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SUPREME COURT (GENERAL CIVIL PROCEDURE) RULES  
2015

Form 44A — Expert witness code of conduct

[Rule 44.01](#)

**[EXPERT](#) WITNESS CODE OF CONDUCT**

1. A person engaged as an [expert](#) witness has an overriding duty to assist the Court impartially on matters relevant to the area of [expertise](#) of the witness.

2. An [expert](#) witness is not an advocate for a [party](#).

3. Every report prepared by an [expert](#) witness for the use of the Court shall state the [opinion](#) or [opinions](#) of the [expert](#) and shall state, specify or provide—

(a) the name and address of the [expert](#);

(b) an acknowledgement that the [expert](#) has read this code and agrees to be bound by it;

(c) the qualifications of the [expert](#) to prepare the report;

(d) the facts, matters and assumptions on which each [opinion](#) expressed in the report is based (a letter of instructions may be annexed);

(e) (i) the reasons for,

(ii) any literature or [other](#) materials utilised in support of,

(iii) a summary of—

each such [opinion](#);

(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, identifying the person who carried them out and that person's qualifications;

(h) a declaration that the [expert](#) has made all the inquiries which the [expert](#) believes are desirable and appropriate, and that no matters of

significance which the [expert](#) regards as relevant have, to the knowledge of the [expert](#), been withheld from the Court;

(i) any qualification of an [opinion](#) expressed in the report without which the report is or may be incomplete or inaccurate; and

(j) whether any [opinion](#) expressed in the report is not a concluded [opinion](#) because of insufficient research or insufficient data or for any [other](#) reason.

4. Where an [expert](#) witness has provided to a [party](#) (or that [party](#)'s legal representative) a report for the use of the Court, and the [expert](#) thereafter changes his or her [opinion](#) on a material matter, the [expert](#) shall forthwith provide to the [party](#) (or that [party](#)'s legal representative) a supplementary report which shall state, specify or provide the information referred to in paragraphs (a), (d), (e), (g), (h), (i) and (j) of clause 3 of this code and, if applicable, paragraph (f) of that clause.

5. If directed to do so by the Court, an [expert](#) witness shall—

(a) confer with any [other expert](#) witness; and

(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.

6. Each [expert](#) witness shall exercise his or her independent [judgment](#) in relation to every conference in which the [expert](#) participates pursuant to a direction of the Court and in relation to each report thereafter provided, and shall not act on any instruction or request to withhold or avoid agreement.