the availability of courses at the University of New South Wales, then the Bar will doubtless have to help by providing part-time lecturers at least at the University of New South Wales and the Council would do its best to ensure that this help was available.

The Council in general is opposed to the teaching of law by correspondence courses although, as a temporary expedient, it may sometimes be necessary. The proper teaching of law requires teacher or tutor and student to be brought together, and this involves the provision of a modern Law School at least for persons wishing to prepare themselves for admission to the Bar. This is in accordance with practice in other professions such as medicine, dentistry and, indeed, most other professional studies. The Bar Council is not opposed to the establishment of law schools in provincial centres as part of the long term plans for Universities and, for example, would not object to adequate law schools being set up Newcastle, Wollongong, Armidale or any other centre where a University is to be established.

Post Graduate Studies

The Bar considers that the time has come for serious consideration to be given to the provision of more specialised legal education at a post-graduate level. The complexity of law is increasing rapidly and whole new topics of practical and theoretic importance have come into existence during the last two decades. The Council takes the view that the degree course should not be overloaded with more subjects and that there cannot be included in the degree curriculum all the material which is necessary for proper practice at the present time. It would desire to see provision made for post-graduate courses in subjects of a theoretic and professional importance which it is not possible to include in the law course, and also in the case of subjects which are included in the law course, but with which it is not possible to deal in depth. It would like to see consideration given to the provision of diploma courses in such subjects as estate planning, taxation, local government, criminology, and international legal relations, to mention only a few subjects. The Council envisages such a course or such courses as regular University courses, available to practitioners so that it would necessarily be a course for part-time students but involving working at a high level over two, or possibly three, years. Such a course should be the subject of examination and written work, and should result in some of public recognition for those who have attained a satisfactory standard. It would be prepared to use its best endeavours to make a success of any course along these lines which the University might develop.

The Post-Graduate Committee of the Department of Law in the University of Sydney has given a number of courses of lectures in important legal topics in recent years. The Council is grateful to the University of Sydney for this development and considers that in the planning of tertiary legal education, this should be recognised as an important activity of the Law School. It does not, however, consider that such courses are an adequate substitute for courses on advanced and specialised topics at a diploma level, as set out above.

Approach to University of N.S.W.

Following upon this submission to the Tertiary Education Committee, the Council through the President and the Vice-President and with the co-operation of Mr. Justice Sugerman, had informal talks with the Chancellor (Mr. Justice Clancy) and the Vice-Chancellor (Professor Baxter) of the University of New South Wales with the object of exploring the possibility of the establishment of a law school at the University of New South Wales. Consequent upon these discussions, the Council wrote to the University of New South Wales formally suggesting the establishment of a second law school at the University of New South Wales in order to cater for people desiring to enter the profession but unable to obtain admission to the University of Sydney Law School. It is understood that no decision has yet been made by the Council of the University of New South Wales.

Pre-Trial

A sub-committee report on this subject was circulated in June, 1962 so that members of the Bar could consider the matters raised in it, and express their views before the Bar Council gave the matter final consideration.

It will be remembered that the sub-committee outlined what may be described as the American pre-trial system and the English "summons for directions" method, with their respective merits and disadvantages and expressed a preference, if a pre-trial scheme were to be introduced into New South Wales, for the American system.

As a result of the circulation of this report, a number of very valuable suggestions and criticisms were received by the Council and a summary of these comments follows.

Comments from the Bar

Somewhat more than half of the members of the Bar who wrote in giving their views, were not desirous that there should be any substantial change in the present system of trial. They took the view that litigants were entitled to have their cases heard in the manner in which they or their legal advisers thought fit and that any limitation upon this right was to be avoided at all costs. If any alteration to present procedures was to be adopted, this should only occur after it was proved that it would be of benefit to the litigants themselves. The convenience of Courts, jurors, and the saving of time, are considerations secondary to the right of the litigant to have his case tried fairly and fully. The Courts have been created for litigants and not vice versa.

Another view which was expressed widely was that for the satisfactory operation of a pre-trial scheme it would be necessary for counsel to be present who would be the counsel actually engaged on the trial later on. It was pointed out that there was already difficulty in arranging a time which would suit two or three counsel even as things stood at the moment, and it was suggested that busy counsel would be unable to attend on the pre-trial conferences. It was also suggested in one letter that, allowing twenty minutes for each conference, one Supreme Court Judge would not be able to handle enough conferences in a week to provide a week's work at a later stage. This particular critic expressed the view that delay might be increased and that the system would result in far more costly litigation. Another widely voiced view was that, once a trial period for a scheme was introduced, the procedure would be permanent and there would be no possibility of going back to the present system, even if a pre-trial system was not found to be very satisfactory. Several writers suggested that some of the commercial causes rules might with advantage be adapted to jury cases and there was even a suggestion that a Judge could be empowered to make orders at the conclusion of a case penalising in costs a litigant who spent time in proof of matters which were not substantially in dispute. However, this writer pointed out that it was entirely legitimate for counsel to refuse to make admissions which might force the other side to call a witness so that he could be cross-examined. It would be difficult for a Judge to determine in many cases whether what time was actually wasted by a litigant.

Of those who were not totally opposed to some change in the present system, the great majority took the view that the English system of a summons for directions was more suitable for New South Wales conditions than the pre-trial type of conference which takes place in the United States. Some feared that the pre-trial conference would inevitably be used as a means of exerting pressure for settlement of cases and others took the view that the earlier the true issue was grappled with, the more likely it was that time and expense would be saved and cases which were properly susceptible of settlement brought to a conclusion without actually being litigated.

Nearly all the people who sent in their views took the firmest view that juries should not be abolished. A number stated that in their opinion the only way to decrease the time lag in hearings is to have more Courts and Judges.

Final Report

In the light of these comments, the sub-committee substantially modified its views, and indicated a preference for a modified form of the English summons for directions procedure.

The report also contained an analysis of the time likely to be taken up in the hearing of summonses for direction and came to the conclusion that, if it were to make any useful contribution to reducing the back-log of cases unheard in the Supreme Court, both the Judges and the Bar would need to spend a very great deal of what is now out-of-Court time in the hearing of such summonses.

Recommendations were made protecting the position of the Bar as to fees.

This report was submitted to the Government Law Reform Committee for its consideration, and, it is understood, was placed before its sub-committee No. 11 upon which Meares, Q.C., is the representative of the Bar Association.

It is also understood that sub-committee No. 11 has given the matter consideration. So far there is no indication that there will be any early change in the present system of call-over.

The Law Council of Australia

The Law Council of Australia is about to enter a stage of its development which will be of great importance to the legal profession in Australia. Both in relation to the substantial questions of policy which it handles and the machinery available to it for dealing with its affairs, new developments are opening up prospects for the Law Council as an institution of significance in Australia. The Law Council is the top organisation of the whole Australian legal profession, but its work and its methods of going about its business are not well known to the rank and file members of the profession throughout Australia.

Recent developments provide an opportunity to discuss the Law Council and its activities. The responsibilities that it will be carrying in the next few years may serve to show the profession how important it is to have sound national organisation and leadership. Australian lawyers will come to realise that the Law Council of Australia has much more to do than organise conventions and that the Australian legal profession is likely to be judged, both at home and abroad, to a considerable extent on the quality of its work.

On the Law Council, representatives of all the constituent Bar Associations and Law Societies throughout Australia work together on matters of interest to all lawyers throughout Australia. The Bar Associations of New South Wales, Victoria and Queensland are members of the Law Council. They have recently formed an Australian Bar Association which will concern itself with matters of special interest to members of the Bar, but the Australian Bar Association is being particularly careful not to cut across or intrude into those areas of activity which are truly the concern of the whole profession. The Law Council is accordingly growing more and more important as the institution to handle, for all Australian lawyers, matters which affect them in common