

NORTHERN TERRITORY OF AUSTRALIA  
SUPREME COURT AMENDMENT (EXPERT WITNESSES) RULES 2008

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Subordinate Legislation No. 33 of 2008

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## ***Supreme Court Amendment (Expert Witnesses) Rules 2008***

We, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, under section 86 of the *Supreme Court Act*, make the following Rules of Court.

Dated 9 September 2008

B. MARTIN CJ

D. MILDREN J

S. G. THOMAS J

T. J. RILEY J

S. R. SOUTHWOOD J

Judges of the Supreme Court  
of the Northern Territory of Australia

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\* Notified in the *Northern Territory Government Gazette* on 26 November 2008.

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**1 Citation**

These Rules may be cited as the *Supreme Court Amendment (Expert Witnesses) Rules 2008*.

**2 Rules amended**

These Rules amend the *Supreme Court Rules*.

**3 Amendment of rule 44.02 (Application)**

After rule 44.02(2)

*insert*

- (3) However, rule 44.05 applies in relation to the evidence of expert witnesses given in a proceeding mentioned in subrule (2) regardless of whether the evidence is also subject to Order 33.

**4 New rule 44.05**

After rule 44.04

*insert*

**44.05 Expert witnesses giving evidence on same or similar question**

- (1) This rule applies if 2 or more parties to a proceeding call, or intend to call, expert witnesses to give evidence about the same, or a similar, question.
- (2) The Court may direct:
- (a) that the expert witnesses confer; or
  - (b) that the expert witnesses produce for use by the Court a document identifying:
    - (i) the matters and issues about which their opinions are in agreement; and
    - (ii) the matters and issues about which their opinions differ; or
  - (c) that:
    - (i) the expert witnesses give evidence at trial after all or certain factual evidence relevant to the question has been led; and

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- (ii) each party intending to call 1 or more expert witnesses close that party's case in relation to the question, subject only to adducing the evidence of the expert witnesses later in the trial; or
  - (d) that, after all or certain factual evidence has been led, each expert witness file and serve an affidavit or statement indicating:
    - (i) whether the expert witness adheres to any opinion earlier given; or
    - (ii) whether, in the light of factual evidence led at trial, the expert witness wishes to modify any opinion earlier given; or
  - (e) that:
    - (i) each expert witness be sworn 1 immediately after another; and
    - (ii) when giving evidence, an expert witness occupy a position in the courtroom (not necessarily in the witness box) that is appropriate to the giving of evidence; or
  - (f) that each expert witness give an oral exposition of his or her opinion, or opinions, on the question; or
  - (g) that each expert witness give his or her opinion about the opinion, or opinions, given by another expert witness; or
  - (h) that the expert witnesses be cross-examined in a certain manner or sequence; or
  - (i) that cross-examination or re-examination of the expert witnesses be conducted:
    - (i) by completing the cross-examination or re-examination of an expert witness before starting the cross-examination or re-examination of another; or
    - (ii) by putting to each expert witness, in turn, each question relevant to 1 subject or issue at a time, until the cross-examination or re-examination of all the witnesses is completed.