



**Launch of Asian Legal Information Institute  
The Law Building, University of New South Wales  
Friday, 8 December 2006, 5.30pm**

---

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

I am very pleased to have the opportunity to perform this pleasant duty this evening.

The Supreme Court Librarian in Brisbane recently cautioned me that unless the Court Library shifted markedly towards electronic materials, it would soon cease to be of any interest to the profession and the public, and become a library used by Judges only. While I thought him a little hard on the Judges – we are a progressive crew – his advice was of course absolutely right.

In some areas, the legacy of the worldwide web has been patchy if not pernicious. But its extraordinary capacity to disseminate information is obviously unrivalled. To ignore or squander that capacity, and thereby forego significant benefit to the community, would be an intolerable prospect.

Since its inception in 1995, AustLII, under the direction of Professor Greenleaf, Professor Mowbray and Mr Chung, has exploited that on-line capacity with superb effectiveness.

AustLII's goal has always been free access to law – for the public, the legal profession, academic researchers, governmental agencies, the business community and the courts. It has achieved that goal with outstanding success, not only within Australia, but through the provision of expert assistance in many other parts of the world, notably the Pacific Islands, New Zealand, Hong Kong, South Africa, the United Kingdom and Ireland. Significantly, PacLII, operating from the University of the South Pacific Law School in Vanuatu, is regarded now as the model for the provision of free access to law in the developing world.



**Launch of Asian Legal Information Institute  
The Law Building, University of New South Wales  
Friday, 8 December 2006, 5.30pm**

---

More globally, AustLII was instrumental in establishing the Commonwealth Legal Information Legal Institute, launched at the Commonwealth Law Conference in London in September last year.

And now AsianLII – the Asian Legal Information Institute, described by our host as “a portal for the law of 27 Asian countries from Pakistan to Japan, from Papua New Guinea to Mongolia”. The Prime Minister of Australia recently observed that this nation is now well and truly accepted as a member of the Asian community. It is fitting that we launch this facility at this time.

Certainly AsianLII will prove immensely valuable to Australian researchers. But the objective, as I discern it, is much more altruistically driven. That is of course to provide free access to legal materials in an important part of the world, a large segment of the world, where the access presently available is often limited and rather haphazard.

AusAID, the Australian Research Council, and the Commonwealth Attorney-General's Department are to be commended for their financial support of the initiative.

Our system of justice according to law necessarily works on the basis of a number of fictional assumptions, which may surprise many people. One is that justice is accessible, although I will not develop that tonight. Another, translated from the Latin, says that ignorance of the law which everybody is supposed to know does not afford excuse, the maxim referred to in Blackstone's Commentaries. The original justification for that maxim was probably that an entire legal system could be comprehended by one individual person. Such a suggestion in this era would be laughable. But the assumption survives, and respect for it is indeed essential to the good order of contemporary society. All of this goes to emphasize the burden on governments to ensure optimal public access to legal materials.



**Launch of Asian Legal Information Institute  
The Law Building, University of New South Wales  
Friday, 8 December 2006, 5.30pm**

---

Additionally, of course, the availability, in one jurisdiction, of what may be considered the congruent jurisprudence of another, may aid judicial and legal scholarship. My research shows citations of our Commonwealth Law Reports, in Hong Kong reports, on as many as 630 occasions over the last 60 years; and 680 times in the Malaysian reports over 75 years. No doubt the position contrariwise would also be significant. All these systems can work in a most effective complementary way in aid of comparative law analysis.

Ensuring public access to law, particularly the extensive reach afforded by online availability, fosters debate: debate among scholars, among legislators, and among the citizenry. The intellectual exchange promoted by access to legal materials is invaluable to the maintenance of a viable and current legal order. Through AustLII, Asian jurists and parliamentarians may bear witness to the fruits of Australia's experience with legal and political institutions over its history. Similarly, AsianLII provides both Australian and Asian lawmakers with the opportunity to engage in constructive dialogue on the establishment of a transparent heritage in Asian countries.

The cultural context in which laws operate breathes life and meaning into the language of the law. For example, in India the income tax legislation makes provision for traditional Hindu family structures. In Japan the primacy of the family is demonstrated by the Public Prosecutor's capacity to bring an action for acknowledgement of a child. Exploration of a nation's laws can provide insight into its local culture. Knowledge and understanding of one another's social complex promote international respect and appreciation, and serve to cement Australia's commitment to and membership of the Asian community.

Globalisation has helped enhance relations between the people of Australia and those of our Asian neighbours, and it is necessary for our respective legal systems to broaden their channels of communication. As my colleague Chief Justice Spigelman commented earlier this year, comity and reciprocity between legal systems are necessary to facilitate the efficient resolution of cross-border commercial disputes. The free and open access to



**Launch of Asian Legal Information Institute  
The Law Building, University of New South Wales  
Friday, 8 December 2006, 5.30pm**

---

legal materials from our Asian trading partners, available via the AsianLII service, is thus an important forward step in Australia-Asia judicial and economic relations.

I am particularly pleased to have been asked to launch AsianLII, in my role as Chair of the Judicial Section of LAWASIA. LAWASIA is an organization which does an enormous amount of good work fostering legal and judicial development, and good and productive relationships, throughout the many and various jurisdictions of Asia and the Pacific. On behalf of LAWASIA, I congratulate and thank AustLII for two things – first, and fundamentally, for establishing this excellent on-line service; and secondly, and also importantly, for recognizing and fostering a direct role, for the Asian jurisdictions themselves, in building on what AustLII now presents, by keeping it up-to-date and ensuring maximum benefit to users.

It is with great pleasure that I now formally launch the Asian Legal Information Institute – AsianLII.