



## **Opening of the legal year in Bendigo**

*Remarks by the Honourable Justice Cameron Macaulay*

3 February 2014

Distinguished guests, members of the legal profession, ladies and gentlemen. I begin by acknowledging the traditional owners of this land, the Dja Dja Wurrung people, and pay my respects to their elders past and present.

It is my very great pleasure to be here at the opening of the legal year in Bendigo. It is a marvellous town, steeped in our colonial history but also, as I will be reflecting in just a moment, innovative and modern. I very much look forward to spending time here in coming weeks and becoming more familiar with its delights.

The opening of a legal year might be considered a slightly odd celebration. It is not as if the rule of law stopped over January and needs to be kick-started again: although the court system does slow down a bit over that period. I'm not sure if there are equivalent openings of the 'medical year' or the 'engineering year' or other professional or service industry years? So, what is it about the 'legal system' that justifies or warrants a celebration of a new chapter?

A few years ago, Justice Vickery spoke at the opening of the legal year in Bendigo. In a learned speech he spoke about the celebration of the rule of law in our community. That, I think, is why we do mark this occasion each year. The rule of law may very easily be taken for granted

in our community because we see it as a natural part of our existence; like turning on a tap and expecting to find water.

But just as the turning on of a tap in some parts of our community, or at some particular periods of time, reminds us how precious water really is, so we should reflect at times how precious is the robustness of the legal system we have in our community. The judiciary, one class of the 'players' in the overall justice system, fulfils the role of the third arm of government. An independent and respected judiciary, supported by independent, hard-working lawyers of utmost integrity, performs the critical role of maintaining the equilibrium between itself, the legislature and the executive, an equilibrium upon which our whole structure of government depends.

Of course, our system can be improved. Of course it can be subject to criticisms. But we should jealously guard and never let slip the broad fabric of community acceptance of the system built upon the respect the community holds for it - warts and all. We, the members of the legal system, contribute to the preservation of the communities' respect for the legal system by ensuring that- as lawyers and judges - we deal with every single matter with the utmost care, respect for the litigant, honesty, fairness, and always with a service mentality. Each occasion when a litigant feels let down by the system and the persons that operate it, is a tear in that fabric of community respect and trust that undergirds its place in our tripartite system of government.

So, there is special reason, I think, to mark each new annual chapter in the story of our legal system. We do so with both an acknowledgement of how important it is and a recommitment to playing our parts with that mindset and to the best of our abilities. In short, it is our annual reminder of the big picture in which we work.

But today I want to briefly refer to a 'new chapter' of a different kind. I mentioned a moment ago Bendigo's innovativeness and modernity. An example of that quality is the new chapter in its delivery of library services to the region. I was delighted this morning to dash into your new library which opened very recently on 28 January, and to see for myself the outcome of the modernisation of the library that was first opened in Bendigo 30 years ago. I will be paying it more visits while I am here. I understand a formal launch of the library takes place next Saturday, 8 February.

People may think - wrongly I believe - that with the advent of online, digital reading material libraries are in decline in our communities. Counterintuitively I think, the opposite may be true, particularly when libraries take a broader view of the content they can manage and mediate for the benefit of the communities they serve, while still preserving the sanctity of the book. Apparently, there are more physical books being sold than ever before. So, there is still a need for the housing of the printed book. According to the bulletins published by the Bendigo library during its redevelopment phase, visitors to the library numbered 475,000 annually in 2010 when the project began, with over 50,000 members in 2011. That's with a Greater Bendigo population of 107,000! 1500 people every day walked through its doors. That was all *before* the redevelopment!

The new building is refreshing, open and modern. It features lots of natural light, warm timber fittings and colourful comfortable furniture. There are open spaces, but also discrete meeting, reading and research zones especially for children and young adults. From my brief visit, I think all who attend will find it very inviting and functional.

Why am I excited about a new library?

In the introduction to a beautiful recent book telling the history of The Library worldwide, the author writes:

*Libraries can be much more than simply places to store books. Throughout the ages, the designs of the greatest library buildings have **celebrated the act of reading and the importance of learning**. They have become emblems of culture, whether it before an individual, an institution or even a whole nation.*

The book contains a pictorial and written history of library architecture telling of the way buildings have adapted to the particular mediums in which the written word has been recorded, stored and communicated in different cultures. So, the author continues, the book...

*...shows how the development of library buildings illustrates the **changing relationship of mankind and the written word** and that across the world libraries have always been not just dusty repositories for documents but **active symbols of culture and civilization**.*

So, here in Bendigo is the outcome of a vision to do a number of things: first, to express that celebration of the act of reading and the importance of learning. The architecture of your new building reflects the perception that modern reading is enjoyed in a more communal environment- in spaces that allow for groups of people to sit in easy proximity, perhaps over a cup of coffee in some areas. Talking is not prohibited. Furniture allows for 'lounging', not merely upright sitting. Natural light and cheerful spaces highlight the openness and enjoyment of the reading experience. Plenty of power points and internet access by WiFi throughout the building recognise the increasing use of the online medium for searching for and reading content. Laptop and tablet use is far from a 'no-no': it is an essential, integrated part of the library experience.

So the bringing together of the printed book collection, the provision of open spaces for communal gathering for readings and discussion, the relaxed comfortable furniture, the conscious provision of electronic facilities for internet access - and even something as apparently simple as providing a coffee shop within the library itself - all reflect a different perception of a changed relationship between people and the written word. In so doing, the new Bendigo Library manifests changing community culture with both a link with the past but a pathway to the future.

In doing so it is not alone. I was greatly interested recently when I visited the State Library of Victoria in Russell St, Melbourne. I had not been there for years, but I had learned that the library had undergone a very significant transformation from about 2006 onwards. I stood high up on the mezzanine floor above the great reading room and looked down upon the desks. Two things struck me. First, there was not a desk in the whole library that did not seem to be occupied. It was full of patrons. Secondly, I saw screens of laptops brought in by readers on many of the desks, often side by side with a printed book. In the library history book I referred to, in the final chapter headed 'The Future of Libraries in the Electronic Age', there is a photo of a reading room in the National Library of China built in Beijing in 2008. It depicted a remarkably similar scene to the one I saw in our State Library.

I was told by the acting CEO of the State Library who oversaw the development phase that staff there discovered that the more the library put its content online for people to access *away* from the library, the more people came in the doors to use the physical space!

Indeed, a modern library does reflect the changing relationship of mankind with the written word. While continuing to cater for the continuing love affair people in our community have

with the tactile experience of paper and the printed page, it also harnesses the exponentially increasing comfort our community has with the electronic medium to search for and digest information content.

Which then brings me to a project close to my own heart.

Since late 2011 have been involved in a project to re-envision the Supreme Court Library. All of you here who are admitted as Australian lawyers will have been in the Supreme Court Library in William St at least once. That is because all of you will have paid a library fee upon admission to practise and typically that fee has been paid in the library itself.

That library fee is the continuation of a funding model that has been around for a very long time. It is supplemented of course nowadays from other sources, but the fees paid by newly admitted practitioners each year constitutes a hefty share of the library's budget. Upon payment of that fee, you all became lifetime members of the library. The library was commenced in the 1850's by Justice Redmond Barry without any government funding - entirely funded by the profession - to be proudly independent of government support. Government contribution only began in the 1950's.

The Supreme Court Library remains, essentially, a private library serving the profession and the judges of the court. But, although it has that history, in reality it now mainly serves the interests of those who can have physical access to its collection. That, of course, limits its reach to those practitioners in a few blocks around the Lonsdale St/William St corner in Melbourne.

After a very thorough review of the needs of judges - not just of the Supreme Court, all State Courts and VCAT - and the profession Victoria-wide, we came up with a new vision of a Law

Library of Victoria. Ultimately, if successful, that library would become a much more useful library for the courts and the profession by combining the value of the rich print collection housed in the Supreme Court Library building, but also pushing out rich online content and access to research services to the other courts and to the profession.

It is a bold vision. A blueprint for it was developed. In the middle of 2012, a Memorandum of Understanding was signed by the heads of each jurisdiction, the Bar Chairman, the President of the LIV, and the Department of Justice, to work together to develop the Law Library of Victoria as a reality. A lot more work was then done to refine that blueprint.

What is now happening is that all courts are combining their library services into one consolidated courts' library. Just next week, a newly appointed Director of the LLV will begin in the Supreme Court Library charged with the task of managing the change to a consolidated courts' library. The timeframe for the consolidation to be achieved has been forecast for July 2015. After that is achieved, it is hoped that the profession will see enough value in combining their libraries (held in Bourke St and in Owen Dixon chambers) to invest in the further development of the Law Library of Victoria. Both the Bar and the LIV are staunchly behind the consolidation progress and will be represented on the committee overseeing and observing its progress.

To be of most use to regional practitioners such as yourselves in Bendigo - or even to suburban practitioners in Melbourne - such a library needs to provide online affordable access to the proprietary content offered by the legal publishers. That is a goal we continue to strive to achieve.

Although it is a special-interest institutional library, in common with public libraries our professional library too must reflect the changing relationship between the legal practitioner/judge and the mediums in which legal information and resources are generated and stored. To that end we will continue to explore ways in which we can enhance the experience of remote users of the library even while the courts consolidation process is taking place.

Ultimately, the quality of the administration of justice in our State depends upon efficient access by judges and practitioners to up to date accurate legal information, whether that be the latest statutory provision; the latest case on point; the most useful legal commentary or article. A lot of content is being generated by the profession itself. The Bar and the LIV, as well as individual firms, produce high quality and very up-to-date commentary in specialist areas. There is great utility in that material being collected at one source, indexed and made available to practitioners. We envisage a fully functional Law Library of Victoria having the research capacity to capture and process that sort of material and make it available online to users.

Such features, of course, require more funding than is currently available to us. But step by step we hope to demonstrate to all stakeholders - courts, practitioners and government - that further investment in the LLV to allow online at-desk access by all practitioners of this State to high quality, affordable research material and assistance is an eminently justifiable investment.

We consider such an investment will enhance the administration of justice in this State so that, in an ever-changing environment, it continues to deserve the public's confidence.

With those thoughts and aspirations in mind let each of us recommit ourselves to playing our role serving the community this year.