



## The Importance of Reasoning behind Expert Evidence

The recent case below highlights the importance of the reasoning behind an expert's opinion.

Citation: Oakview Constructions P/L v Stuckler [2012]  
Queensland Civil and Administrative Tribunal (QCAT)

Parties: Oakview Constructions P/L t/a AIB v Mrs. Katharina Stuckler

Mrs. Stuckler entered into a building contract with Oakview Constructions to build her home. The builder did work building the home. The final payment was an amount payable on practical completion. That payment was never made because Mrs. Stuckler was unhappy with the work, due to a number of defects she considered existed in the building, which the builder had not attended to.

The parties each engaged their own experts. The parties' experts met in conclave and prepared a joint report. In fact the two experts prepared two joint reports. Both were tendered in the matter.

The experts agreed on all but one significant matter, in relation to the connection of the bearers to the cross bearers. The floor bearer is connected to the cross bearers by 6mm cleats. The builder's engineer maintained that the 6mm cleats are structurally sound and adequate for the design loadings.

Mrs. Stuckler's expert disagreed, but did not take issue with the reasoning behind the builder's engineer's opinion.

Given that Mrs. Stuckler's expert did not take issue with that reasoning, the judge wondered how it could be argued that the connection is not structurally sufficient.

Therefore, the judge accepted the evidence of the builder's expert and found the cleat used is sufficient for its intended purpose and could not find in favour of Mrs. Stuckler's argument that the house is not structurally sound. Added with the final inspection certificate by the certifiers that certified on inspection the building work complies with requirements, the judge concluded that the house is structurally sound.

The broad message that can be taken from this for practising expert witnesses, is how fundamental it is for an expert's opinion to be premised on sound reasoning. Moreover, in the matter above, the judge expected that if the experts agreed on the reasoning relating to the issue referred to expert opinion, then logically, they should also reach the same opinion on that issue.