

What is the Expert Witness Code of Conduct?

Paramount duty to the court



UNIFORM CIVIL PROCEDURE RULES 2005 - SCHEDULE 7(2)

An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person retaining the expert witness, to assist the court impartially on matters relevant to the expertise of the witness.

Report protocol

UNIFORM CIVIL PROCEDURE RULES 2005 - SCHEDULE 7(3)

Every report prepared by an expert witness for use in court must clearly state the opinion of the expert and, among other things:

- (b) an acknowledgement that the expert has read the code and agrees to be bound by it;
- (c) the qualifications of the expert to prepare the report;
- (d) the assumptions and material facts on which each opinion expressed in the report is based;
- (f) (if applicable) that a particular question, issue or matter falls outside the expert's field of expertise;
- (g) any examinations, tests or other investigations on which the expert has relied;
- (h) the extent to which any opinion which the expert has expressed involves the acceptance of another person's opinion.



Duty to comply with directions



UNIFORM CIVIL PROCEDURE RULES 2005 - SCHEDULE 7(5)

If directed to do so by the court, an expert witness must:

- (a) confer with any other expert witness;
- (b) provide the court with a joint report specifying (as the case requires) matters agreed and matters not agreed and the reasons for the experts not agreeing; and
- (c) abide in a timely way by any direction of the court.

Conferences of experts

UNIFORM CIVIL PROCEDURE RULES 2005 - SCHEDULE 7(6)

Each expert witness must:

- (a) exercise his or her independent judgment in relation to every conference in which the expert participates and in relation to each report thereafter provided, and must not act on any instruction or request to withhold or avoid agreement; and
- (b) endeavour to reach agreement with the other expert witness/es on any issue in dispute between them, endeavour to identify and clarify the basis of disagreement on the issues which are in dispute.

