

Polemic Forensic Accountants & Business Advisers



Polemic Forensic is a CPA Practice

Significant changes to the use of expert witnesses in the Supreme Court

Practice Note 128 was issued by the Supreme Court of NSW on 18 November 2004 and commenced on 31 January 2005.

The Practice Note applies to all personal injury proceedings that are commenced in the Supreme Court of NSW as from 31 January 2005.

Effectively, the Practice Note provides that expert evidence pertaining to heads of damage including nursing care, therapy, medical aids and loss of economic capacity is to be by way of a single expert witness. The parties to the proceedings are required to agree on the single expert witness and in the absence thereof the Court shall appoint a Court expert.

The single expert witness is required to provide copies of his/her report to both parties and respond to queries that may be raised by either party. The single expert witness may be cross examined by either party to the proceedings and his/her costs are payable by the parties equally.

Major issues arising out of the Practice Note include the procedure that will be adopted by the Court in selecting a panel of expert witnesses and whether the single expert rules will permeate into other state and Commonwealth Courts and Tribunals.