E Expert evidence reforms

This appendix contains a table setting out the sources for the expert evidence reforms summarised in table 11.3 of the report.

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| Table E.1 Expert evidence reforms |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | Jurisdiction | Purpose clause | Requirement to seek directions of court | Express powers including limiting number of experts | Disclosure of contingency fee arrangements | Duties on experts — code of conduct | Provision for conferences  and joint reports | Express power to direct parties to engage a single joint expert | Power for court to appoint own expertb | Direct how expert evidence is to be given | | NSW | *r.31.17* | *r.31.19* | *r. 31.20* | *r. 31.22* | *r. 31.23 and Schedule 7* | *rr. 31.24 – 31.26 and Schedule 7* | *r. 31.37* | *r. 31.46* | *r. 31.35* | | VIC | *s. 65F* | *s. 65G* | *s. 65H* | *s. 65P* | *ss. 16, 17, 20, 21, 23, 24, 25* | *ss. 65I and s65N* | *ss. 65H and s65L* | *ss. 65H and 65M.* | *s. 65K* | | QLD | *r. 423* | *r. 427* | *r. 367(3)(e)* | *..* | *r. 426* | *r. 429B* | *r. 429G* | *r. 429G* | *PD 11 of 2012, para. 34* | | SA | *..* | *..* | *r. 209(1)(d)* | *r. 160(5)* | *r. 160 and PD 5.4* | *r. 213* | *..* | *..* | *r. 213* | | WAa | *..* | *O. 36A, r. 3* | *O. 36A, r. 5* | *..* | *..* | *O. 4A, r. 2(2)(k)* | *..* | *O. 40, r. 2c* | *PD 4 of 2009, para. 28* | | TASa | *..* | *..* | *r. 460* | *..* | *..* | *r. 516* | *..* | *..* | *r. 516* | | NTa | *..* | *..* | *..* | *..* | *PD 4 of 2009* | *r. 44.05 and  PD 4 of 2009* | *..* | *..* | *r. 44.05* | | ACT | *r. 1200* | *r. 1205* | *r. 1205* | *..* | *r. 1203* | *r. 1211* | *r. 1205* | *r. 1205* | *r. 1211* | | Federal Court | *..* | *..* | *r. 5.04, item 16* | *..* | *PN CM 7* | *r. 5.04, item 16, r. 23.15* | *r. 5.04, item 17* | *r. 5.40, item 14, r. 23.01* | *r. 23.15* | | Family Court | *r. 15.42* | *r. 15.51* | *r. 15.52* | *..* | *Division 15.5.5* | *r. 15.69* | *r. 15.44* | *r. 15.45* | *r. 15.70* | |
| a Refers to superior courts only. b Does not cover use of referees. *c* On the application of a party only. |
| *Sources*: Uniform Civil Procedure Rules 2005 (NSW); *Civil Procedure Act 2010* (Vic); Uniform Civil Procedure Rules 1999 (Qld); Practice Direction Number 11 of 2012 (Supreme Court of Queensland); Supreme Court Civil Rules 2006 (SA); Consolidated Practice Directions 2009 (Supreme Court of Western Australia); Rules of the Supreme Court 1971 (WA); Supreme Court Rules 2000 (Tas); Supreme Court Rules (NT); Practice Direction No 4 of 2009 (Supreme Court of the Northern Territory); Court Procedures Rules 2006 (ACT); Federal Court Rules 2011 (Cth); Practice Note CM 7 (Federal Court); Family Law Rules 2004 (Cth). |
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