



Deposit of Feez Ruthning Opinion Books

Banco Court

Wednesday, 30 August 2006, 5.30pm

The Hon Paul de Jersey AC **Chief Justice**

I am very pleased to welcome you to the Supreme Court. We are privileged to witness this evening the handing over of an historically significant collection. It comprises what I unhesitatingly regard as part of this State's legal heritage, the Feez Ruthning Opinion Books.

These fascinating volumes have been generously donated to the Supreme Court Library by Feez Ruthning's successor firm, Allens Arthur Robinson.

I say at once, they could have gone to the State Library, especially its John Oxley collection. We are reassured Allens have recognized this place as their natural destination: I prefer that to "resting place" – even after centuries, these opinions are inspiring things.

There are, in all, thirty remarkable volumes. They date from 1874. They contain the opinions of many counsel, luminous counsel, including from times long ago, Samuel Griffith, Charles Lilley, Patrick Real, Charles Stumm, Virgil Power and William Shand, and many distinguished more contemporary personages. Through the donation, and the digitisation program the Library will undertake, we will preserve these words for the consideration of scholars and historians, and the gaze of any interested member of the public.

What riches are to be found within these volumes, to intrigue and enlighten? One of our guests present tonight, Mr Graeme Oriel Morris, in his history of Feez Ruthning & Co, says this:

"These Opinion Books give a remarkable picture of the life and times of the period; of vast pastoral holdings being amalgamated or distributed; of the banking crisis of 1883 and its aftermath; of loss and damage sustained in the floods of 1893; of concerns about forthcoming Federation; of the incorporation of tramway companies



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and hopeful mining companies and collieries; and of shipping and commerce.”

They offer a fascinating insight into the economic, legal, political and social history of Queensland.

You will have gathered I regard the courts’ acquisition of this primary source material as important. The deposit we celebrate tonight has attracted even the attention of the national press, in a positive way – and for legal Queensland, that’s “something”.

I quote now from a paper recently delivered by the Supreme Court Librarian, Mr Aladin Rahemtula, on the subject, “The role of oral history in recording and preserving Queensland’s legal heritage”. Mr Rahemtula said:

“A study of the historical forces that have helped to shape the law (including past doctrines, persons, institutions and social, political and professional circumstances) is therefore essential to a meaningful understanding of the present...primary source material, which is vital to historical interpretation, is becoming increasingly scarce in the legal world...similarly, the increasingly hectic pace at which legal business is conducted means that most lawyers have limited time to engage in historical preservation activities. Moreover, as some legal historians lament there is a degree of professional disinterest in legal history. They complain that legal life is often too preoccupied with the work at hand and creating profits to be self-conscious about its past. These factors have combined to create the paradox that, in this so-called ‘information age’, primary historical sources are in danger of becoming scarce.”

The project was conceived in 2004. Mr Peter Allen approached the Supreme Court Library – and me – with a proposal to deposit the books with the Library.

There was an immediate concern. What would be the point of the deposit if issues of client confidentiality precluded reference to the opinions? The only solution was an amendment to the *Supreme Court Library Act* 1968.



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With the support of the former Attorney-General the Hon Rod Welford, and subsequently the current Attorney-General the Hon Linda Lavarch, the necessary amendment was secured on 8 December 2005. Section 7A of the Act now provides that a lawyer may give an “historic document” to the Committee, without the consent of a party interested in it, if that consent cannot reasonably practicably be secured. The Committee must preserve it, and may disclose it – for historical or educational purposes – provided the document is at least 100 years old.

And there rests a signal acknowledgement of the value of this acquisition. The amending legislation was not in strictness what used to be called a “private” Act of Parliament, but came close to it, and I commend the legislature for that demonstration of commitment to the preservation of Queensland’s legal heritage.

Now this was all the work of a number of people. I thank Mr John McKenna SC, a member of the Library Committee, and Ms Bronwyn Jerrard, Principal Legal Consultant within the Department of Justice, for their efforts in securing the legislative amendment; and I also acknowledge the vital contribution of Mr Peter Allen throughout the process.

A key commitment of the Library is the preservation of historical legal materials. It will now commence a landmark digitisation program, the first of its kind in Australia. To preserve the rare and fragile collection, and provide careful access to it, the Library will acquire and use high quality digital technology, including a large format preservation scanner. This has been facilitated by a special grant from the Legal Practitioners Interest on Trust Accounts Fund. Thereby litigants, and those involved in non-contentious legal work, indirectly sponsor this initiative: and that promotion of the public interest is entirely appropriate.

The overall Library vision embraces a unique and rich collection of digital content relating to legal heritage, Queensland’s legal history, accessible by all interested Queenslanders.

Justice Mackenzie, chair of the Library Committee, assures me the Feez Ruthning project, along with other digitisation projects, will helpfully complement the existing Library History



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Program. We hope the launch of the Library's digitisation program will attract further donations and support from the judiciary, legal practitioners, government bodies and the wider community, including you, our distinguished guests this evening.

To Peter Allen and his colleagues at Allens Arthur Robinson: again we are extremely grateful for your generosity in entrusting these volumes to the Library, and your assistance throughout the project.

I am very pleased to accept this legacy on behalf of the Supreme Court Library, Queensland courts, and indeed the people of Queensland.

Mr Allen...

Attorney...

Senator Brandis...

May I invite you to refreshments in the Rare Books Precinct.