

Expert Independence Policy

Introduction

David Lock Associates (DLA) provides expert advice about planning and development to planning authorities, review authorities, government agencies, landowners, developers, development consultants and community members affected by development. Our experts are often called as witnesses to give their opinion as evidence. Expert witnesses furnishing their opinion in a court or tribunal are required to be independent. DLA regards this requirement as fundamental to the services that it provides, and critical to the preservation of its reputation in the sector.

This policy has been developed to assist our clients and potential clients to understand the parameters within which we are prepared to accept commissions in a way that best preserves our independence and serves the interests of the process and our clients.

Policy

We adopt the following practices to ensure that the opinions provided by our experts are genuinely independent:

1. **No free advice in order to win a commission:** We charge a fee to formulate an opinion of the merits of a proposal. This ensures that the opinion is well-considered, and avoids any perception that it can be influenced by a commercial need to earn a commission.
2. **Authority to decline support:** We empower and require our experts to decline support for the client's position if they do not support it professionally, even if it risks the loss of a commission for further or future work.
3. **Consistent advice irrespective of the client type:** We do not restrict our services to a particular type or types of party involved in a development proposal or planning dispute, and require our experts to provide the same advice about a proposal irrespective of which party has requested that advice.
4. **Confined briefing for preliminary opinion:** We request that the instructor only provides material that is in the public domain to inform our expert's preliminary opinion, so that if the client declines to adopt the advice of our expert, they or another of our experts remains potentially free to advise another party if requested. This limits the potential for one of our experts to be engaged purely for the purpose of preventing them from being engaged by another party. Our experts will not be precluded from giving evidence for another party where they have provided a preliminary opinion based on information that is not personal and/or confidential in nature.

We do not accept commissions to give evidence for a second party in the same matter, or for the same party in the same area of expertise. When more than one DLA expert is engaged to give evidence for the same party in the same matter, we employ the following procedures:

1. **No overlap in scope:** We ensure that there is no overlap in the scope of professional opinion sought by the two sets of instructions.
2. **Separate commissions:** We treat each commission as a separate job, with separate instructions, fee agreements, job codes and files.
3. **No discussion between experts:** The experts do not discuss the project in each other's presence, except if requested by and in the presence of an advocate or legal adviser to the client.
4. **Separate support teams:** No DLA team member provides technical support for both experts, and team members supporting different experts are instructed not to talk to each other about the matter.

5. **Project meetings conducted in private:** All meetings and telephone conversations about the project undertaken in our office are held in an enclosed room to avoid any possibility of one expert or assisting team member overhearing the opinion of another.