

Opening Remarks: International Association of Law Libraries Annual Course on International Law and Legal Information, Sydney, Australia, October 28, 2019

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On behalf of the Australian judiciary I extend a warm welcome to delegates from overseas.

It is an honor to speak at the opening of this 38th Annual Course of the IALL. It was not difficult to accept the invitation to do so, not least because it was extended by Ms. Petal Kinder. Members of the IALL will know Petal because of her close involvement with the IALL as a Board member and as President;² Petal was known to me as the Librarian of the High Court of Australia, a position she held when I joined the Court. She was highly valued and respected in that role, and popular amongst judges and staff. We were saddened to hear of her passing earlier this year.

I understand that this year marks the 60th anniversary of the IALL. In an article about its beginnings, Professor Kurt Schwerin (who had been on the Board of the IALL³) explained that “[i]n June, 1958 the Executive Board of the American Association of Law Libraries appointed a special Committee On An International Association of Law Libraries.”⁴ A meeting was held in June 1959 “to discuss the founding of the new association.”⁵ For its first President, Professor William R. Roalfe, its “founding ... was the outgrowth of a long-standing interest in the field of international relations.”⁶ By 1961, the IALL already had members from 23 countries.⁷ It now “has over 400 members in more than 50 countries on five continents.”⁸ Its “members represent all types and sizes of legal collections.”⁹

I believe that two previous courses have been held in Australia. In 1981, a course was held in Sydney. Its theme was “Australian and South Pacific Law: Structure and Materials.”¹⁰ The other course, held in Melbourne in 1999, was titled “Australasian Law and Librarianship.”¹¹

¹ The Honorable Susan Kiefel AC is Chief Justice of Australia.

² See International Association of Law Libraries, “Petal Kinder R.I.P.” (May 13, 2019) accessed at <<http://iall.org/petal-kinder-r-i-p/>>.

³ International Association of Law Libraries, “Officers and Members of the Board: 1959—to Date” (2019) accessed at <<http://iall.org/about-iall-2/officers-2/496-2/>>.

⁴ Schwerin, “International Association of Law Libraries: Its Beginnings” (1984) 12 *International Journal of Legal Information* 1 at 1.

⁵ Schwerin, “The International Association of Law Libraries: Its Beginnings” (1984) 12 *International Journal of Legal Information* 1 at 1. See also “K. Howard Drake Outlines Program of Activities for the Association” (1960) 1(1) *International Association of Law Libraries Bulletin* 1.

⁶ Schwerin, “International Association of Law Libraries: Its Beginnings” (1984) 12 *International Journal of Legal Information* 1 at 3.

⁷ Schwerin, “International Association of Law Libraries: Its Beginnings” (1984) 12 *International Journal of Legal Information* 1 at 5.

⁸ International Association of Law Libraries, “Welcome” (2019) accessed at <<http://iall.org/>>.

⁹ International Association of Law Libraries, “Welcome” (2019) accessed at <<http://iall.org/>>.

¹⁰ International Association of Law Libraries, “Previous Conferences” (2019) accessed at <<http://iall.org/annual-conference-2/previous/>>.

¹¹ International Association of Law Libraries, “18th IALL Course of International Law Librarianship” (February 23, 1999) accessed at <<https://iall.org/conferences/iall1999/>>.

A current IALL Board member who works at the University of Melbourne, Trung Quach,¹² has recently written of his experience at the 37th Annual Course held in Luxembourg last year. He discusses what a Course is. He explained that it is not a conference, but “a course on the substantive law of the host country or local jurisdiction.”¹³ To that end, “[t]he courses are taught by legal academics and practitioners, not libraries.”¹⁴ That is not to say that libraries do not benefit from interaction with each other, for, as he points out, not only do the courses provide learning about other cultures and histories, they help build relationships with other libraries which are crucial to the work of a librarian.¹⁵ “[H]aving a worldwide network of expertise in legal research can be a life-saver when it comes to finding an answer to ... [difficult] reference questions about international and foreign law.”¹⁶

As you would all know, libraries are amongst our oldest institutions. What is believed to be the oldest surviving writings appear on Sumerian clay tablets that “were inscribed 5,000 years ago by temple bureaucrats recording economic transactions.”¹⁷ The greatest collection of written knowledge, the Great Library of Alexandria, survived until probably the third century AD.¹⁸ Even when one library is lost, books continue to be held elsewhere. The English philosopher Francis Bacon once said:¹⁹

We see then how far the monuments of wit and learning are more durable than the monuments of power ... For have not the verses of Homer continued ... without the loss of a syllable or letter; during which the infinite palaces, temples, castles, cities, have been decayed and demolished?

Professor Maitland called the twelfth century “a legal century.”²⁰ Others consider that it marked the beginning of a Western legal tradition.²¹ At this point in European history there was no single body of legal rules, but rather “multifarious legal systems,”²² and little thought had been given to values or concepts which might inform them. Scholars of this period set about creating a set of rules, which could be used to interpret each part of the whole. The impetus for the creation of this body of law, which would be further synthesized in later centuries, was the rediscovery of Justinian’s *Digest*, which had been compiled six centuries earlier. It was found in an Italian library.²³ And so, the law as it has developed in Europe and our own common law owes much to a particular library and the librarians who maintained its collection over the centuries.

One of the attractions of a life in the law for me was that it involved libraries, which have been a part of my life, indeed a refuge, since I was very young. I spent much of my time as a law student in the former Supreme Court Library in Brisbane. It was there that I came to realize the benefit of working in an atmosphere of stillness and appreciate the infinite patience of law librarians. When I became a barrister, a trip to the library was not only necessary, especially in my earlier years because my own collection of texts and reports was limited, it was often a welcome diversion—a haven from the pressures of litigation and the constant interruptions of telephone calls. I missed those visits to what I regarded as an Aladdin’s cave of books when I took Silk. Efficiency demanded that junior barristers undertake research rather than me. I hope that they enjoyed it as much as I did.

¹² International Association of Law Libraries, “Newly Elected Officers & Board Members” (June 26, 2019) accessed at <<http://iall.org/newly-elected-officers-board-members/>>.

¹³ Quach, “Reflections on the International Association of Law Libraries 2018 Annual Course” (2018) 26(4) *Australian Law Librarian* 188 at 188.

¹⁴ Quach, “Reflections on the International Association of Law Libraries 2018 Annual Course” (2018) 26(4) *Australian Law Librarian* 188 at 188.

¹⁵ Quach, “Reflections on the International Association of Law Libraries 2018 Annual Course” (2018) 26(4) *Australian Law Librarian* 188 at 189.

¹⁶ Quach, “Reflections on the International Association of Law Libraries 2018 Annual Course” (2018) 26(4) *Australian Law Librarian* 188 at 189.

¹⁷ Lerner, *The Story of Libraries: From the Invention of Writing to the Computer Age* (2nd ed, 2009) at 1.

¹⁸ Staïkos, *The History of the Library in Western Civilization: From Minos to Cleopatra*, Vol I (Cullen trans., 2004) at 220–221. See also, e.g., Lerner, *The Story of Libraries: From the Invention of Writing to the Computer Age* (2nd ed, 2009) at 17–18.

¹⁹ Bacon, *Of the Proficiency and Advancement of Learning, Divine and Human* (1893) Book I, ch VIII accessed at <<https://www.gutenberg.org/files/5500/5500-h/5500-h.htm>>.

²⁰ Berman, *Law and Revolution: The Formation of the Western Legal Tradition*, Vol I (1983) at 120.

²¹ Berman, *Law and Revolution: The Formation of the Western Legal Tradition*, Vol I (1983) at 120.

²² Van Caenegem, *Legal History: A European Perspective* (1991) at 118. See also, e.g., Berman, *Law and Revolution: The Formation of the Western Legal Tradition*, Vol I (1983) at 118–120, 122.

²³ Berman, *Law and Revolution: The Formation of the Western Legal Tradition*, Vol I (1983) at 121–123, 127–129.

The Supreme Court Library was indeed an “Aladin’s cave”: Aladin Rahemtula was the chief Librarian at the Supreme Court during my later years at the Bar and for much of my time as a Supreme Court and Federal Court Judge. I must have showed too much enthusiasm for the Library, for within a short time I found myself co-opted by him to the Board of Trustees, which ran the Library.

My year at the University of Cambridge acquainted me with a charming nineteenth-century library. My interest in comparative law was no doubt aided by the comparative law section having its own floor, with old oak desks and brass lamps for reading. The fact that it was freezing in winter did not deter me.

In more recent times I have had the privilege of access to the wonderful collection at the High Court in Canberra, which is now maintained by our library staff headed by John Botherway, who is here today. Although I admire the speed and efficiency which my legal researchers—law graduates called ‘associates’—have with information technology, I still try to walk them around the texts on the judges’ floor. I point out that these things are called books and are very useful. Moreover, not all of them will be found online. Alas, their default setting is a computer.

The importance of law libraries and librarians to judges and to the profession is obvious. Not only do they carefully maintain the hard copy of texts and reports, they ensure that our electronic information is up to date. Our court could not manage the innumerable statutes and authorities to which we are referred in argument without the support of highly trained and skilled librarians who understand how we function and are always concerned to know how they can further assist. We are kept up-to-date about new publications and receive bulletins about matters of interest in Australia and abroad. There have been countless occasions when my staff have sought the assistance of the library staff to track down an article or a text.

On many of these occasions, our library in turn seeks the assistance of other law libraries in Australian courts and universities and overseas law libraries. This is facilitated by their access to the details of the collections of other law libraries. But, so too is this process facilitated by professional and personal connections, which are developed during courses such as this. The importance of an international network of libraries cannot be overstated. The holding of courses such as this ensures that it will continue.

The objective of imparting knowledge about a country’s culture and legal history will undoubtedly be achieved in this course. The keynote speech, soon to be delivered by her Excellency the Governor of New South Wales, appropriately opens the course with a discussion about Australia’s legal history and colonial legacy. Law Professors will be speaking about topics such as “Australia’s Constitutional Quirks,” and a judge about aspects of our criminal law. I see that various cultural activities are also planned.²⁴

I thank the IALL for inviting me to participate in the opening of this Conference. I wish you all an interesting and rewarding time.

²⁴ International Association of Law Libraries, “Programme” (September 25, 2019) accessed at <<http://iall.org/conf2019/program/>>.