

Commercial Court



NOTICE TO THE PROFESSION 5/2009

WITNESS STATEMENTS

The Judicial Officers of the Commercial Court with the approval of the Chief Justice advise the profession as follows:

1. Witness statements will no longer be ordered as a matter of course for commercial cases in the Commercial Court.¹
2. Whether a direction is made for witness statements will depend upon the requirements of each case to ensure its fair, efficient and economical disposition.
3. Where witness statements are not ordered for some or all witnesses or where, if ordered, a witness will not provide a witness statement, the party proposing to call the witness will be required to file and serve a summary of the evidence to be given by the witness.
4. A summary of evidence, where required, must clearly identify the topics in respect of which evidence will be given by the witness and the substance of the evidence.
5. Where a witness will prove or refer to a document the witness statement or summary of evidence must identify each such document by description and discovery number, or page number in the court book.

6 July 2009

¹ Cf Practice Note No 4 of 2004 para 10.1 (the Green Book).

Byrne J
Hargrave J
Judd J
Pagone J
Robson J

Efthim AsJ
Daly AsJ
Gardiner AsJ
Kings AsJ