# Class 3 Compensation Claims

# Schedule B Part 2 – Second Directions Hearing

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| **COURT DETAILS** | |
| Court | Land and Environment Court of New South Wales |
| Class | 3 – Compensation Claims |
| Case number |  |
| **TITLE OF PROCEEDINGS** | |
| [First] applicant | **[name]** |
| #Second applicant #Number of applicants (if more than two) |  |
|  |  |
| [First] respondent | **[name]** |
| #Second respondent #Number of respondents (if more than two) |  |
| **[#FILING #ISSUING #PREPARATION] DETAILS** | |
| [#Filed #Issued #Prepared] for | **[name]** [role of party eg applicant] |
| #Legal representative | [solicitor on record] [firm] |
| #Authorised agent | [agent's name] [#agent's firm] |
| #Legal representative reference #Authorised agent reference | [reference number] |
| Contact name and telephone | [name] [telephone] |
| Contact email | [email address] |

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| **Class 3 Compensation Claims – Second Directions Hearing** |

1. Under rr 31.19 and 31.20 of the Uniform Civil Procedure Rules 2005 (‘UCPR’), the Court makes the following directions regarding expert evidence:
2. [name of the expert witness] may prepare an individual expert’s report on [specified issues];
3. [the named experts] are to confer in relation to [specified issues] under UCPR r 31.24 and prepare a joint expert report;
4. the individual expert’s report of [named expert] is to be filed and served by [date];
5. the joint expert report of [named experts] is to be filed and served by [date].

Note: The above directions may be duplicated for each area of expertise required.

1. Unless the Court otherwise orders, expert evidence may not be adduced at the hearing otherwise than in accordance with the directions made by the Court in accordance with UCPR rr 31.19 and 31.20, including compliance with directions as to the time for service and filing of experts’ reports and joint expert reports.
2. Parties are to serve a copy of these directions, the statements of contentions on determination of compensation, Division 2 of Pt 31 of the Uniform Civil Procedure Rules 2005, the Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules, and the Court policies on Joint Reports and on Conference of Expert Witnesses on all experts upon whose evidence they propose to rely within 3 business days of these orders being made, or, for a statement of facts and contentions (or reply) filed after the making of these orders, within 3 business days of them being filed or served.
3. Experts are directed to give written notice to the Court and the party instructing them if for any reason they anticipate that they cannot comply with these directions. In that case, or if the experts have failed to comply with these directions, the parties will promptly list the matter before the Court for directions and give written notice to the other parties.
4. Experts are to ensure that a joint conference is a genuine dialogue between experts in a common effort to reach agreement with the other expert witness about the relevant facts and issues. Any joint report is to be a product of this genuine dialogue and is not to be a mere summary or compilation of the preexisting positions of the experts.
5. A joint report is to identify the experts involved in its preparation, the date of their joint conferences, the matters they agreed about, the matters they disagreed about and reasons for agreement and disagreement. A joint report should avoid repetition and be organised to facilitate a clear understanding of the final position of the experts about the matters in issue and the reasoning process they used to reach those positions. Each expert is to sign and date the joint report.
6. Legal representatives are not to attend joint conferences of experts or be involved in the preparation of joint reports without the leave of the Court.
7. At the hearing the evidence of experts is to be given by way of concurrent evidence, unless the hearing judge or commissioner directs otherwise.
8. A party calling a witness may not, without the leave of the Court, lead evidence from the witness the substance of which is not included in a document served in accordance with the Court’s directions.
9. If any witness is required for cross-examination, notice is to be given prior to the pre-hearing mention.
10. A party who proposes to object to any part of an affidavit, statement or report is to file and serve notice of its objections, including the grounds in support, at least seven days before the hearing.
11. The matter is fixed for a third directions hearing on \_\_\_\_\_\_\_\_\_ [7 days after final evidence is to be filed].

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| **Applicant** | |
| #Signature of legal representative |  |
| #Signature of or on behalf of party if not legally represented |  |
| Capacity | [eg solicitor, authorised agent for (role of party), role of party] |
| Date of signature |  |

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| **Respondent** | |
| #Signature of legal representative |  |
| #Signature of or on behalf of party if not legally represented |  |
| Capacity | [eg solicitor, authorised agent for (role of party), role of party] |
| Date of signature |  |