses on the backgrounds, motivations and experiences of Irish lawyers who worked in the Colonial Legal Service in the early twentieth century. It asks what this can tell us about intersectionality and the Irish experience, and it challenges assumptions of 'Irishness' and 'Britishness.'

The paper makes use of a range of sources, including records from the National Archives of Ireland, reminiscences and memoirs. It traces the experiences of Irish colonial lawyers and judges through legal periodicals and newspaper reports, and builds on the work of Ferguson and O'Shea to shed more light on a relatively neglected aspect of the Irish contribution to colonialism.

**Consent Education for Young People: A Reconsideration**
Lauren Humby, Naomi Ryan and Jill Lawrence, University of Southern Queensland

Despite online safety advice from the eSafety commission warning young people of the dangers of sexting, children between the ages of 13 and 15 continue to be at most risk of sharing intimate images. While the introduction of mandatory consent education in Australian schools was considered an important step to mitigate the dangers and encourage respectful relationships, the curriculum fails to consider the legal identities of young people. In Australia, depending on jurisdiction, the legal age of consent to participate in sexual interactions is between 16 and 17. This oversight may lead to dire legal consequences for those under the legal age of consent who willingly send and receive intimate images. A consequence of this existing education regarding consent may encourage erroneous assumptions of sexual agency and empowerment for young people under 16. For example, if a young person were to send an intimate image to another person, for instance a friend, this can have dire consequences, including criminal charges, relating to the creation and/or distribution of child pornography. This presentation explores the legal consequences for young people under the legal age of consent who share intimate images of themselves and others. Given one in three young people have sent an intimate image, and one in five feeling pressured to do so, it is vital that educators are equipped to deliver balanced information on consent. This would go a long way to ensuring that young people are aware of the legal impacts of image sharing when under the legal age of consent.

**"A Hardened Thief": Quanitar, Menang girls, and the criminal justice system at King George Sound**
Caroline Ingram, University of Western Australia

This paper examines the case of, a young Menang girl, Quanitar, and her interactions with the criminal justice system on Menang Country at King George Sound in the early nineteenth century. There has been little written on the experiences of Aboriginal women and girls who appeared as defendants in the criminal justice system. Some girls were as young as nine when they first appeared in a court of law. What were the experiences of these girls and how were they treated by the courts? Through the use of trial records, gaol records and Colonial Secretary's Office correspondence, I piece together the story of Quanitar - born around 1829 in the south-west of Western Australia and tried for theft in the Court of Quarter Sessions at Albany. Her case sheds light on the attitudes to Aboriginal children held by legal identities such as Magistrates Peter Belches and Alexander Cockburn Campbell. Through the use of crime records we gain an understanding of some aspects of Quanitar's life, and the lives of other Menang girls at that time. The case reveals tensions between colonists and Menang people in an area later referred to as "the friendly frontier" and exposes the methods used by magistrates in their attempts to resolve these conflicts. I argue that magistrates' treatment of Menang girls was influenced by racialised understandings of Aboriginal people as "thieves" and a lack of understanding of Menang Lore. Quanitar's case also shows us how Menang people were able, on occasion, to use the criminal justice system for their own advantage.

**Legal Personhood and Subordination Under the English Common Law, 1689-1760**
Emily Ireland, The University of Liverpool

Legal personhood is a concept that has proved slippery and changeable over time. Indeed, whilst the eighteenth century saw increasing popularity of the idea that every English citizen was entitled to complete equality under the rule of law, many scholars have shown how the law affected different groups of society, such as women, immigrants, children, enslaved people, non-Christians, and the mentally unwell, differently. Legal status, and thus legal personhood, was not a 'one-size fits all' concept. In addition to, and to a large extent because of, the prejudices of eighteenth-century English society, subordinated members of society were often bestowed with fewer legal rights than English adult men. Accessing and utilising the law was easier for some English subjects than others.

This paper examines the legal status of individuals under English common law during the period 1689-1760, paying particular attention to those whose legal status was modified in some way, for example married women, children, enslaved people, those of non-Christian faiths, and the mentally unwell. The law dictating the legal status of these groups of people during the eighteenth-century has been explored by scholars, but the majority of these studies have focussed on particular groups in isolation. This paper employs comparative and intersectional analysis to find differences and similarities in the laws that regulated the status of subordinated members of society in eighteenth-century England. By moving away from traditional, doctrinal legal histories that present eighteenth-century English law as a set of rules that impacted each citizen uniformly, this paper develops an overarching theory of eighteenth-century legal personhood that reflects the differences in doctrine for different members of society.

**“Are You Married or Not Married?”: The Intersection of State Legislation, Customary Law, and Local Marriage Customs on Defining Marital Status in Southeastern China at the End of the 20th Century**
Yuan Jing, The University of Queensland

This paper uncovers the ambiguity and complexity of defining a “Married” Hui’an woman, a female group on the coast of southeastern China, due to different marital status criteria set by the state legislation, customary law, and local marriage customs. The interplay between these three elements resulted in a meandering and unstable boundary of marriage status among Hui’an women at the end of the 20th Century.

This paper argues that the customary marriage ritual is the critical factor in defining the marital status of Hui’an women. Once a Hui’an woman has gone through these covenantal “Six Rituals” of contracting a marriage, she is considered “Married” and vice versa.In contrast, registering a marriage with a government authority was not a necessary condition for a Hui'an woman to be considered "married" by herself and her community, although the idea that a marriage must be registered to be valid was already prevalent in a significant portion of the country by the end of the last century.

Further than this, the Hui'an women's unique marriage custom of "Extended Natal Stay" complicates the situation even more. Hui'an women would not shift their residence to the conjugal homes from the natal homes after marriage until she gives birth to a child. As Hui'an women use various means, including elaborate hairstyles, to avoid "early" sexual intercourse with their husbands, this "Extended Natal Stay" can last as little as two years to as long as twenty years. As a powerful active factor, this practice can dismantle marriages contracted in accordance with traditional rituals and undermine the foundations of registered marriages and render them null and void.

This paper concludes that the ambiguity and complexity of Hui'an women's marital status, caused by the interplay between local marriage custom, the customary law and state legislation, plays crucial role in their stigmatisation by mainstream China.

**Legal Identities and Cloaked Histories, Part II: Judicial Archives**
Tanya Josev, The University of Melbourne

Following on from Tanya Josev’s presentation in 2022, this paper looks at access to Australian judges’ personal archives in comparison to practices in several other jurisdictions. It examines explores both the cultural factors and regulatory impacts that curtail the retention of documents and ephemera from judicial life. The paper attempts to unpack some of the values and policies which underpin retention policies in a comparative context.

**Lapidary structures of Colonial Rule in Papua and New Guinea**
Geoff Keating, University of Southern Queensland

Australian colonial rule in Papua and New Guinea was derived from three very distinct strands, which existed simultaneously and dictated the future trajectory of development in the colony. Australian legislative authority, derived from the Crown, was ultimately the major determinant of law within the territory, while various treaties made under the auspices of the League of Nations and United Nations dictated legal powers within the Trust Territory of New Guinea. However, the day-to-day administration of these colonies was delegated by legislation to be exercised by the Lieutenant Governor of Papua and Administrator of New Guinea.

The legislated framework which established sovereignty in Papua and New Guinea is unique, as it is one of the first instances of the British Empire voluntarily ceding territory to a subordinate power; the attempted annexation of Papua by Queensland laying the groundwork for this. Colonial power in post-World War I New Guinea is established under the League of Nations Mandate system, which has broad implications for governance and sovereignty. Finally, Australian parliamentary legislation, the Immigration Restriction Act (1901) and the Pacific Island Labourers Act (1901).

This paper will examine the legal structures established by legislation and treaty and the practical implications for governance in the Australian colonial period. It will aim to outline the limits of power placed on the governor and officials of the territory and the importance of this constitutional arrangement when faced with World War II.

**Wife Sales and Legal Responses in Colonial Australia**
Henry Kha, Macquarie University

Wife sales was an informal method of divorce that emerged in 18th century England. The practice involved a husband parading his wife in public and then auctioning the wife to the highest bidder or the husband selling the wife to another man in a deed of conveyance. The practice of wife sales was brought to colonial Australia, and it was practiced in the 19th century. Wife sales were never legally valid as contracts. Although wife sales did not legally dissolve marriages, the practice emerged in response to the desire of the husband or the collusion of the married couple to

separate and informally divorce, because divorce was practically impossible for many ordinary people to access. The presentation will explore the topic of wife sales from the perspective of legal history by considering the cases where parties were prosecuted for making a wife sale, the law of marriage and divorce in colonial Australia, and relevant external sources, such as newspapers and commentaries about the practice of wife sales in colonial Australia.

**At Sea and on the Waterfront: Discrimination Law and Women's Work**
Diane Kirkby, University of Technology Sydney

Fifty years ago, Australia ratified the UN Convention on the Elimination of Discrimination Against Women. Thus began a new era in women's labour history. At state and later the federal government level, newly passed anti-discrimination legislation changed the expectations of employment. No longer could employers advertise and hire on the basis of sex. Women could imagine and apply for new workplace opportunities. Under initiatives from the Whitlam government, women's organisations pushed and the ACTU adopted and pursued a policy of getting women into new occupations. These were the higher paid trades traditionally reserved for men through the legal awards system of industrial tribunals and compulsory arbitration. Unions had to change their agendas, and sometimes their rules.

This paper is concentrating on this 1970s moment of legislative intervention, documenting the change which occurred over the next two decades in the maritime industry where women had previously only been able to work as stewards, catering and cooking, cleaning and caring. The paper explores the role and potential effectiveness of law in breaking down traditional sex segregation and gender inequality in male-dominated workplaces at sea and on the waterfront. The argument will build on the experiences of women who sought these new careers as wharfies, engineers, deck crew and officers. As women negotiated the overwhelming maleness of the dockworking and seafaring workforce, facing significant challenges and sometimes considerable resistance, they developed new skills and a sense of empowerment. Their presence impacted on the maritime unions for whom collectivism and modes of resistance to class exploitation have historically been critical to their gender identity and militant activism has been a form of gendered power.

**Fostering Equality: Navigating Intersectionality and the Women's Reservation Bill in India**
Satish Rai and Varshunn Bhan Miskeen, OP Jindal Global University

This article delves into the multifaceted discourse surrounding the revival of the women's reservation bill, sparked by an all-party meeting in December 2022. It highlights the often-overlooked aspect of intersectionality within the debate over women's representation. Initially passed by the Rajya Sabha in 2010, the bill lapsed with the dissolution of the 15th Lok Sabha in 2014. This lapse provides an opportunity to examine the paradoxical positions held by those who support one form of reservation but oppose gender-specific reservations. The analysis uncovers the stance of parties that have obstructed the women's reservation bill. These parties contend that their disagreement does not revolve around women's reservations but rather emphasizes the necessity of including reservations for marginalized women from Muslim, OBC, and SC/ST backgrounds. This issue finds its roots in the concept of intersectionality. Further, this paper discusses the constitutional underpinnings of the demand for the women's reservation bill through Article 14 (equality before the law and equal protection of the law) and Articles 15 and 16 (special measures for women and marginalized communities). It traces the trajectory of the Indian feminist movement's approach to the bill, acknowledging its shortcomings in understanding intersectionality.

By drawing upon Kimberlé Crenshaw's intersectionality framework, the article illustrates how the call for women's reservation necessitates addressing the diverse experiences of Dalit, Adivasi, Muslim, and Bahujan women to ensure equitable representation. The paper references historical instances, such as the rejection of special measures by women members of the Indian Constituent Assembly, to highlight the limitations of the conventional understanding of equality and advocate for more holistic approaches. Furthermore, the article examines the provisions of the women's reservation bill and identifies the absence of intersectionality within its drafts, notably the lack of provisions for OBC and minority women. The role of political parties in shaping women's representation is also explored, underscoring the need to consider gendered notions of electability and socio-economic factors. In conclusion, the article emphasizes the imperative of incorporating intersectionality into discussions around the women's reservation bill.

**'A convict in her own right': Re-thinking prisoner classification in Western Australia, 1829-1868**
Emily Lanman, University of Notre Dame

Criminal offenders in colonial Western Australia are categorised as either prisoners or imperial convicts, with the latter featuring more in academic research. As a result, the language used to discuss convictism has dominated the study of crime in Western Australia between 1829 and 1868. This has also resulted in a conflation between the colonial and imperial incarceration systems. This is problematic for two reasons. First, it continues to centre white British men in the narratives surrounding colonial crime in Western Australia. Second, it places offenders into an

uneasy binary that is far more complex than what is presented in the literature. Recent research has begun to address this by expanding the convict category to include the Parkhurst Apprentices and Aboriginal men sent to Wadjemup; however, this leaves the prisoner/convict binary intact. To rectify this issue, this paper is based on research that introduces a framework that includes five categories of offenders: imperial convicts, colonial convicts, transitional convicts, local prisoners and prisoners of war. Analysing offenders through this framework makes it possible to create a more nuanced picture of crime in colonial Western Australia, for example, by analysing those sentenced to transportation within the colony that, despite the common narrative, Western Australia did have convict women. The most notable of the women was Mary Trubee, who was convicted of arson in 1852 and sentenced to fifteen years transportation. More broadly, by looking at the offenders themselves, not just at criminal statistics, it becomes apparent that criminals in Western Australia were more diverse than has previously been considered. This paper explores how expanding the convict/prisoner binary to a five-category framework can provide a far more diverse understanding of criminal offenders in Western Australia between 1829 and 1868.

**Advisory Proceedings on Climate Change: Insights from Ricoeur's Hermeneutics**
Mohammadhossein Latifian, Monash University

The United Nations General Assembly (UNGA) adopted, by consensus, a resolution requesting an advisory opinion from the International Court of Justice (hereafter the ICJ or the Court) on the obligations of states in respect of climate change. In answering the questions posed by the UNGA, the Court will refer to specific internal and external precedents regarding international environmental law to clarify the obligations of states in respect of climate change. While the ICJ is not a specialist court in environmental law, it has interpreted some principles of international environmental law, such as the no-harm principle, in its own precedents.

The Court's precedents act as a lens through which the Court interprets the nature and scope of environmental principles. However, these precedents may be re-examined during the ICJ advisory proceeding in order to operate efficiently in the context of climate change. The question arises as to how the ICJ can interpret the precedents to fit them in the context of climate change. This question is necessary since it is the first time the Court will render an advisory opinion on climate change, posing an existential threat to the international community.

This article aims to show that the ICJ can render its precedents fit for the purpose of climate change. The judicial precedents, which articulate the nature and scope of environmental principles, are not static but are evolving over time and space. While the ICJ often adheres to its own jurisprudence, on certain occasions, it wholly or partially departs from its own precedents in order to fit the jurisprudence with the specific context of the case at hand. By contextualizing environmental precedents, the ICJ can strive to achieve contextual justice in the context of climate change.

**The English Enclosure Laws: Economic Progress or Tool of Oppression?**
Joanne Lee, The University of Queensland

This paper will examine the legal history of the English enclosure laws from a critical intersectional legal perspective. It will trace the history of the enclosure laws from the beginning of the seventeenth century to the beginning of the twentieth century, during which a series of acts that made common land private were enacted. It will examine the treatment of the peasantry and their oppression under the guise of 'private property' – justified by law. It will also examine the underlying jurisprudence of those enclosure laws to illuminate the Anglo-American concept of private property.

The paper adopts a critical approach that unveils the centuries of oppression of peasantry under the guise of the law, namely 'private property' in the English context. While contemporary western society may no longer be a feudal one, the paper contends that not only do significant structural and systemic socioeconomic inequalities persist, but that the global economic capitalist system itself is built on such inequalities, albeit manifested in different ways as capitalism has evolved and matured. These inequalities can be traced back in no insignificant part to the institutionalisation of private property, and in particular, the Anglo-American concept of private property. The enactment of enclosure laws marked a very significant turning point in the legal history of socioeconomic inequality that warrants close examination.

Much of the intersectional legal research so far is focused on the intersection between the law and race, sex, and gender, but little attention has been paid to the intersection between law and socioeconomic class. More research is critical, as the role of the law in relation to socioeconomic class has been neglected. It is the law that is the foundation of the global economic capitalist system which is the cause of ever-increasing socioeconomic inequality, wealth disparity, and the systemic oppression of the poor.

**Understanding Laws of Country: Lessons from the Battle of Meerwah (One Tree Hill)**
Rhett Martin, University of Southern Queensland

The Battle of One Tree Hill (Battle of Meerwah) 12 - 13th September 1843 represents a rare example of Aboriginal men - including members of the Jugerra Nation - successfully standing up to white settlers who had instigated conflict by shooting an Aboriginal man on One Tree Hill. The resulting series of pitched battles saw escalating violence in the Lockyer valley area. The earlier invasion of Aboriginal land and poisoning of between 50 - 60 Aboriginal people in 1842 on Kilcoy Station was a likely trigger for the battle. This paper examines the legal environment in which this event occurred. It was clear that the state sanctioned punitive action was permissible at this time as the settler response involved both local squatters and border police. Vigilante responses were apparently permitted without apparent regard to the legal consequences of such actions. The legal environment of the time was unable to address land ownership across the racial divide and was devoid of any dispute management capability. Aboriginal leaders such as Multruggerah resorted to the only response left open to them given the colonial laws were totally at odds with Aboriginal laws operating at the same time respecting country. This paper examines both sets of laws operating at the same time, their disparities are examined, their conflicts highlighted, and the outcomes dissected. The important lessons from the Battle are discussed as a factor to learn from and reconcile all forms of law so that they can directed at respecting country. Understanding the law as a means of respecting country and understanding how this can be advanced is the theme of the paper.

**Intersectionality and Adoption – an Australian Experience**
Noeleen McNamara, University of Southern Queensland

On 21 March 2013, then Prime Minister Julia Gillard delivered a National Apology for Forced Adoptions. In this statement, she apologised on behalf of the Australian government to mothers, fathers, adoptees, and other family members who were adversely impacted by practices where consent to adoption was not freely given (either due to coercive practices or social or familial pressures). The largest number of adoptions (at least 150,000) took place between 1951-1975. At that time, often single women were seen as 'unfit' mothers who were encouraged – or forced – to adopt their babies to married couples. Yet 10 years on from this Apology, there is concern amongst stakeholders that little else has been done. There is no doubt that people involved in adoption – be they birth parents, adoptive parents or children – may still be feeling grief and even discrimination, as a legacy of their involvement with adoption. Yet the literature suggests that Intersectionality is focused principally on intercountry adoption. However, the lived experiences of various people interviewed for the Australian Institute of Family Studies' "Past adoption experiences" (2012) is that adoptees who are adopted even within the same culture, can experience discrimination.

Focusing on the history of government policies and legislation, this paper will discuss the history of adoption in Queensland, as an Australian case study. It will discuss why legislation was introduced and how the legislation was amended over time to change the privacy or secrecy aspects of the adoption process. For instance, the 'closed adoption' that was in place under the Adoption of Children Act 1964 (Qld) has been replaced by a shift requiring adoptive parents to be open to contact by birth families. This in itself has radically changed the experience for families involved in the process and has perhaps opened old wounds for birth mothers and fathers.

**Intersectionality and Legal Identity: The Struggle of Transgender Individuals in India**
Nachiketa Mittal, National Law Institute University

This paper focuses on the intricate issues of intersectionality faced by transgender individuals in India, highlighting their challenges in claiming legal identity despite landmark Supreme Court of India's judgments. The study examines the Transgender Persons (Protection of Rights) Act, 2019, and questions its efficacy in light of broader socio-economic dynamics. Transgender individuals in India, historically marginalized and ostracized, have often been compelled to earn their livelihoods through door-to-door singing at social functions like births and marriages. This paper analyzes their predicament, underscoring the intersections of poverty, illiteracy, backwardness, and social exclusion, which can lead to practices like beggary and illicit trades.

Transgender individuals' historically outcasted in Indian society is a critical backdrop influencing their present-day experiences. The practice of earning by singing door-to-door at social functions contrasts starkly with the social exclusion and economic vulnerability they face due to historical biases and societal norms. Besides, limited opportunities for sustainable livelihoods often force them into practices like beggary and involvement in illicit trades, perpetuating economic vulnerability and societal discrimination.

This research aims to contribute to the discourse on the challenges faced by transgender individuals in India, emphasizing the need for comprehensive legal, policy, and societal measures. The landmark judgment in the National Legal Services Authority v. Union of India case recognized transgender individuals' right to self-identify their gender. However, despite legal advancements, their struggle to claim legal identity persists, and it reflects a gap

between judicial intent, political will and on-ground realities. This study seeks to foster a more inclusive understanding of transgender experiences by examining the intersections of historical suppression, weak political will, and socio-economic factors. This research may finally also feed into a larger dialogue on intersectionality and legal identity debate in the context of larger group of sexual minorities including LGBTQ community in India.

**Navigating Intersectionality: A Comprehensive Analysis of Immigrant Women's Rights within Australia's Legal Landscape**

Zaina Najeeb and Abdur Razzaq, St Joseph's College of Law

This legal research paper explores the complex area of immigrant women's rights and offers a thorough analysis through the intersectionality lens. Australia, which has a long tradition of accepting foreigners, has a strong commitment to diversity and societal integration. The delicate interplay between oppression and identity is examined against the backdrop of this dedication, which is deeply ingrained in the nation's laws, regulations, and social structure.

The fundamental idea of intersectionality reveals the complicated intersection of multiple identity characteristics and how various forms of oppression appear. For instance, the combination of race and gender for a woman of colour is an example of the multiplicative, rather than additive, character of discrimination. Framework becomes a powerful tool for understanding the layered issues these women face when its multiplicative effect is acknowledged.

This research emphasises how systemic discrimination multiplies disadvantages, especially for non-dominant groups who lack equal access to privilege and power. These disadvantages continue even in the absence of overt prejudice in systems because structural barriers like language, poverty, and migration status can keep inequities between different demographic groups alive.

This research reveals the complex mechanisms influencing the rights of immigrant women by examining a variety of case studies, policy, and legal precedents. It explores the challenges of navigating legal institutions while battling discrimination in its many manifestations. The paper also examines the interaction between intersectionality and immigration laws, highlighting any possible flaws that require correction. This study adds to the current conversation about social justice, intersectionality, and the quest of equal rights for all through a careful consideration of the Australian context.

**Shaping Equitable Labour Law Landscapes: The Global Influence of Intersectionality and the Role of the ILO**

Thandekile Phulu, University of Pretoria

Intersectionality's approach to legal identities and equitable workplaces has shaped global labour law. The notion of intersectionality is a framework that analyses the interactions among many aspects of identity, including gender, ethnicity, age, and disability inter alia. Intersectionality highlights the interplay between several elements that together shape the experiences of people in workplaces throughout the global landscape. By examining a wide range of relevant legal precedents and legislative frameworks, this paper investigates the transformational possibilities of intersectionality in the context of labour law. The paper reveals how intersectionality operates as a framework that exposes various forms of discrimination experienced by persons whose identities overlap, therefore shedding light on a full range of legal identities within the realm of labour relations. Significantly, the paper explores the role of the International Labour Organisation (ILO) in the development of intersectionality within the field of labour law, highlighting the role of the ILO's guiding principles and anti-discrimination standards in promoting a comprehensive and fair comprehension of legal identities. These efforts have contributed to the advancement of labour law by stimulating a worldwide discourse on the implications of intersectionality. As labour law experiences ongoing changes, the concept of intersectionality becomes more significant, giving rise to the development of carefully crafted legal approaches that effectively handle the complex combination of overlapping identities. Consequently, it offers the potential for the development of workplaces that are inclusive, diverse, and equitable. By proposing significant changes to the fundamental principles of labour law, this paper suggests the possibility of improving workplace practises and enabling.

**'Virtually Outlaws in their Native Land which they have never Alienated or Forfeited': The 'Incompetence' of Aboriginal Witnesses in 19th century colonial Australia**

David Plater, University of Adelaide

This paper draws on a forthcoming book chapter with Andrew Alexander and Holly Nicholls. It considers the law of witness competence applying to Aboriginal witnesses in 19th century colonial Australia. After British colonisation, there was strong awareness of the rule of law and the ostensible need for equity and justice for all. Yet Aboriginal witnesses were deemed 'incompetent' witnesses, unable to testify as they did not believe 'in a future state of reward and punishment' and were 'destitute of the knowledge of God'. The British law of witness competence was designed

to ensure that only 'reliable' testimony was presented. However, this law was arbitrarily applied in 19th century colonial Australia and ignored Aboriginal lore and beliefs. This paper contrast this to the acceptance of the testimony of other non-Christian witnesses in this period and note the efforts at reform, which belatedly allowed in the mid-1800s the 'unsworn' testimony of Aboriginal witnesses. Such laws proved relatively swift and uncontentious in South Australia, but encountered hostility in New South Wales and did not pass there until 1876. However, the effects of such laws proved limited, and the testimony of Aboriginal witnesses was still regarded as inferior to 'sworn' evidence. This paper looks at such notorious cases as Chapman in 1834 and James Brown in South Australia in 1849. The law of competence in its application to Aboriginal witnesses raises continuing implications.

**Rethinking treaty formation in early colonial Australia in light of the contemporaneous experience of Sierra Leone, 1787-1793**
David Prosser, University of Bristol

Britain's decision to commence building colonial Sydney without attempting to purchase the land from the Eora was unusual for its day, as evidenced by the settlement of Sierra Leone, a British colony founded at exactly the same time. Two fleets, one with convicts, the other with free African-American Loyalists, both led by British naval commanders, departed England within a few weeks of each other. On the west coast of Africa, the naval commander in charge sought out leaders of the Indigenous Temne, negotiated for several weeks, and purchased - through treaty - the land that today makes up Freetown.

Considered together, these two colonial beginnings offer fresh insights on the formation of ideas around sovereignty and land ownership as the British empire expanded in the late eighteenth century. Colonial policy at the time invariably served British national interests with little recourse to the humanitarian arguments of the nineteenth century. And Britain's national interest was generally served by what we term 'asymmetrical' treaties. This makes their absence in Australia more puzzling. It led to an immediate confusion around legal identity - precisely whether Indigenous Australians were meant to be British subjects or enemy combatants. The 'insidious national myth' of terra nullius - to use Bruce Kercher's phrase - would not develop for several decades.

This paper examines Britain's intentions and the effects of its actions in Australia through comparison with Sierra Leone. I consider the instructions provided to each commander and degree of parliamentary scrutiny each venture received. I look at Indigenous resistance and the impacts of disease in the first few years. I conclude that anthropology and the lack of European-style agriculture fails to explain the absence of treaties in Australia as some legal historians have argued. Instead, we must consider the precedents created by first encounters and foundational moments.

**"Enemies in our midst": Parental Advocacy and Child Sexual Abuse in Australian Institutions**
Shannon Ross, The University of Queensland

The release of the Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) in 2017 had a dramatic impact on social and academic understandings of the crime of child sexual abuse and marked a watershed moment in understandings of the history of childhood and institutions in Australia. Throughout the twentieth century, historical perceptions of the role of children in society, in addition to the asymmetrical power dynamics present within institutions catering to children, bred the perfect conditions for their sexual exploitation. Many of these stories remained a secret burden that many victims bore alone, though some did have the courage and the means to speak out about their experiences, either in personal circles or to figures of authority. However, for many victims of institutional child sexual abuse, it was not until the RCIRCSA that their stories were heard and believed, and that meaningful legal action was initiated.

In this paper, I will explore how the act of disclosing abuse to personal and formal figures was received, and subsequently how the reception of this information impacted the lives of those who were abused, both short and long term. Further, I will also discuss how the opportunities to disclose or the resources available for the advocates of abuse were not proportional between European Australians and First Nations Australians. Given that the victims were children at the time of their ordeals, parents made up a large portion of the figures to which abuse was disclosed, however other figures included law enforcement, teachers, government officials, members of the clergy and other general workers with which the children frequently interacted. The influence of their advocacy (or lack thereof), while a far cry from the power the offending institutions held over victims, represents a significant part of the healing journey victims of institutional child sexual abuse must take.

**Representations and Narrative Patterns in the Age newspaper's reporting on sexual assault against women and teenage girls, 2011-2012**
Zara Saunders, Australian Catholic University

In 2022 the Australian Bureau of Statistics recorded an annual increase in the number of reported sexual assaults between 2011 and 2021. This data also revealed that victims were six times more likely to be female. Yet it is important to recognise that despite these high reporting rates sexual assault remains an underreported crime. The media play a fundamental role in shaping public discourses on societal issues such as sexual violence, and can therefore influence the direction of and assumptions underlying policy proposals, law reforms and jury decision making. It is therefore crucial to interrogate the narratives and ideas media institutions construct and disseminate. My PhD dissertation examines Melbourne's The Age print newspaper's reporting on sexual assault against women and teenage girls during the period between 2011 and 2021. It seeks to investigate how the identities, interests, and actions of 'perpetrators' and 'victims' were represented overtime, and determine how The Age engaged with and understood the social and legal concept of consent. In this paper, I will present my preliminary findings for the two-year period 2011-2012, discussing statistical trends and narrative patterns.

**Victims in a 'chamber of horrors': The legal identities of wives in the marital bed in late 19th century and early 20th century Australia**
Zoe Smith, Australian National University

The 1736 pronouncement of Chief Justice Sir Matthew Hale, in which he declared that 'a husband cannot be guilty of rape upon his wife', rendered marital rape a legal impossibility in Britain as well as in Australia who would inherit this British framework with colonisation. However, by the 1880s, wives' lack of legal personhood in the bedroom was beginning to be questioned in law and literature both in Britain and Australia. This paper examines how wives' legal identities in the marital bed began to shift throughout the late nineteenth and early twentieth century in New South Wales, Queensland, and Victoria. Although colonial women's literature began to critique married women's lack of bodily autonomy from 1880 onwards, it was only after the precedent-setting English case of R v Clarence in 1888 that judges in the colonies began to consider the legal identities of married women in their decisions as to what constituted 'cruelty' and therefore was a viable ground for a judicial separation. Based on my examination of divorce case files from New South Wales, Queensland, and Victoria, I argue that individual judges granted wives legal personhood in relation to two 'unacceptable' forms of masculine marital behaviour in the bedroom, namely a husband's forced insistence upon marital relations against her consent, and the 'wilful communication of a loathsome disease', i.e. the deliberate or unknowing infection by of a wife with venereal disease by her husband. This was, however, subject to the judge's discretion – with no guarantee that what constituted cruelty in one case would be considered equally in a different case, even in the same colony. Despite this, it is clear that these judgements formed part of a broader conversation about wives' legal identities being held in both the courtroom as well as the pages of newspapers and colonial women's fiction, that demonstrate that by the end of nineteenth century a husband's unrestricted access to his wife's vagina, and his wife's lack of legal personhood in the marital bed, was no longer unquestioningly accepted.

**Academic Blogging and the Public Humanities in the Twenty-First Century Knowledge Economy**
Ana Stevenson and Danaé Carlile, University of Southern Queensland

This professional development workshop will offer insights into the benefits and challenges of public engagement, specifically academic blogging. Drawing on data collection from a new research project about academic blogging in the university sector's core domains of teaching, research, and service, this workshop will offer insight into knowledge production and scholarly communication in the twenty-first century. The speakers will offer participants evidence-informed advice about academic blogging, thus presenting an opportunity for historians and other scholars to use and apply the new knowledge to emerge from this research. There will also be activities to support participants in thinking about how to translate their research for public engagement. New insights will particularly relate to how academic blogs are being used within the scholarly community and beyond. Knowledge gained will support participants in the development of professional capacities such as understanding the impact of academic blogging and building a research community. This workshop is specifically aimed at Higher Degree by Research candidates and Early Career Researchers, but participation will benefit all scholars at any career stage, especially those without significant experience of public engagement.

**Homosexuality – Bjelke-Petersen's scapegoat and the enduring impact on Australia's aging gay men**
Michael Stockwell, University of Southern Queensland

Sir Joh Bjelke-Petersen was premier of Queensland for nineteen years, a period which is widely regarded to have been an era of conservatism and widespread corruption. The era was also characterised by the repression and

brutalisation of homosexual men. While Sir Joh Bjelke-Petersen's term ended in 1987, the legacy of his government's brutalisation and repression continues to impact on the lives of homosexual men who survived this time. This research aims to explore how this regime impacted the lives of homosexual men, with a particular focus on understanding how it continues to shape and influence how older gay men engage with legal and administrative systems and services in the present. Data will be collected primarily through interviews with homosexual men who lived in Queensland during this era and were affected by the governmental ideology. It is important that the research commences now because as this community ages and moves into the latter part of their senior years, their stories and firsthand experiences may soon be lost. This thesis will contribute to a burgeoning body of research on LGBTQIA+ history in Australia by providing an insight into the Queensland experience which to date, has yet to be explored from this perspective.

**'In-Between Black and White': Defining Racial Boundaries in Colonial Natal**
Paul Swanepoel, University of KwaZulu-Natal

Mahmood Mamdani has argued that a system of 'define and rule' lay at the heart of a revamped system of British colonial rule – indirect as opposed to direct rule – that developed from the middle of the nineteenth century onwards. In analysing parliamentary discussions, case law and newspaper reports concerning definitions of 'race' dating from the turn of the twentieth century in the colony of Natal, this contribution affirms Mamdani's general thesis and provides examples of the practical and ideological difficulties that arose in the process of attempting to define people according to 'race' and 'tribe'. This contribution asserts that the process of definition was inherently messy, ambiguous and contradictory and was never fully resolved on the ground. Certain individuals and groups tended to fall between broad definitions of 'race' and 'tribe', both of which illustrated the ideological fault lines inherent in a system based upon racial categorisation, giving rise to practical problems of law and governance. Several different themes relating to the general issue outlined above are analysed. First, a number of judgments of the Supreme Court of Natal during that period that concerned various individuals and groups who did not neatly fit into any of the formal definitions of race in use at the time are looked at. Secondly, the contribution examines an extensive debate that took place in the Legislative Assembly of the colony of Natal in 1905 regarding the Native Definition Bill. Finally, the contribution examines the related theme of mixed marriages, of which a number were reported in the colony's newspapers around that time.

**Hermaphrodites and the Legal Construction of Gender in Roman-Canonical European Jurisprudence of Medieval and Early Modern Period**
Andreas Thier, University of Zurich

In the European legal tradi4on of an4quity, the Middle Ages, the pre-modern period, and to some extent still in modern times, various rights and du4es were tied to gender status, such as the scope of legal capacity to act. This status-establishing function of gender, however, was challenged when a clear assignment to the female or male gender was not readily possible. A typical problem of this kind was the situa4on of hermaphrodites. This ques4on, already thematized in Roman law (cf. Digesten 1.5.10), arose again and again. In the learned jurisprudence of the Middle Ages and the early modern period, a some4mes quite broad spectrum of solutions developed. It ranged from the transfer of the competence to judge to the court to the consideration of the possibility of three genders to the thesis of the authority of the hermaphrodite to choose the status-establishing gender himself. The paper will explore these possible solutions. Concrete case studies will be included, such as the controversial debate about the gender of Giovanni Malaspina, an Italian nobleman, and his posi4on as heir. Here and in view of other similar constellations, it will be made clear how legal normativity became a tool for the binary construc4on of gender, but at the same 4me depended precisely on such constructions when this binarity reached medical-biological limits.

**Romantic Hero or Entangled Everyman: Interpretations of Abberline in From Hell**
Matthew Thompson, University of Southern Queensland

The murders of 1888 that have popularly been attributed to the figure known as Jack the Ripper left an indelible mark on historical narratives surrounding serial killers, the Victorian Era and sexual violence. This has been perpetuated by various re-constructions of the Ripper in popular culture that also reflect contemporary cultural anxieties. Just as these anxieties have created numerous re-constructions for the Ripper, they have also created numerous re-constructions for the police who were tasked to hunt the killer down.

Much of these re-constructions have focused on Detective Frederick Abberline, who was tasked to investigate the Ripper murders due to his familiarity with the Whitechapel area. Two of the most intriguing constructions of the Detective can be found in the Alan Moore and Eddie Campbell graphic novel From Hell and its cinematic adaptation, directed by the Hughes Brothers with Johnny Depp as the Scotland Yard Inspector. Both texts have Abberline as a

central figure, but are influenced both by their mediums, as well as their contemporary contexts—Thatcherite Britain for Moore and Campbell and 'Cool Britannia' for the Hughes Brothers.

This paper will examine the contrasting way that these constructions of Inspector Abberline interact with important elements of the Ripper murders—including questions of class, gender and poverty in order to not only commentate on the Victorian Era, but also on contemporary perspectives of Britain. Through these elements the paper will be able to show how as a prominent member of the police force, Abberline can be constructed to allow institutional failings to be exposed or smoothed over. By doing this, this paper will show how the character of Abberline has been an underestimated cog not only in Ripper mythology, but also how greater historical narratives surrounding the murders are perpetuated or challenged.

**Did the Third Charter of justice make any difference to the ecclesiastical jurisdiction in New South Wales?**

Prue Vines, University of New South Wales

The ecclesiastical jurisdiction in NSW gave the right to grant probate or administration in relation to personality. It wasn't until 1890 that Land was included in this package. In previous papers I have investigated why the inheritance jurisdiction took so long to change how it dealt with land. In this paper I attempt to articulate more clearly the differences between the law of inheritance in the UK in 1788 and what went on in the new colony. This is not easy to discern because the judiciary assumes knowledge on the part of the parties that I do not have. There appear to be some ad hoc moves which are distinct and the period before the third charter is somewhat unclear. I will attempt to get access to court archives in order to see what procedural processes were in operation.

**Understanding the Interconnection between Intersectionality and the Basics of Human Rights Law**

Ivneet Kaur Walia, Rajiv Gandhi National University of Law

The diverse identities in human race impact not only the realizations and violations but also the enforcement of human rights law. The society sometimes transgress their horizons to belittle the individuals because of their gender, race, religion, sexual orientation etc., without realizing that they are violating the very fundamental rights of those individuals. The discourse about their rights mostly improves but majorly disrupts their day-to-day life. This makes us wander if intersectionality can facilitate assurance of human rights. Whether the methodology, tools and techniques embedded in the theories of human rights can help us minimize the differences dividing the mentality of our society. The paper will be an attempt to understand the osmosis of threads of intersectionality and human rights law in order to understand their relationship in a structured way. The law in the present times is not well equipped to develop and convey the reality and rationality that lies at the bedrock of intersectionality. Intersectionality is being thought of as a critique to equality and discrimination laws. The idea of intersectionality has now stretched beyond domains of equality and discrimination laws. The intersectionality illuminates the divides, differences and disadvantages on basic interest of people in terms of life, liberty, housing, education, healthcare etc. which are subjectively granted as per individual's identity. The idea of discussing intersectionality through the lens of human rights is the approach of making fundamental rights universally. The paper will trigger discussion by answering the questions like, what is intersectionality? Where does the concept come from and what ideology does it pertain to? Is it a concept that concerns black feminism or does it engulf a wider space with more concerns? The paper will be descriptive and analytical in nature. The author will make a comparative study of human rights law and refer to case studies. The author in the end will try to narrow down the pertinent principles and theories that can protect not just the identity of an individual but also secure the basic human rights and fundamental freedoms for a fair and just living.

**Dr Evatt and the Genocide Convention: 'an epoch-making' moment**

Sarah Williams, University of New South Wales

This paper engages with 'identity' to explore the complexities presented by activities commonly termed 'financial crime' for societies experiencing them- past and present. It orients the conference theme towards suggesting how intersecting identities might challenge legal responses to financial crime, working from common representations of these activities as being different from 'ordinary' crime (Bequai, 1978); as not part of the '"real crime" problem' (Levi, 1987); and as 'crime lite' (Wilson, 2022) etc. In explaining how these ideas appear to flow from financial crime being widely analysed as white-collar crime, the paper is framed using the seminal work of Edwin Sutherland.

The paper draws on research undertaken on financial crime in Britain during the nineteenth century (Wilson, 2014) to explore Sutherland's proposition that business people do not conform '… to the popular stereotype of "the criminal"' (1945). Engaging also with Sutherland's classic definition of a white-collar crime (1949), the paper uses this historical research to propose that intersecting ideas of 'criminal identity' and 'respectable identity' presented significant unease and discomfort for contemporaries. It argues that this arose from the complexities at play in securing legal and wider societal acceptance of what contemporaries considered novel crime, and themselves termed 'financial crime'. In

illuminating this, much significance is attached to how these early experiences of financial crime coincided with both contemporary recalibration of the 'economy of deterrence' (Eastwood, 1993), resulting in popularised stereotyping of a 'criminal class' and earliest attempts to articulate law with industrial capitalism.

The paper posits that perceived conflict between 'criminal identity' and 'respectable identity' occurring through this exposure to financial crime was very significant in forging contemporary perceptions of criminality which could be very different from 'criminal class' deviance. In outlining how this might have had lasting impact on perceptual and enforcement experiences in twenty-first century Britain, the paper closes by reflecting on how these considerations might play out in the Australian context. From outlining a research agenda for this, closing thoughts focus on early-stage archival work, and accounts of social hierarchy and egalitarianism to be found in Australian legal history (e.g. Kercher, 1995), and engaging also with the possible significance of J Q Whitman's theorisation of 'harsh justice' in the US (2003).

**Intersections of 'criminal' and 'respectable' identities past and present: Reflecting on findings from nineteenth-century Britain in the search for an Australian history of financial crime**
Sarah Wilson, University of York

This paper engages with 'identity' to explore the complexities presented by activities commonly termed 'financial crime' for societies experiencing them- past and present. It orients the conference theme towards suggesting how *intersecting* identities might challenge legal responses to financial crime, working from common representations of these activities as being different from 'ordinary' crime (Bequai, 1978); as not part of the '"real crime" problem' (Levi, 1987); and as 'crime lite' (Wilson, 2022) etc. In explaining how these ideas appear to flow from financial crime being widely analysed as white-collar crime, the paper is framed using the seminal work of Edwin Sutherland.

The paper draws on research undertaken on financial crime in Britain during the nineteenth century (Wilson, 2014) to explore Sutherland's proposition that business people do not conform '… to the popular stereotype of "the criminal"' (1945). Engaging also with Sutherland's classic definition of a white-collar crime (1949), the paper uses this historical research to propose that intersecting ideas of 'criminal identity' and 'respectable identity' presented significant unease and discomfort for contemporaries. It argues that this arose from the complexities at play in securing legal and wider societal acceptance of what contemporaries considered novel crime, and themselves termed 'financial crime'. In illuminating this, much significance is attached to how these early experiences of financial crime coincided with both contemporary recalibration of the 'economy of deterrence' (Eastwood, 1993), resulting in popularised stereotyping of a 'criminal class' *and* earliest attempts to articulate law with industrial capitalism.

The paper posits that perceived conflict between 'criminal identity' and 'respectable identity' occurring through this exposure to financial crime was very significant in forging contemporary perceptions of criminality which could be very *different from* 'criminal class' deviance. In outlining how this might have had lasting impact on perceptual and enforcement experiences in twenty-first century Britain, the paper closes by reflecting on how these considerations might play out in the Australian context. From outlining a research agenda for this, closing thoughts focus on early-stage archival work, and accounts of social hierarchy and egalitarianism to be found in Australian legal history (e.g., Kercher, 1995), and engaging also with the possible significance of J Q Whitman's theorisation of 'harsh justice' in the US (2003).

## Biographies

**Isa Abiodun Alade**
Deakin University

Isa Alade is currently a PhD Candidate at Deakin Law School, Melbourne, Australia. His specific area of research is in financial services and fintech law. Beyond academic research, for over 15 years, he has been a practising lawyer with Banwo & Ighodalo (www.banwo-ighodalo.com), one of the largest law firms in Nigeria. His practice focuses on corporate law and financial services/fintech law. He is ranked as a leading expert in the individual categories for fintech and financial services by international legal ranking firms like *Chambers & Partners*, *Legal500*, *who-is-who-legal* and *International Financial Law Review (IFLR1000)*.

**Amanda Alexander**
Australian Catholic University

Amanda Alexander is a Senior Lecturer and Deputy Head of School at the Thomas More Law School, Australian Catholic University, Australia. Her research deals with the history of international humanitarian law and the laws of armed conflict. Her publications include "A Short History of International Humanitarian Law," published in the *European Journal of International Law*, and "The 'Good War': Preparations for a War Against Civilians," published in *Law, Culture and the Humanities*.

**Dr Matthew Allen**
University of New England

Dr Matthew Allen is a Senior Lecturer in Historical Criminology at the University of New England, Australia. His diverse research is focused on understanding the unique and extraordinary transition of New South Wales from penal colony to responsible democracy, and the way that this process was shaped by the conflict between liberal ideals and authoritarian controls within the British world. His work on the history of alcohol, policing, summary justice and surveillance has been published in *Australian Historical Studies*, *History Australia*, the *Journal of Religious History*, and the ANZ *Journal of Criminology* and he is currently writing a monograph for McGill-Queens University Press, entitled *Drink and Democracy: Alcohol, Politics and Government in Colonial Australia, 1788-1856*.

**Bridget Andresen**
The University of Queensland

Bridget Andresen is a PhD Candidate in History at The University of Queensland, Australia, and a member of the *Lilith: A Feminist History Journal* Editorial Collective. Her research investigates rape trials in mid-twentieth century Queensland, centralising the experience of victims in order to highlight ongoing prejudices and injustices within the criminal justice system.

**Avinash Kumar Babu and Tanya Singh**
Amity University Jharkhand

Dr. Avinash Kumar Babu is currently working as Assistant Professor at Amity Law School Ranchi, Amity University, Jharkhand, India. He holds Ph.D. in Law, LL.M. and LL.B. from Hemvati Nandan Bahuguna Garhwal (A Central) University. Dr. Kumar holds over 10 publications in several reputed National and International Scopus Index, UGC Care Listed/ Peer reviewed journals. Not only this, he has over 20 paper presentations and has also organized several National and International Conferences, Seminars, Symposiums and Workshops. He is also an active member of All Indian Human Right Association. He is an avid reader and his area of interest lies in Cyber Law, Constitution Law and Human Rights.

Ms. Tanya Singh is currently working as Assistant Professor at Amity Law School Ranchi, Amity University, Jharkhand, India. She is UGC-NET qualified and currently pursuing Ph.D. at Department of Legal Studies, Banasthali Vidyapith, Rajasthan. She holds an integrated B.A.LL.B. degree from Jindal Global Law School, Sonipat and LL.M.(IPR) from Amity University, Noida. She has publications in UGC Care journals, referred journals, book chapters and have made paper presentations in various national and international seminars, conferences, workshops and Faculty Development Program. She is also the recipient of 'Young Professor of the Year' Award by International Leadership Awards, Eduleaders Awards in the year 2022.

**Tuba Azeem and Umar Rashid**
Victoria University of Wellington and University of Adelaide

Tuba Azeem is a doctoral candidate at Faculty of Law, Victoria University of Wellington, New Zealand. She is investigating the legal history of Med fisherfolk of Balochistan, their land and sea rights. Tuba has previously worked on perceptions mapping for the coastal communities of districts of Lasbela and Gwadar with the Institute of Policy Studies, Islamabad and explored resource management and distribution under mining regulations of Dera Bugti region with the Centre for Strategic and Contemporary Research. Tuba was Concours Jean-Pictet Fellow of

international humanitarian law and participated in the Global Undergraduate Exchange Program of the US Department of State. She is the recipient of International Committee of the Red Cross scholarship and Victoria Doctoral Award.

Umar Rashid is a PhD candidate at the Adelaide Law School, Australia. His thesis focuses on the international refugee regime and the interactions of the states with the regime, with a focus on Australia and Pakistan. Umar holds a Master of Laws (LLM) from the New York University School of Law on a Fulbright Scholarship, where he was the Mamdouha Bobst Global Scholar, and a Bachelor of Laws from the University of London. Before commencing his PhD Umar was the Associate Director of the School of Law and Policy and Faculty Advisor for the Center for Human Rights and Justice (CHRJ) at the University of Management and Technology, Pakistan. His research interests are public international law, global governance, refugee law, comparative constitutional law, and legal theory.

**Arunava Banerjee**
Ashoka University

Arunava Banerjee (he/they) is a BA LLB (H) student with specialization in International Law and Organisation from Amity University, Kolkata, India, and currently a Young India Fellow at Ashoka University. Arunava has presented research papers in prestigious international conferences organized by Indian Society for International Law, Generations for future generation Conference by University of Wrocław, Indian Law Institute, Jawaharlal Nehru University, Aligarh Muslim University Banaras Hindu University and in the Biannual Conference of Asian Society for International Law in Bandung, Indonesia. Arunava finds core interest in public international law, humanitarian law, refugee law, international organisations contemporary international relations, legal theory and ideas of degrowth.

**Dr Susan Bartie**
Australian National University

Dr Susan Bartie is a DECRA Fellow and Senior Lecturer at the ANU College of Law, Australian National University, Australia. The work underpinning this presentation is supported by a Discovery Early Career Researcher Award funded by the Australian Research Council, DE220100264.

**Professor Kathy Bowrey**
University of New South Wales

Dr Kathy Bowrey FASSA is a Professor in the Faculty of Law at the University of New South Wales, Sydney, Australia. She is a legal historian and socio-legal researcher whose research explores laws and practices that inform knowledge creation and the production, distribution and reception of technology and culture. Her primary expertise relates to intellectual property, information technology regulation, regulatory theory, media practice, business history, feminist scholarship and a concern for Indigenous rights.

**Dr Jeremie Bracka**
RMIT University

Dr Jeremie M. Bracka is an Australian-Israeli human rights lawyer and academic at RMIT University's Graduate School of Business and Law, Melbourne, Australia. He lectures in constitutional law, law and memory, human rights law, international law, and transitional justice. In recent years, Dr Bracka was a lecturer at Hebrew University, Minerva Center for Human Rights (Jerusalem) and Monash University (2014-2022). His recent book focuses on transitional justice in ongoing conflict and the role of truth-telling in civic identity (Springer, 2020). Dr Bracka has been widely published in Oxford University Press, Cambridge University Press, and the Melbourne Journal of International law. He has worked as a legal advisor at the International Criminal Tribunal for Rwanda, Israel's Permanent Mission to the U.N, Israel's Supreme Court, and the Israeli Ministry of Foreign Affairs.

**Dr Max Bruce**
Australian National University

Dr Max Bruce is a Lecturer in the College of Business and Economics at the Australian National University, Australia. Having formerly lectured with the College of Business Government and Law at Flinders University and taught as an Associate Teacher with the University of Adelaide Law School, he has also previously practiced as a Barrister and Solicitor, and he is admitted to practice in the High Court of Australia and the Supreme Court of South Australia.

**Dr Paula Jane Byrne**
State Library of New South Wales

Dr Paula Jane Byrne is a Visiting Scholar at the State Library of New South Wales, Australia. She is the author of *Criminal Law and Colonial Subject* (Cambridge, 1993) and *The Diaries and Letters of Ellis Bent* (Desert Pea, 2012). She has lectured in Australian and Aboriginal History at Macquarie University, Murdoch University, and the Australian National University, and held research positions at The University of Sydney, the Australian National University, and the University of New England.

**Tonia Chalk**
University of Southern Queensland

Tonia Chalk (she, her) is a Budjari woman from Southwest Queensland, currently living and working on Giabal, Jarowair, and Western Wakka Wakka country, known as Toowoomba. She has been a Lecturer in the School of Education at UniSQ for eleven years and is currently a confirmed PhD candidate in the Griffith University School of Humanities. Tonia's thesis investigates the coronial records of eleven Aboriginal females who died in suspicious circumstances in Queensland during the late nineteenth and early twentieth centuries. Her unique analysis of the archive aims to give voice to Aboriginal girls and women whose lives and violent deaths have been silenced in colonial coronial records. By challenging the legacies of racism, colonial power and coronial biases, her re-interpretation of inquest files seeks to humanise and personalise these women and girls. It is through remembering the deceased as a living person in the inquest that we can begin to understand the agency of Aboriginal women and girls during this period and take ownership of those narratives in Aboriginal family stories, including her own.

**Anenaa Cherian and Arnold Stanley**
Karnataka State Law University

Anenaa Teresa Cherian is a student in my 5th year of B.A. LLB at St. Joseph's College of Law, Bengaluru, India. Her legal journey has been shaped by a profound interest in cyber law, international law, and corporate law. Over the span of four years, Anenaa Theresa has delved into various internships, gaining practical insights that complement these academic pursuits. In the realm of legal scholarship, Anenna Theresa has contributed to the discourse through blogs and papers.

Arnold Stanley is a student in my 5th year of B.A. LLB at St. Joseph's College of Law, Bengaluru, India. Over the years, his areas of interests have ranged from public international law to human rights, international law, and arbitration respectively. Arnold has explored these interests through various avenues by participating and having won numerous competitions such as essay writing, virtual legal marathon, and a national moot. In addition, Arnold has also received certifications from Harvard University and Stanford University and have published research papers and articles in various national and international journals pertaining to areas relating to international law and alternative dispute resolution.

**Dr Caryn Coatney**
University of Southern Queensland

Dr Caryn Coatney is a Lecturer (Journalism) at the University of Southern Queensland, Springfield campus, Australia. Caryn's role includes coordinating a wide variety of journalism and communication courses in the undergraduate and postgraduate programs. Caryn has been an award-winning investigative journalist in Australia and internationally and worked in many fields of communication extensively. She has received global awards for her research. Her publications include *John Curtin: How He Won over the Media* (Australian Scholarly Publishing, 2016) and articles in leading journals including *Journal of Australian Studies*, *Journalism* and *Mass Communication Educator*, *Media History*, *Media International Australia*, *Cosmopolitan Civil Societies* and *Labour History*. Caryn has completed a research fellowship at the Australian Prime Ministers Centre in the Museum of Australian Democracy at Old Parliament House, Canberra. Other roles include Queensland representative in the Executive Committee of the Australia and New Zealand Communication Association. Previously, Caryn lectured in journalism and the media at Curtin University.

**Inma Conde**
University of Sydney

Inma Conde is a PhD candidate at The University of Sydney Law School, Australia.

**Dr Julie Copley**
University of Southern Queensland

Dr Julie Copley is a Lecturer (Property and Construction Law) at the University of Southern Queensland, Ipswich campus, Australia. In 2022, her PhD was awarded from the University of Adelaide. The focus of her research is property law theory, legal and political theory, and the theory and practice of legislation and legislating.

**Dr Luisa Stella de Oliveira Coutinho Silva**
Max Planck Institute for Legal History and Legal Theory

Dr Luisa Stella de Oliveira Coutinho Silva is a researcher at the Max Planck Institute for Legal History and Legal Theory and a trained lawyer in Portugal and Brazil. She graduated in Law and Psychology, and received her MSc and PhD in Legal History from the University of Lisbon. She specialises in Women's Legal History in the Portuguese Empire, and her current research project investigates the conversion of Japanese women to Christianity between the 1540s and the 1630s from a global legal history perspective.

**Dr Clare Davidson**
Australian Catholic University

Dr Clare Davidson is a historian and literary scholar of late medieval and early modern England whose interdisciplinary work focuses on love, law, and medievalism. Her first book *Love in Late Medieval England* is contracted with Manchester University Press. Clare previously worked on the ARC Discovery Project, "A History of Early Modern Natural Resource Management," led by Professor Susan Broomhall, where her research examined gender and property law in early modern England and how these inflected understandings of the material world. Her current research analyses the use of medievalism in the Australian legal system, bringing together her interests in the history of law and the politics of periodization.

**Dr Laura Dawes**
Australian National University

Dr Laura Dawes is a writer, broadcaster, researcher and historian, specialising in the public communication of science. Her research interests are in the intersections of science/medicine, public policy and the law. Her research projects have included investigations of health messaging, advocacy and public education; research controversy; patient activism; climate change and health; and the communication and use of science and medicine within the law.

**Olugbenga Damola Falade**
University of Hull

Olugbenga Damola Falade, FHEA, is a law lecturer and a legal practitioner with extensive experience in the field of human rights, and sustainability. He is a member of the Society of Legal Scholars and Chartered Institute of Arbitration, United Kingdom. He is currently a Ph.D. candidate and an associate lecturer at the University of Hull, England. His dissertation examines the human rights of Internally Displaced Persons and proffers durable solution to their plights. He is presently involved in the EC-Asia Research Network on the integration of global and local agric-food supply chains towards sustainable food security, and currently working on the integration of a cold chain into the seafood supply chain in Thailand through regulations. He has a series of publications to his credit.

**Nadia Gregory**
University of Wollongong

Nadia Gregory is a PhD candidate in History at the University of Wollongong, Australia. She specialises in South African history. Her particular focus is on women's roles in the movement against apartheid in the mid to late twentieth century. Her previous research included the comparison of black leaders in South Africa and the United States in the mid-twentieth century. This led to a passion for researching how underrepresented groups and individuals were part of broader resistance movements against racist systems.

**Maya Arguello Gomez**
Swinburne Law School

Maya Arguello Gomez is a Lecturer in Law and PhD Candidate at Swinburne Law School, Australia. Her current research focus is on the role of AI in sentencing and potential impacts AI tools might have on the justice system.

**Ben Hingley**
University of New England

Ben Hingley is a recent convert to legal scholarship, following several decades as a teacher and performer of music. He is presently a Master of Philosophy (Laws) candidate and sessional academic at the University of New England, Australia. His thesis is on martial law in early colonial New South Wales.

**Associate Professor Niamh Howlin**
University College Dublin

Dr Niamh Howlin is an Associate Professor at the Sutherland School of Law, University College Dublin, Ireland. Her primary research interests are Legal History, Criminal Trials and the Legal Professions. She sits on the Council of the Irish Legal History Society and on the Irish Manuscripts Commission.

**Dr Lauren Humby, Dr Naomi Ryan and Professor Jill Lawrence**
University of Southern Queensland

Dr. Lauren Humby is a criminologist in the School of Law and Justice at the University of Southern Queensland, Toowoomba campus, Australia. A recipient of the Education Horizon Grant in 2022, Lauren, along with her co-collaborators, designed a toolkit to assist educators integrate legal literacy into consent education for 12-15-year-olds. As a speaker at the Australian and New Zealand Law and History Society Conference, Lauren and her co-presenters highlight the disconnect between consent education and the legal framework. Their presentation emphasises the crucial need for legal literacy in schools, urging a more unified approach to consent education across both educational and legal realms.

Dr Naomi Ryan is a multidisciplinary researcher at the University of Southern Queensland, Toowoomba campus, Australia, dedicated to understanding and addressing the needs of marginalised populations. Her research delves into the experiences of marginalised youth who complete secondary education through flexible learning, examining the impact on their career development and wellbeing. In her current projects, she navigates the challenges faced by rural social enterprises, focusing on employability skill development for disadvantaged individuals. Additionally, Naomi spearheads an academic preparation program (UniPrep) for Year 11 and 12 students, offering transition support and academic writing skills for alternative entry into university degrees. Her work reflects a commitment to inclusivity and social justice.

Professor Jill Lawrence is Head of the School of Humanities and Communication at the University of Southern Queensland, Toowoomba campus, Australia. Her nationally and internationally recognised research emanates from a range of collaborative projects crossing disciplines, programs and institutions. This research includes higher education research, Learning Threshold Outcomes across the Humanities disciplines in Australia, the transition experiences of the diversity of students accessing higher education, and the facilitation of diversity and inclusion in higher education contexts.

**Caroline Ingram**
University of Western Australia

Caroline Ingram is a PhD candidate at the University of Western Australia, Australia. Her thesis examines the experiences of women tried in the upper courts of Western Australia, 1830-1890, and the outcomes of those trials, including the legal procedures that affected women's trials, the way in which those trials were gendered and the experience of Aboriginal women in the criminal justice system.

**Dr Emily Ireland**
The University of Liverpool

Dr Emily Ireland is a lecturer at The University of Liverpool, UK. Emily completed her LLB in Law and Criminology at the University of Manchester (UK) in 2015, an LLM in Law at University College London (UK) in 2016, and a PhD in Law at the University of Adelaide in 2020. Emily's research interests are in socio-legal and feminist histories of the English criminal law, equity, and family law. She is interested in how subordinated peoples have negotiated the law over time. Emily is the author of a growing number of publications on eighteenth and nineteenth-century women and the law.

**Yuan Jing**
University of Queensland

Yuan Jing is currently a PhD student and academic tutor in the School of Historical and Philosophical Inquiry at The University of Queensland, Australia. She holds a master's degree in Chinese history and has been researching extensively in the field. Her current research looks at the history of marginalised female groups in China, focusing on a particular group called "Huian women" and how they are impacted and shaped by legislation, policy and social economic changes.

**Dr Tanya Josev**
University of Melbourne

Dr Tanya Josev is a senior lecturer at Melbourne Law School, Australia. She researches in twentieth-century High Court politico-legal history and in judicial biography, and was the 2022 Woodward Medallist at the University of Melbourne for her research in these areas.

**Geoff Keating**
University of Southern Queensland

Geoff Keating is an Associate Lecturer (Pathways) and PhD candidate in History with UniSQ College, University of Southern Queensland, Toowoomba campus, Australia. A Kunja man living on Giabal, Jagera and Jarowair land, and experienced educator, Geoff has worked across diverse and challenging educational environments and is passionate about Indigenous education in truth-telling and Australian history. Geoff's research focus is on Colonial and Imperial systems, particularly those in the Pacific region, and the experience of Indigenous people wherein.

**Henry Kha**
Macquarie University

Dr Henry Kha is Senior Lecturer in Law at Macquarie University, Australia. He researches the legal history of family law. He published a monograph in 2021 with Routledge on *A History of Divorce Law: Reform in England from the Victorian to Interwar Years*. Henry was also the Australian National Rapporteur to the International Academy of Comparative Law for the 2021 Thematic Congress on the theme of "Diversity and Plurality in the Law: Family Forms and Family's Functions." He published a journal article in 2022 in the *Australian Bar Review* on "The Unification of Australian Divorce Law under the Matrimonial Causes Act 1959", which was supported with a research grant from

the Francis Forbes Society for Australian Legal History. Henry is currently the Treasurer (Australia) of the Australian and New Zealand Law and History Society.

**Professor Diane Kirkby**
University of Technology Sydney

Professor Diane Kirkby is Professor of Law and Humanities at the University of Technology Sydney, Australia, and Research Professor Emeritus at La Trobe University, Australia. She has published extensively on labour history. Her latest book *Maritime Men of the Asia-Pacific: True-Blue Internationals Navigating Labour Rights, 1906-2006* was published by Liverpool University Press in 2022. She is currently working on an ARC-funded project with La Trobe University colleagues, Dr Emma Robertson and Dr Lee-Ann Monk, on women in male-dominated transport industries.

**Satish Rai and Varshunn Bhan Miskeen**
OP Jindal Global University

Satish Rai is a faculty member at O.P. Jindal Global Law School in Sonepat, India. He has a B.A.LL.B (Hons.) degree from Chanakya National Law University, Patna and an LL.M degree with a focus on Intellectual Property Right Law and business laws from National Law Institute University, Bhopal. He is also pursuing his Ph.D from the same university. Satish lives in Patna, Bihar and loves reading. He is fond of non-fiction books that provide a legal perspective on various issues.

Varshunn Bhan Miskeen is a budding lawyer and a final year student of B.A.LL.B (Hons.) at Hidayatullah National Law University, Raipur, India. She has a keen interest in Corporate Law and aspires to excel in this field. She has completed her schooling from Ahlcon Public School and currently resides in New Dehi, India.

**Emily Lanman**
University of Notre Dame

Emily Lanman is a PhD candidate in History at the University of Notre Dame University, Australia. Her broad research interest is the institutions used in the nineteenth century to control and main social order in Britain and across the empire. Emily's current PhD research focuses on the experiences of colonial prisoners in Western Australia's prisons between 1829 and 1868. Her Master of Philosophy thesis explored Fremantle Gaol as an example of Jeremy Bentham's panopticon prison and was a joint winner of the 2022 Margaret Medcalf Award.

**Mohammadhossein Latifian**
Monash University

Mohammadhossein Latifian is a PhD candidate in International Law at Monash Law School, Monash University, Australia. A graduate of Paris-Sud University, Mohammad's research delves into the transformative power of interpretation within international climate law, specifically in the context of advisory proceedings. Grounded in Ricoeur's hermeneutics, his work situates the law in the past, belonging to the realm of history, while emphasising that adjudication (litigation) is a present concern. Mohammad sees the task of interpretation as an art that connects both the past and the present, contributing valuable insights to the evolving landscape of international climate law.

**Joanne Lee**
University of Queensland

Joanne Lee is a PhD Candidate at the TC Beirne School of Law, The University of Queensland, Australia. She started her thesis in 2019 and is expected to graduate in 2023. Her research is focused on the jurisprudence and legal history of issues such as global finance, capitalism, money, economic justice, and usury.

**Associate Professor Rhett Martin**
University of Southern Queensland

Associate Professor Rhett Martin is an Associate Professor (Law) in the School of Law and Justice at the University of Southern Queensland, Toowoomba campus, Australia.

**Professor Noeleen McNamara**
University of Southern Queensland

Professor Noeleen McNamara is a Professor (Law) in the School of Law and Justice at the University of Southern Queensland, Ipswich campus, Australia.

**Dr Nachiketa Mittal**
National Law Institute University

Dr. Nachiketa Mittal is a Professor of ADR at the National Law Institute University, Bhopal, India.

**Zaina Najeeb and Abdur Razzaq**
St Joseph's College of Law

Zaina Najeeb is a passionate law student at St. Joseph's College of Law, India, where she is pursuing her B.A.LL.B. Zaina Najeeb has set out on a path to better comprehend the complicated relationships between law, society, and justice. She has a strong dedication to academic excellence and a passion for researching challenging legal issues.

Abdur Razzaq A is a committed student actively pursuing a legal education at St. Joseph's College of Law, India. Abdur Razzaq A constantly displays a motivation to actively contribute to the area of law and have a beneficial impact on individuals who are frequently underrepresented, driven by a strong commitment to academic excellence and a fervent fascination for pressuring into intricate legal problems.

**Thandekile Phulu**
University of Pretoria

Thandekile Phulu is a law lecturer at Triumphant College, Namibia. She is currently completing a Doctor of Laws Degree (LLD) at the University of Pretoria, South Africa. She completed both her LLM and LLB (cum laude) at the University of South Africa. Her research interests include the impact of technology and artificial intelligence on the employment relationship with a particular focus on the conflict between employer and employee rights, labour rights, women's rights, children's rights, environmental rights and the intersection of gender, equality and law. Some of her papers have been presented at international conferences and published in international journals. She has also written book chapters on labour law, environmental law, women's rights and children's rights.

**Associate Professor David Plater**
University of Adelaide

Associate Professor David Plater is currently an Associate Professor at the University of Adelaide, Australia, and is Deputy Director of the independent South Australian Law Reform Institute (SALRI) based at the Adelaide Law School. He worked for a number of years with the Crown Prosecution Service in Kent and London. David was a Senior Crown Prosecutor at the Youth and Inner London Crown Court branch of the CPS. He subsequently worked from 2008 to 2018 with the State DPP in South Australia and then the State Attorney-General's Department where he was involved with such major projects as the Disability Justice Plan and the Statutes Amendment (Vulnerable Witnesses) Act 2015. He has previously lectured at the University of South Australia and the University of Tasmania (where he retains an active role as an Adjunct Associate Professor).

**David Prosser**
University of Bristol

David Prosser is a PhD researcher in the Department of History at the University of Bristol, UK. His research focuses on Indigenous-British relations in the period 1770 – 1840 and asks why no treaty was attempted in Australia. He adopts a transnational approach by comparing what happened here with practice elsewhere to draw out new insights. He is currently a Richard Gunter Scholar at the Menzies Australia Institute, King's College London and was previously the Australian Bicentennial Scholar, spending three months at Macquarie University in 2019. David was formerly a producer for BBC radio and lived in Sydney from 2001-2004. He spent fifteen years with the BBC charity the World Service Trust, latterly BBC Media Action, where he became Head of Programmes.

**Dr Anat Rosenberg**
Reichman University
**Associate Professor Hannah Forsyth**
Australian Catholic University
**Professor Arlie Loughnan**
The University of Sydney
**Professor Megan Richardson**
The University of Melbourne

Dr Anat Rosenberg is based in the Harry Radzyner Law School at Reichman University. Between 2017 and 2020, she was a visitor at the Faculty of History, the University of Cambridge and the Institute of Advanced Legal Studies, the University of London, as well as Wolfson College and thereafter Emmanuel College, the University of Cambridge. She completed her LL.B. magna cum laude at the Hebrew University, and her PhD in 2011 at the Tel Aviv University direct doctoral course. She is a Fellow of the Royal Historical Society.

Dr Hannah Forsyth is a historian and writer in the Blue Mountains, and now Adjunct Associate Professor at the Australian Catholic University. She is author of *Virtue Capitalists: The Rise and Fall of the Professional Class in the Anglophone World 1870-2008* (2023) and *A History of the Modern Australian University* (2014).

Professor Arlie Loughnan is Professor of Criminal Law and Criminal Law Theory at the University of Sydney Law School. Her research concerns criminal law, legal theory and legal history. Arlie's particular interests are

constructions of criminal responsibility and non-responsibility, the interaction of legal and expert medical knowledges and the historical development of the criminal law.

Professor Megan Richardson is a Professor of Law at the Melbourne Law School, the University of Melbourne. Her fields of research and publication include intellectual property, privacy and personality rights, law reform and legal theory.

**Shannon Ross**
University of Queensland

Shannon Ross (she/her) is a first year PhD candidate in the field of history at the University of Queensland, Australia, in Brisbane (Meanjin). She holds a first-class honours degree and was awarded the 2021 Margaret Julia Ross Prize in Australian History for her thesis. Her PhD research focusses on cases of abuse presented in the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, and analyses how historical perceptions of children and childhood contributed to the development, occurrence and understandings of these instances of child sexual abuse. The purpose of this research is to contribute to public recognition of and responses to this crime and to highlight the experiences of the victims, as well as to give prominence to the disparity in the historical and contemporaneous experiences of Indigenous Australians with relation to children and institutionalisation.

**Zara Saunders**
Australian Catholic University

Zara Saunders is currently undertaking a PhD in Cultural History at the Australian Catholic University in Melbourne, Australia, researching *The Age* print newspaper's coverage on sexual assault against women and teenage girls from a historiographical lens. Her research interests include women's history and the intersection of history, media, and politics.

**Zoe Smith**
Australian National University

Zoe Smith is a PhD candidate in the School of History at the Australian National University, Australia. Her research explores cultural understandings of domestic violence in Australia's eastern colonies between 1880-1914, centring on the fiction and non-fiction writings of Barbara Baynton, Ada Cambridge, Louisa Lawson, and Rosa Praed, in order to illuminate gendered discourses and ideas surrounding femininity, masculinity, and domestic violence. Her honours thesis (2021) 'Violation and Violence: The Hornet Bank massacre and interracial rape on the nineteenth century Queensland frontier' utilised the 1857 Hornet Bank massacre as a case study in order to examine gendered and racialised ideals and discourses surrounding interracial rape in mid-nineteenth century Queensland. She has published and presented on histories of sexual violence, domestic violence, Australian and colonial literature and film, masculinity, and gender and race in the context of nineteenth-century Britain and Australia.

**Dr Ana Stevenson and Danaé Carlile**
University of Southern Queensland

Dr Ana Stevenson is a Senior Lecturer (Pathways) with UniSQ College at the University of Southern Queensland, Toowoomba campus, Australia. In 2016, she co-founded *VIDA: Blog of the Australian Women's History Network* with Dr Alana Piper. Since 2022, Ana has led teams of Higher Degree by Research Candidates as editorial assistants for *VIDA*, offering research and professional experiences through the Graduate Research School's Summer Research Scholarships which support career development in academia and beyond.

Danaé Carlile is a Master of Research (History) student at the University of Southern Queensland, Australia. Graduating in 2022 with a Bachelor of Arts (History), Danaé's research examines migrant and transnational histories of the Scottish Highlands toward contemporary society alongside the development of Scottish Women's History. Danae joined the editorial team of *VIDA: Blog of the Australian Women's Network* during a 2022-23 Summer Research Scholarship affiliated with UniSQ's Graduate Research School.

**Michael Stockwell**
University of Southern Queensland

Michael Stockwell is a PhD candidate in the Centre for Heritage and Culture at the University of Southern Queensland, Toowoomba campus, Australia.

**Dr Paul Swanepoel**
University of KwaZulu-Natal

Dr Paul Swanepoel is a Senior Lecturer in the School of Law, University of KwaZulu-Natal (UKZN), Durban, South Africa. Prior to joining UKZN in 2013, Paul graduated with an undergraduate MA (Hons) in History from the University of St Andrews, which was followed by a LLB degree from the University of Natal. He then completed articles in Durban and was admitted as an attorney. He returned to Scotland to read for a master's and PhD in African Studies at the Centre for African Studies at the University of Edinburgh. Paul teaches Administrative Law, Constitutional Law

and Jurisprudence as part of the LLB programme at Howard College, as well as History and Philosophy of Constitutionalism, part of the LLM programme in Advanced Constitutional Litigation.

**Professor Andreas Thier**
University of Zurich

Professor Andreas Thier studied history and law in Tübingen and Munich. After receiving his doctorate and habitation in Munich, in 1997 and 2002, he became professor of civil law and German legal history at the University of Münster. In 2004, he moved to the University of Zurich, where he is a full professor of legal history, canon law, legal theory, and private law. Andreas Thier's research focuses on the history of medieval canon law, the history of tax law systems, the relations between time and law, and the development of the European private law tradition. Andreas Thier is head of the Center for Research in Legal History, co-spokesman of the Initiative for the Humanities at the University of Zurich, and currently Vice Dean for Resources at the Faculty of Law of the University of Zurich, Switzerland.

**Dr Matthew Thompson**
University of Southern Queensland

Dr Matthew Thompson is an academic currently working at the University of Southern Queensland, Toowoomba campus. He has written book chapters involving reconstructions of Dr Jekyll and Mr Hyde; as well as narratives of gender violence and toxic masculinity in Jessica Jones. He is currently writing his book *Play Dead: Vampires in Interactive Media* for Edinburgh University Press as part of their Fear 2000 series.

**Professor Prue Vines**
University of New South Wales

Professor Prue Vines is a Professor at the Faculty of Law at the University of New South Wales, Sydney, Australia, where she has been a member of the Law Faculty since 1990. Her major areas of interest are torts (especially attribution of responsibility in negligence and apologies in civil liability) and succession law (wills and estates). Other interests and publications are in the areas of legal system, statutory interpretation and unexpected consequences of compensation law.

**Associate Professor Ivneet Kaur Walia**
Rajiv Gandhi National University of Law

Dr Ivneet Kaur Walia is presently working as Associate Professor of Law and she is also Associate Dean (Academics) at Rajiv Gandhi National University of Law, Punjab, India. She is also the recipient of Henry Dunant Fellowship. She has recently authored a book, *Crime, Punishment and Sentencing in India*, published by Thomson Reuters. She has attended various national and international conference, delivered lectures at police academies, universities etc. She has also published papers in national and international journals and edited books.

**Professor Sarah Williams**
University of New South Wales

Professor Sarah Williams is a Professor in the Faculty of Law and Justice at the University of New South Wales, Australia, an Associate of the Australian Human Rights Institute and an Associate of the Centre for Criminology, Law and Justice. She is also the Chair of the NSW International Humanitarian Law Committee for the Australian Red Cross. Her main research areas include international law, in particular international criminal law and international humanitarian law, as well as Australian criminal law. Sarah's current research focuses on Australia’s engagement with international criminal law.

**Dr Sarah Wilson**
University of York

Dr Sarah Wilson is a Reader in Law at York Law School, University of York, UK. After reading Law at Cardiff Law School, she commenced studies in Modern British History gaining a MA (History) and PhD (History) before taking up a number of posts in UK Law Schools. Sarah has published widely in the sphere of Financial Crime and wider Financial/Banking law and regulation, with her 2014 monograph The Origins of Modern Financial Crime: Historical foundations and current problems in Britain also looking to encourage greater utilization of history and historical methodology for legal research and teaching. Sarah is currently researching a history of Australian experiences of financial crime.

University of Southern Queensland

**unisq.edu.au**

info@unisq.edu.au