From the President

Court procedures are undergoing significant changes largely in the interests of ensuring that justice is not denied to people because of delays. Many of these changes have been administrative, but some which have occurred and some which are proposed are legislative and may be more lasting.

The response of the Bar Council to the Delay Reduction Programmes in the Courts has been entirely positive. Traditional opposition to the appointment of Acting Judges has been modified, concern about the reference of matters to Arbitrators has been reduced and there has been full co-operation in trying to ensure that Barristers are aware of the need to have cases fully prepared for preparation on the date for which a hearing has been fixed. In return there have been assurances from the Attorney-General that the appointing of Acting Judges will be only a temporary measure, which will not extend beyond the time when the present delay has been overcome - by mid 1991 at latest. The same is true in respect of Arbitrators, at least in the Supreme Court.

Another move which has been foreshadowed is the substantial elimination of juries in civil cases in the Supreme Court. Not without real apprehension the Bar Council has resolved to agree to a modification in the types of cases which will be heard by a jury. This has been done on the basis that, like the other measures which I have referred to, such a change is appropriate at a time in which there is significant delay in the hearing of Common Law actions in the Supreme Court. However, like the other measures it is to be hoped that the substantial abolition of jury trials in Common Law cases will be reviewed when the time to trial has been reduced to that which is acceptable. There are powerful arguments for retaining juries in Common Law cases. Not the least of these include the need to ensure that the administration of justice involves members of the community and not just members of the profession and because jury verdicts as to damages are a good indicator for Judges and practitioners of the community's views in relation to damages.

One other measure which has given rise to considerable concern is to change the nature of committal proceedings. This measure is not one for which delay is the rationale. The position taken by the Bar Council is that the present system, with some adjustments, is preferable to that which has been proposed and that the changes proposed are not in the best interests of justice.

In a time of pressure, in relation to both economics and time, it is essential that quality of justice, as well as speed, remain in the forefront of the thinking of those whose task it is to administer our system of justice.

Another matter which will undoubtedly occupy considerable time during the current year will be the Cost of Justice Inquiry. Recent statements by one of the members of the Senate Committee could foreshadow some stormy times and perhaps adverse headlines about what lawyers earn and about our Australian system of justice. However, the statistical data which have been gathered show that in 1985/86, the median incomes of lawyers were less than those of doctors, general managers and academics and that the average earnings of lawyers were not out-of-line with the earnings of professional groups. It is essential that facts and accurate figures be put before the Senate Committee so that its report will be properly based . Support for the Law Council of Australia's submission and for our Bar's submission in relation to a number of matters particular to the Bar is important and I hope that members, when called upon, will give this support. ❑ Barry O'Keefe

The President does his best for East-West unity at the Berlin wall over Christmas.