

27 March 2019

Ms Natalie Whitby  
Acting Principal Registrar  
Supreme Court of Western Australia  
Level 11, David Malcolm Justice Centre  
28 Barrack Street  
PERTH WA 6000

By email: [Principal.Registrar.Whitby@justice.wa.gov.au](mailto:Principal.Registrar.Whitby@justice.wa.gov.au)

Dear Acting Principal Registrar

### **CONSOLIDATED PRACTICE DIRECTIONS – EXPERT EVIDENCE**

I refer to the Supreme Court of Western Australia's *Consolidated Practice Directions (Consolidated Practice Directions)*. At present, the Consolidated Practice Directions do not provide any guidance on expert evidence including in respect of the duties of expert witnesses, the content of expert reports and whether experts are expected to confer prior to trial.

I note that this is in contrast to the District Court of Western Australia, which has a *Code of Conduct – Expert Witnesses* (referred to in the District Court *Expert Evidence Circular to Practitioners CIV 2007/2* at Annexure B to the District Court *Consolidated Practice Direction Civil Jurisdiction*) as well as the Federal Court of Australia which has published *Expert Evidence Practice Note (GPN-EXPT)*. Copies are enclosed for your assistance.

The Law Society of Western Australia respectfully proposes that the Supreme Court consider addressing in its *Consolidated Practice Directions* the issue of expert evidence to give assistance to parties and practitioners as well as expert witnesses involved in Supreme Court proceedings.

The Law Society would be grateful for your consideration of this proposal and would welcome the opportunity to discuss this with you further.

I look forward to hearing from you.

Yours sincerely



**Greg McIntyre SC**  
**President**

Level 4, 160 St Georges Terrace Perth WA 6000, DX 173 Perth

Telephone: (08) 9324 8600 Facsimile: (08) 9324 8699

Email: [info@lawsocietywa.asn.au](mailto:info@lawsocietywa.asn.au) Website: [www.lawsocietywa.asn.au](http://www.lawsocietywa.asn.au)

Please address all correspondence to The Law Society of Western Australia PO Box Z5345, St Georges Terrace Perth WA 6831