



QUEENSLAND

Land and Resources Tribunal

PRACTICE DIRECTION No. 4 of 2003

Hearing procedures—expert evidence—“hot tubbing”

1. Experience in hearings in other jurisdictions (such as the Federal Court of Australia and the Administrative Appeals Tribunal) has found very helpful a method of dealing with contested expert evidence in the same discipline. The method is referred to as a “hot tub” panel session. It is intended to narrow down as much of the expert disagreement as possible.
2. Under this method, all such experts are sworn and effectively give evidence at the same time at the hearing. The experts are examined and cross-examined sequentially (as is the normal case) and each other expert has an opportunity to comment about the opinions given and to ask questions of the expert giving evidence. Each expert may be invited to make a presentation addressing their written reports and identifying the important issues. The experts are able to consult, be challenged and discuss their views with the other experts. The Court or Tribunal may ask questions of the experts as necessary. The lawyers or representatives of the parties are also given the opportunity to ask questions of the experts in relation to any matters raised during the “hot tub” interchange.
3. The Tribunal considers that the “hot tub” methodology may also prove very helpful in the hearing of particular cases in the Tribunal, especially where the volume or complexity of contested expert evidence (including written statements or reports) in the same disciplines is in issue.
4. Accordingly, the Tribunal may make orders or directions that the “hot tub” procedure (as detailed above) will be adopted during a contested hearing.

Gregory J Koppenol
President
30 April 2003