

Insofar as the deposition procedure may result in the disclosure of adverse information at an early stage of the proceedings it is difficult to conceive of an argument as to why this may be undesirable. From a plaintiff lawyer's perspective, it should provide an effective means for exposing the weaknesses in the defendant's case at an early stage, without waiting until the actual conduct of the trial. More importantly, it permits information to be obtained from persons who the defendant may not wish to call because of the fact that they have requisite knowledge or information which may be adverse to the interests of the defendant in the proceedings. Of

course, the procedure cuts both ways. However, plaintiffs' lawyers acting for meritorious clients have little to fear.

If we are seriously interested in the truth in civil litigation then the deposition procedure has much to recommend it and should be introduced into Australian courts. The Federal Court may already have the power to order North American style depositions, including under Order 10 of the Federal Court Rules and/or powers conferred by the *Federal Court Act*. Those who are concerned at the radical nature of this proposal may need to be reminded that recently amended existing court rules provide relatively radical civil proce-

dures including (a) powers for the appointment of court experts and provision for cross-examination of such persons prior to trial or before an examiner (Order 34, Federal Court Rules) and (b) provisions for expert witnesses to question each other and to comment on each others evidence at trial (s.34A(e)-(i), Federal Court Rules).

The need for deposition procedures in the Federal Court is all the more pressing in view of recently introduced limitations on discovery.



Letters

To: the editor@apla.com.au
From: rebecca.sorgiovanni@...
Subject: Sydney Conference

I refer to the conference held in Sydney from 21 to 23 October 1999.

This was my first conference and I must say that on the whole I was very impressed with the standard of the venue and the quality of the information provided, however, on speaking with some of my colleagues who have attended previous conferences, I understand that numbers this year were down on previous years and in particular, down on last year's attendance at the conference held in Queensland on Hamilton Island.

While the Sydney Convention Centre was certainly well appointed, perhaps there is a message for organisers in the attendance which suggests that a popular holiday destination is likely to draw larger crowds simply because of the dual nature of the trip which of course encourages lawyers to bring their families for a brief holiday.

In addition, although there were

social events organised for members to attend throughout the conference, the very nature of a large city means that there are so many competing sources of entertainment (and possible family to visit) that it is less likely that people will attend the social events than if the conference were held in a relatively secluded holiday destination.

It was lucky that I arrived early to register as I had some difficulty finding the registration desk, partly because there were not many signs. It was immediately apparent to me where the radiologist's convention was but it was only through sheer luck and the intervention of two security guards that I found the APLA conference.

Perhaps next year, an area could be designated for delegates to congregate during the registration period to meet each other and enjoy refreshments. I noticed this year that most delegates tended to collect their conference papers and scuttle off to a coffee shop and waste time separately for the two hours instead of meeting with their colleagues and deriving benefit from the exchange of

ideas in an informal atmosphere prior to the official conference opening.

Having said all that, the conference was fantastic and I am really looking forward to next year.

Reply to sender 

I was pleased to receive the positive feedback on the Sydney conference venue and program quality. Indeed, any feedback can only assist in structuring a better program each year.

The numbers this year were in fact higher than in previous years, although the venue rooms were so large they could have accommodated many more.

This was the first year APLA held its annual conference in a capital city and it was therefore something of an experiment.

Next year the conference will return to Queensland - the Marriott Gold Coast - and for 2001 a venue on the Queensland sunshine coast will be selected.

Suggestions from APLA members on speakers and topics would be much appreciated.

BILL MADDEN, Conference Chair