



THE UNIVERSITY OF MELBOURNE ARCHIVES

NAME OF COLLECTION	BRETT, PETER (1918-1975)
ACCESSION NO	A.1975.0095
CATEGORY	University, individuals
ACTIVITY	Academics - Law
DATE RANGE	1954-1966
SIZE OF COLLECTION	24 cm (2 archives boxes)
HISTORICAL NOTE	Brett was Hearn Professor of Law 1963-64 and Professor of Jurisprudence 1964-65. He also served as President of the Federated Association of University Staff Associations. In this position, he played a major role in bringing the controversial Orr Case to settlement
DATE OF TRANSFER	25 July 1973
ACCESS CONDITIONS	Access: Restricted
DESCRIPTION	
NOTE ON LISTING	
LISTED BY	Cecily Close
DATE	August 1975

UNIVERSITY OF MELBOURNE ARCHIVES

RECORDS RECEIVED INTO CUSTODY

NAME: Peter BRETT, Professor of Jurisprudence.

TRANSFEROR: Professor Brett.

ADDRESS: Law School, University of Melbourne.

DATE OF
TRANSFER: 25 July 1973.

INCLUSIVE
DATES: 1954 - 1967.

QUANTITY: 2 boxes.

CONDITION: Good.

GENERAL NOTE:

The papers, comprising correspondence and related documents, fall into two groups, relating respectively to Professor Brett's work on land legislation for the British Solomon Islands Protectorate and for Brunei; and to his activity in connection with the Orr Case while President of the Federation of Australian University Staff Associations.

LIST OF RECORDS:

<u>Box</u>	<u>GROUP 1.</u>	<u>LAND LEGISLATION</u>
1/1		<u>British Solomon Islands Protectorate.</u> 3 Folders.
1/1/1		<u>Memorandums etc.</u> Relating to Brett's Draft Land and Titles Regulation. Contains also Minutes of meeting at Government House on 7 February 1958, "to consider matters of principle in relation to Mr Brett's Draft Land Regulation".
1/1/2		<u>Draft Land and Titles Regulation 1957 and Land and Titles Regulation 1959.</u> (i.e. contains draft and Regulation in final form).
1/1/3		<u>Correspondence.</u> Chiefly between Brett and Keith Kitto, Commissioner of Lands, Honiara, BSIP, relating to Regulation. Also documents e.g. Gilbert and Ellice Islands Colony, Ordinance to consolidate and amend the Law Relating to Native Land and Registration of Title Thereto, 16 August 1956; Certificate of Occupation for Levers Pacific Plantations Ltd., 8 September 1931. 24 Dec. 1954 - 21 Sept. 1962.

Box GROUP 1. LAND LEGISLATION.

1/2 Brunei.

2 Folders.

1/2/1 Memorandums etc. Draft Land Code for Brunei, comments,
explanatory memorandum.

1/2/2 Draft Brunei Land Code. Contains 2 files labelled: "Draft Brunei
Land Code" and "Memorandum re Land Code". Both have label
affixed: "Sent by Professor Zelman Cowan, Law School, Melbourne",
and are accompanied by letter from B.C. Cartland, Commissioner
of Lands, Brunei, to Cowan, returning these folders and
commenting that they are "an excellent job" but likely to run
into trouble through low education of landholders, lack of
trained staff to apply the law and of a Judge to constitute
the Lands Tribunal.

Contains also Bill, "to amend, declare and consolidate the law
relating to land tenure, land resumption, registration of title,
and town and country planning". Printed in Sarawak, no date.
Marked in pencil, "amended".

Box GROUP 2. F.A.U.S.A. - ORR CASE.

8 folders of material relating to the settlement of the case. Professor Brett, then President of FAUSA, played a major role in bringing the matter to a conclusion.

- 2/1 F.A.U.S.A. Correspondence, between Brett and G.W.F. Smith, Executive Secretary, Sydney, relating to Orr case.
18 Oct. 1965 - 29 Aug. 1967.
- 2/2 6/1/A. Correspondence between Brett and Staff Associations.
30 Sept. 1965 - 14 Nov. 1966.
- 2/3 6/1/B. Reports to Federal Executive.
22 Sept. 1965 - 4 Nov. 1966.
- 2/4 6/1/C. Correspondence between Brett and Isles, i.e. Professor K.S. Isles, Vice-Chancellor of the University of Tasmania, (includes solicitor Pearce).
19 Aug. 1965 - 24 May 1966.
- 2/5 6/1/D. Correspondence between Brett and Orr (includes solicitor Champion).
24 Sept. 1965 - 7 Dec. 1966.
- 2/6 6/1/E. Documents. Includes Heads of Agreement between President of FAUSA and Vice-Chancellor of University of Tasmania regarding the lifting of the censure of the University by the Federation.
11 Aug. 1961, 28 Aug. 1964, 17 Sept. 1965, 8 May 1966.
- 2/7 6/1/F. Correspondence between Smith and Staff Associations.
10 Sept. 1965 - 2 Nov. 1966.
- 2/8 6/1/G. Special Council Meeting on the Orr Case, 14 Feb. 1966.
7 Jan. 1966 - 15 April 1966.

Cecily Close,
Senior Assistant Archivist

6th August 1975.

Archival Description
Number All Box 2

- 2/9/1 Correspondence (relating to Brett as President of F.A.U.S.A.)
- 2/9/1/1 1. PB - J.A.L. Matheson, V.-C. Monash University, 7 Oct 1965; concerns possibility of out of court settlement of Orr Case, and of an academic post for SSO.
ts. 2pp.
2. J.A.L. Matheson - PB, 12 Oct 1965
Reply suggesting a meeting
ts. 1 p.
- 2/9/1/2 R.D.Wright[RDW], 9 Dec 1965
Asks him to refer to "Professor" not "Mr" Orr
ts. 1p.
- 2/9/1/3 PB - Prof. K.S. Isles, V.C. University of Tasmania, 21 Feb. 1966
Suggests visit to discuss settlement
ts. 1-2pp.
- 2/9/1/4 1. D.A.Kearney, Registrar, University of Tasmania - PB, 22 Feb 1966, will be in Melbourne suggests meeting
ts. 1p.
2. PB - Kearney, 23 Feb 1966
Agrees
ts. 1p.
3. Kearney - PB, 24 Feb 1966
will ring from airport
ts. 1p.
- 2/9/1/5 1. PB - Isles, 7 March 1966
Suggests date for visit
Telegram, ts. 1p.
2. PB - Isles, 8 March 1966
Further to telegram
ts. 1p.
- 2/9/1/6 1. W.S.Kay, Davies and Champion, solicitors, Parramatta - PB, 1 March 1966
Seeks his help in achieving settlement as per draft deed (see below)
ts. 1p.
2. Draft indenture, between The University of Tasmania of the first part and Keith Sidney Isles of the second part and Sydney Sparkes Orr of the third part.
Attached to above letter.
ts. n.d., 4pp.
3. PB - Kay, Davies and Champion
7 March 1966
Agrees to help
ts. 2pp.

Archival Number	Description
	<u>All Box 2</u>
	4. W.S.Kay, Davies and Champion 10 March 1966 Acknowledge his offer to help
2/9/1/7	1. PB - Kay, Davies and Champion 14 March 1966 Reports meeting University of Tasmania authorities in Hobart on 10 March 1966 ts. 3pp.
	2. PB, 'Notes of Interview at Hobart - Thursday 10 March 1966' Attached to above letter ts. 5pp
	3. PB Memorandum to Executive members of F.A.U.S.A., 14 March 1966, covering memo. for copies of above two documents. ts. 1p
	4. PB - Kay, Davies and Champion, 18 March 1966 Elaborates on 2/9/1/7/1 and 2/9/1/7/2, above on the basis of two points suggested by the University of Tasmania's solicitor Mr A.L. Pearce (see 2/9/1/7/5) ts. 2pp
	5. A.L. Pearce (on Simmons, Wolfhagen, Simmons and Walch letterhead) - PB, 17 March 1966 comments on 2/9/1/7/2, above.
	6. PB - A.L.Pearce, 18 May 1966 Acknowledges above letter.
2/9/1/8	PB - D.A.Kearney, Registrar of The University of Tasmania, 3 May 1966 Agrees to suggestion of an exchange of letters ts. 1p.
2/9/1/9	RDW ("Pansy") - PB, 16 Aug 1966 Re support for Orr's family ms. 2pp.
2/9/1/10	RDW - The Rt.Reverend Guilford Young, Archbishop of Hobart, 6 Sep 1966. Concerns Orr family financial situation ts. 3pp. inscribed at head "To Peter Brett, for your information, RW"
2/9/2	<u>Notes and Memoranda</u>
2/9/2/1	PB, memorandum of meeting in Mr Elliott's Chambers, Sydney, 18 Feb 1966 others present were Champion and SSO memorandum is dated 21 Feb 1966, and initialled "PB", but not addressed to anyone. ts. 2pp

Archival Description
Number

All Box 2

- 2/9/2/2 Notes on SSO's curriculum vitae
(presumably as submitted in application for the chair of
Philosophy in the University of Tasmania)
Quotes various of SSO's claims and then rebuts them.
ms. n.d. lp
- 2/9/2/3 Page of calculations, presumably of SSO's loss in salary,
Mar 1956 - Jan 1965
ms. n.d. lp
- 2/9/3 Published material
- 2/9/3/1 The Vice-Chancellor, University of Tasmania (K.S.Isles)
'The Dismissal of S.S.Orr by the University of Tasmania'
(1958); issued with the authority of the Council of the
University 53pp. annotated throughout, presumably by PB.
- 5/3/2 The Executive of the Australasian Association of
Philosophy, 'Report to the A.A.P. Council on the Moves for
a Settlement of the Orr Case', (6 June 1964). 85pp. (see
1/2/3/23 above)
- 2/9/3/3 "The Orr Case lingers..." Semper Floreat (The Newspaper of
the University of Queensland Union), v.34, No.14. 17 Sept.
1964.

First 2 pp. only.