



Expert witnesses engaged by the Court are expected to provide a written expert opinion report for a particular coronial investigation. The Court will provide the expert with a letter of engagement, which will outline the required scope of services to be provided and agreed timelines for provision of services and payment for those services.

Additional expenses

1. A coroner may also require an expert witness to attend an inquest proceeding and testify in court about the expert opinion provided. If this occurs, an expert witness is entitled to receive a separate additional payment of an allowance or reimbursement for expenses incurred in relation to attending court and providing oral evidence in the inquest.
2. An expert witness must complete a *Witness Expense Claim Form – Certification of Net Loss Income* to receive payment for their additional expenses.
3. A copy of this form is available under the forms section of the Court's website or by request from the Court's reception.

Code of Conduct

4. All expert witnesses engaged by the Court to provide a written expert opinion report must adhere to the Court's Code of Conduct for Expert Witnesses, including:
 - (a) **Duty to the Court:**
 - (i) The expert has an overriding duty to assist the Court impartially on matters relevant to the expert's area of expertise.
 - (ii) The expert must exercise their independent judgement and follow any direction from a coroner in relation to each report provided.
 - (iii) The expert must deliver their report to the Court within the period indicated in the Court's letter of engagement, unless otherwise agreed.
 - (iv) The expert must appear in court to give oral evidence in relation to their report when subpoenaed by a coroner to do so.
 - (b) **Reports**
 - (i) A report of the expert to the Court (**the Report**) must be that of the expert and no other person.
 - (ii) In the Report, the expert must state:
 1. the Court's case reference number;
 2. the name of the deceased;
 3. the expert's full name and professional address;



4. the expert's qualifications;
 5. the report's completion date;
 6. the sources of information relied upon at the time of writing the report (e.g. the deceased's medical history, autopsy report, CT scans etc.);
 7. the responses to the Coroner's questions, if applicable;
 8. the reasons for the facts, matter and assumptions on which the opinion is based and summarise any literature or other materials used in support of the opinion;
 9. any examinations, tests or other investigations on which the expert has relied, identifying the person who carried them out and the qualifications of that person;
 10. whether any opinion in the report is qualified because of insufficient research, insufficient data or for any other reason;
 11. whether there are any inconsistencies contained within the materials provided by the Court;
 12. if applicable, whether a question, issue or matter falls outside their area of expertise.
- (iii) Where the report expresses an opinion, the opinion should:
1. respond to a clearly defined question/s;
 2. identify the factual premises upon which the opinion is based;
 3. be based on the specialised knowledge of the expert; and
 4. be clearly expressed.
- (iv) The report should, where appropriate, be:
1. willing to consider alternative factual premises; and
 2. willing to acknowledge recognised differences of opinion or approach between experts in the relevant discipline.
- (v) The body of the report should be divided into paragraphs numbered consecutively, each paragraph being as far as possible confined to a distinct part of the subject.
- (vi) Each page of the report should be numbered.
- (vii) Each annexure to the report should be distinguishable and clearly identifiable.

(viii) The expert must deliver the report either by:

1. emailing a scanned copy of the report in PDF format; or
2. sending a hard copy of the report to the Court via post.

(c) **Further directions from the Coroner**

(i) A coroner may direct the expert to:

1. consider any additional matters relevant to the investigation;
2. provide an update on his or her progress in producing the report; or
3. appear at an inquest to give oral evidence in relation to the report.

(d) **Confidential information**

(i) *Confidential information* means information:

1. that is by its nature confidential;
2. that is marked as confidential;
3. that is known to be confidential;
4. which the expert ought to know or have known was confidential;

but does not include information which:

- a. is or becomes public knowledge other than by breach of the Code of Conduct or by any other unlawful means;
- b. is in the possession of the expert prior to taking on the engagement, without any breach of an obligation of confidence, or has been independently developed or acquired by the expert, except for the report; or
- c. is required to be released by law.

(ii) The report is confidential information.

(iii) Unless a coroner otherwise orders, the report must only be provided to the Court.

(iv) Information disclosed to the expert for the purposes of producing a report for the Court is provided confidentially and remains the Court's property at all times, irrespective of whether the report is complete or incomplete.



- (v) The report must specify:
 - 1. any person or entity external or independent of the expert who was consulted or provided any information; and
 - 2. a summary of that consultation or information.
- (e) **Disqualification**
 - (i) An expert may be disqualified from producing a report for the Court by reason of a pre-existing relationship with the deceased or a party to the investigation and/or inquest (**a pre-existing relationship**).
 - (ii) The expert must disclose a pre-existing relationship.
 - (iii) Where the expert becomes aware of a pre-existing relationship after entering into the engagement, the expert must immediately inform the Court of the nature of the relationship.
 - (iv) The Court may terminate the engagement:
 - 1. where the expert informs the Court of a pre-existing relationship; and/or
 - 2. where the expert has not provided the report to the Court by the date agreed and the expert has not made reasonable contact with the Court regarding the report's delivery or completion.
 - (v) If the expert's engagement is terminated for any reason, the expert is to return to the Court all original materials previously supplied and must seek instructions from the Court in relation to the destruction of any copies of material in their possession.
- (f) **Miscellaneous**
 - (i) Any written report or other material produced by the expert pursuant to their engagement by the Court whether produced in whole or part (and whether it has been delivered to the Court) is and remains the intellectual property of the Court, unless the coroner otherwise orders.
 - (ii) At the time of submitting the report, the expert is to return to the Court all original material (for example, radiology scans, etc.) previously supplied, unless otherwise directed by the Court.
 - (iii) The expert is to retain all copies of material supplied by the Court until the completion of the coronial investigation, after which time the expert must securely destroy the copies, unless otherwise directed by the Court.