

Rule 15.55

15.55 Mandatory disclosure of expert's report

- (1) A party who has obtained an expert's report for a parenting case, whether before or after the start of the case, must give each other party a copy of the report:
 - (a) if the report is obtained before the case starts — at least 2 days before the first court event; or
 - (b) if the report is obtained after the case starts — within 7 days after the party receives the report.
- (2) The party who discloses an expert's report must disclose any supplementary report and any notice amending the report under subrule 15.59 (5).
- (3) If an expert's report has been disclosed under this rule, any party may seek to tender the report as evidence.
- (4) Legal professional privilege does not apply in relation to an expert's report that must be disclosed under this rule.

15.56 Provision of information about fees

A party who has instructed an expert witness must, if requested by another party, give each other party details of any fee or benefit received, or receivable, by or for the expert witness, for the preparation of the report and for services provided, or to be provided, by or for the expert witness in connection with the expert witness giving evidence for the party in the case.

15.57 Application for provision of information

- (1) This rule applies if the court is satisfied that:
 - (a) a party (the *disclosing party*) has access to information or a document that is not reasonably available to the other party (the *requesting party*); and
 - (b) the provision of the information or a copy of the document is necessary to allow an expert witness to carry out the expert witness's function properly.

Division 15.5.4 Instructions and disclosure of expert's report

15.53 Application of Division 15.5.4

This Division does not apply to a market appraisal or an opinion as to value in relation to property obtained by a party for the purposes of a procedural hearing or conference under paragraph 12.02 (g) or subrule 12.05 (2).

15.54 Instructions to expert witness

- (1) A party who instructs an expert witness to give an opinion for a case or an anticipated case must:
 - (a) ensure the expert witness has a copy of the most recent version of, and has read, Divisions 15.5.4, 15.5.5 and 15.5.6 of these Rules; and
 - (b) obtain a written report from the expert witness.
- (2) All instructions to an expert witness must be in writing and must include:
 - (a) a request for a written report;
 - (b) advice that the report may be used in an anticipated or actual case;
 - (c) the issues about which the opinion is sought;
 - (d) a description of any matter to be investigated, or any experiment to be undertaken or issue to be reported on; and
 - (e) full and frank disclosure of information and documents that will help the expert witness to perform the expert witness's function.
- (3) All instructions to a single expert witness appointed by agreement between the parties must be provided jointly by the parties and, if an independent children's lawyer has been appointed in the case, the independent children's lawyer.