## Circulation of expert reports

Expert witness reports must be submitted five working days prior to the commencement of the Hearing, or another date directed by the Panel. An earlier date will be specified for more complex reports.

Parties must identify at the Directions Hearing, the evidence (if any) they will be calling at the Public Hearing.

Copies of witnesses’ reports or statements must be circulated in accordance with Directions made at the Directions Hearing. If no specific directions are made, six copies of their reports or statements must be given to the Panel Coordinator at least five working days before the Hearing. Copies will be given to the Panel and to other parties as directed. Other people may obtain electronic copies by contacting the Panel Co-ordinator at Planning Panels Victoria (PPV) on 8392 5115.

A soft copy of reports should be provided as follows:

* as an unlocked ‘pdf’ or Microsoft Word format to PPV; and
* as a ‘pdf’ to the Planning Authority suitable for uploading in its website.

Before the Hearing, copies of witnesses’ reports or statements will normally be available for perusal by submitters at the offices of the Planning Authority and PPV.

## Expert's duty to the Panel

An expert witness has a paramount duty to the Panel and not to the party retaining the expert.

An expert witness has an overriding duty to assist the Panel on matters relevant to the expert's expertise.

An expert witness is not an advocate for a party to a proceeding.

## Content and form of expert's report

The report of an expert must include:

* the name and address of the expert
* the expert's qualifications and experience
* a statement identifying the expert's area of expertise to make the report
* a statement identifying any other significant contributors to the report and where necessary outlining their expertise
* all instructions that define the scope of the report (original and supplementary and whether in writing or oral)
* the identity of the person who carried out any tests or experiments upon which the expert has relied on and the qualifications of that person.

Where an expert has prepared a report that has been used to inform the preparation of an amendment or proposal, the expert should not provide a revised version of that report. The expert should provide a brief report that includes:

* an unambiguous reference to the report, or reports that the expert relies upon
* a statement identifying the role that the expert had in preparing or overseeing the exhibited report(s)
* a statement to the effect that the expert adopts the exhibited report and identifying:
* any departure of the expert from the finding or opinions expressed in the exhibited report
* any questions falling outside the expert's expertise
* any key assumptions made in preparing the report
* whether the exhibited report is incomplete or inaccurate in any respect.

Where a report has not been used to prepare an amendment or proposal, the report should include:

* the facts, matters and all assumptions upon which the report proceeds
* reference to those documents and other materials the expert has been instructed to consider or take into account in preparing his or her report, and the literature or other material used in making the report
* a summary of the opinion or opinions of the expert
* a statement identifying any provisional opinions that are not fully researched for any reason (identifying the reason why such opinions have not been or cannot be fully researched)
* a statement setting out:
* any questions falling outside the expert's expertise
* whether the report is incomplete or inaccurate in any respect.

The expert must declare at the end of the report:

*‘I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.’*

## Privacy

Expert witnesses need to be aware of their obligations under the *Information Privacy Act 2000*. Particularly when using personal information contained in submissions they have received as a third party.

Copies of witnesses’ reports are usually posted on the Planning Authorities website. Where possible, the report of an expert should not refer to any individual submitter by name and if necessary, submitters should be referred to by submission number.

For more information on Privacy refer to the separate PPV **Guide to Privacy at Planning Panels Victoria.**

## Where the expert changes his or her opinion on a material matter

An expert witness who changes an opinion on a material matter on the basis of another expert's report or for any other reason must communicate that change of opinion in writing to the party retaining the expert and that party must file with the Panel, notice of such change of opinion as soon as practicable.

Such a document must specify reasons why his or her opinion has changed.

## Where the Panel directs expert witnesses to meet

Expert witnesses retained by parties are encouraged to meet to narrow any points of difference between them and to identify any remaining points of difference. The Panel may also direct that they meet.

If expert witnesses meet they must each set out in writing by a document filed with the Panel any agreed points and all remaining points of difference.

If any expert witness directed by the Panel to meet with any other expert is instructed not to reach agreement in respect of points of difference, the fact of such instructions must be reported in writing to the Panel by the expert witness.

## Generally

Parties to a proceeding must ensure that any expert retained by them to provide a report for use in the proceeding is aware of the contents of this direction, at the time of such retainer.

## Form of report

Written material presented at the Hearing should be two-hole punched and stapled (not bound).

Photographs or other visual material should be presented in binders in A4 or A3 format, not on large boards. This makes the material easier to transport and file.

## Further information

Further information about Planning Panels Victoria can be found at:

<https://www.planning.vic.gov.au/panels-and-committees/planning-panels-victoria>