

**Remarks of the Hon Marilyn Warren AC ·
Chief Justice of the Supreme Court of Victoria
Australian Law Librarians' Association Conference
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There are a few things I would talk to you about today. It is a privilege to be here and an honour to be invited to formally open the Australian Law Librarians' Conference here in Melbourne. Having just heard the welcome to country from Ron Jones, I am minded to take the opportunity this morning to acknowledge the installation in the Chief Justices' room or gallery of the Supreme Court Library of Victoria of a portrait of William Barak. That was installed as of last year and I know that our host the State Library of Victoria hold a number of William Barak's paintings and artefacts as well. We were able to arrange the Court portrait through assistance from the State Library and we were very grateful.

It is important to recognise and record the significant role that William Barak played in Victoria's history-so it was a privilege to be able to include him at the Supreme Court Library. Let me tell you how that came about. Those of you who have been to the Supreme Court Library will know that there is a large central room, the building is based on the Royal Courts of Justice in London and the Four Courts Building in Dublin. In that room the walls are lined with the portraits of the Chief Justices of Victoria. Now the Supreme Court of Victoria has existed since 1852 (the first Supreme Court judge having sat in the district in 1841). From then until now, I am just the 11th Chief Justice. There have not been many and obviously they have all served quite long terms including Sir William Stawell who was one of the lead draftsman of the Victorian Constitution in 1851 and 1852 when the colony of Victoria was separated from New South Wales. Sir William Stawell served for 30 years. I do not think I can see myself doing quite that. Of course, one of the things that strikes you when you go into the Supreme Court Library now is that all of the portraits but one are of men.

But getting back to this room of Chief Justices we had a welcome to country at an event one morning and the Aunty, the indigenous elder, who came and spoke to the group there, at the end of her remarks, turned to me and said “Chief Justice in this room of chiefs, where is our Chief?” I have to say I was mortified but I am now very grateful to the Aunty because that led me with assistance as I say from the State Library of Victoria to find a portrait of William Barak, the last acknowledged great Chief of the Wurundjeri people.

So that leaves me to extend to all our visitors from interstate a very warm invitation to come into the Supreme Court Library, see the room of chiefs and take the time to look at William Barak’s portrait. The Supreme Court is the large domed building on William Street, west of here. It is a beautiful building but it is of course very intimidating. So many of the old court buildings are like that. They are not places that are welcoming and they are quite frightening for people who come. When you come to the Court you will find there is security which has to be negotiated. Then eventually you find your way if you keep walking forward off the main William Street entrance. You will find your way into one of the State’s most magnificent rooms. So if you are here in Melbourne for the first time, or if you are here and it is a revisit, do not miss out on this opportunity. The building is open from 8.30am until 6pm every weekday so I hope you take that opportunity.

Of course, history in libraries is so important. In the Supreme Court Library which is an important component of the now Law Library of Victoria, which I will talk about in a moment, we have much of our history and our rotating artefacts on display. There are display cases where we have part of the legal memorabilia of Ned Kelly who was tried and convicted in the Supreme Court of Victoria back in the 1860’s. He was not, and some people make this mistake, he was not tried and convicted in the current building. It was another building in La Trobe Street not far from here. The Supreme Court of course is a building that is very much emblematic of the 19th Century. As I look across the room I am sure there are many librarians here who work in old buildings and then there will be many who work in state of the art technologically driven libraries. Well can I just say you are very lucky. In the

Supreme Court we operate both the Court's Library and the Law Library of Victoria very much within this 19th Century environment but we manage to create a 21st Century service.

These days if we reflect on it the old image of librarians being predominantly female, bespectacled and dressed quite guardedly is now blown out the window. Librarians are very much of mixed gender and if I may say are usually very stylish, with it and forward thinking. If we reflect on the libraries of the past such as when I grew up and when I studied at Monash University the libraries were very much bookish experiences. Of course, there was always the library desk usually occupied by librarian women whom I have to say I always found very, very intimidating. But that has changed. I reflected on this just a week ago when I was out at Monash University at the Law School building. Now I was a graduate of Monash University in 1974 so we fast forward over 40 years and I am back at the Law School. It's the same building with some modernisation, but the library was just breathtaking. First of all I was struck by the fact that it was very noisy. Libraries in the past used to be quite, quiet hushed places and if you spoke too audibly there was a very quick "shush", but not now.

The Law Library at Monash, consistent with what we see in law libraries everywhere, was filled with people in groups talking, engaging, breaking out, discussing. At the heart of their discussions I could hear these young people speaking. They were talking about what the High Court had had to say in recent cases and why the High Court was wrong or why the High Court was right. The dynamic was powerful. If any of you have been to Monash you will know that the Law School was built around the library rather than the library being a feature at the back or on the upper floor. The library lies at the heart of the Law School. Inside the library itself, again, young people talking, arguing, debating - which is exactly what lawyers do when they come to practice. I was particularly struck by the fact that the intimidating librarian's desk had gone having been demolished, and there was a computer focussed information facility. I reflected on the fact that libraries have just become transformed in this modern age and have become information and

research centres and sources of knowledge, they are not merely sources of books.

I know across the room today we have here a number of law librarians from the firms. One of the really lucky things I have to do as a judge is go to court, hear cases, decide them and endeavour to write the correct answer in the form of a judgment. I am also very lucky because as a judge I have working with me young lawyers who we call associates. These days the research skills of the young lawyers that come to work at the Court with the judges is quite, quite outstanding. These young people, mostly coming from the law firms, know how to get the information, they know who to go to to retrieve the information; they are so flexible at being able to sift through the information and assemble it in a form that is of great assistance to the judge. I have been very privileged to work with these young people. But of course they are used to highly developed research and information retrieval skills being developed because they have worked through the law schools of the universities and come to know the library and librarians very well at their particular law school. Then when they have gone into the law firms they have had to provide that information to the principal for whom they are working on their cases. Young lawyers tell me that generally one of their best friends in the law firm was always the library staff and the library facility within the firm.

I reflected when talking to my associates about the information that librarians provide these days. When I grew up if you wanted to find something you had to go and find it yourself and you needed to go and look at the books and read the law reports. These days' librarians across the spectrum provide to judges, lawyers and law students superb summaries keeping everybody up to date with what is happening.

If I could give you a very close and real example: the Judicial College of Victoria. It was mentioned in the introduction that I chair the College. The College was established now well over a decade ago and it is a tertiary institution for judges where they are provided with continuing professional

development. The law changes so much constantly that we need all the support we can possibly muster. One of the really vital, exciting aspects of the role of the Judicial College is a website called JOIN, the Judicial Officers' Information Network. Many of the law librarians, particularly the Victorians present today, will know that it is a treasure trove of information and research facilities. On the JOIN website, which features on all judges' computers and those of their staff, there is immediate access to really helpful bench books to do with sentencing, the application of the Human Rights Charter, criminal law, charging criminal juries, charging civil juries and civil procedure. If any of you have not visited the Judicial College JOIN website, I really urge you to do so. You will find it quite, quite beneficial. But one of the really fun aspects of the JOIN website, I keep it up as my home page most of the time on my desktop, is that there is a bulletin board. Librarians are so skilled at the utilisation of bulletin boards. It is constantly being updated with rotating coloured photographs and links to speeches, judgments and events that have occurred. Now I know for all of you this is probably passé, but for judges it is really exciting when you have your head down in a judgment and you go to check your emails and there you have a look at the bulletin board and you find for example, new judges being appointed or the High Court has just handed down a case on statutory interpretation, you can click on that and you are on your way. This is a classic example of the modern librarian providing a service and facility that was inconceivable 20 years ago, let alone 40 years ago when I started in the law.

If you reflect on what you do as a librarian, can I suggest that you play a vital role in the administration of justice. No matter which sector you work in whether it is at the firms, at the universities, at the courts across the country, you are actually supporting the administration of justice by injecting knowledge into the system. But of course knowledge has to be managed and it can sometimes be a bit too much of a good thing. We had an example of that just this week here in Melbourne where a judge of the Supreme Court, the Principal Judge of the Criminal Division, Justice Lasry, was three days or thereabouts into a murder trial. What happened was that a reporter with

an online service provided an article online about what had been said in Court by the prosecutor in opening but what the reporter did was add on some information and analysis of her own, some commentary, some facts that were never going to be put in evidence before the jury and in particular some information that she obtained from Facebook. Now there is a fundamental rule for those reporting on criminal trials. Never ever ever report on anything unless it has been said in front of the jury. The upshot was that Justice Lasry felt bound on the urging of the prosecutor and defence counsel that it was necessary to discharge the jury and that was what he did. If we pause for a moment to think of the consequences, and his Honour spoke about this in Court, there are consequences for the overall administration of justice but there were significant consequences for the accused person, the trial for that individual had started but now justice was delayed and he would have to wait some months before his trial could be heard. Of course too there were the families of the victim. For them it is quite, quite traumatic coming to Court and undergoing the process of a murder trial when it is a loved one who is at the centre of the trial. For that family of course their sense of justice is very much delayed and they have to wait some months until there is an outcome. The case brings home to us the power of information and how we have to be careful about how it is used.

In the course of your deliberations during the conference you will cover a very wide field. I am conscious that there are many here who are greater reformers of the library system. I have touched upon some of the changes that I have seen in my lifetime. I would not want to think that things have plateaued. However, I would like to think that access to information will run in parallel with access to justice. I would like to think that librarians will continue to be at the leading edge pushing the lawyers, the judges and everyone who plays a role in the administration of justice to that edge, to new frontiers where we can improve on what we do and ultimately try to find the right answer to the particular problem. It is a great pleasure as I said to be here to talk to you today. I have had a long career in the law. I have mentioned the number 40 years I think twice. My career started way way

back in the 70's when I worked as an articled clerk in government. There was no librarian in the legal office where I worked and in fact because I was the articled clerk, I was the librarian. I looked after the filing of the one or two loose part series and kept the books neat and tidy. The library was not an important place in that particular office. But now I have as I have indicated reached the position I could not survive without the support of the multi library access that I have the benefit of being able to use.

So in my closing remarks can I congratulate you on coming here to Melbourne to engage in a dialogue about not just what you do, but how you might do it better and how in particular you might push we lawyers and judges to boundaries that we have not encountered before. Good luck and again welcome to Melbourne. It is indeed my great pleasure to formally declare your Conference open. Thank you.