Independent experts

I HAVE recently been involved in a planning case at VCAT and have become concerned at the heavy bias towards appellants/objectors who are prepared to invest the most money on expert witnesses. Given that more than 80 per cent of decisions are made in favour of developers, it is clear that, generally speaking, money wins.

When considering such esoteric issues as inappropriate overdevelopment, neighbourhood character, net community benefit and the perceived effects of traffic and parking, it is easy to organise an expert witness who will produce favourable testimony when being paid for that advice.

The answer is to have truly independent and impartial expert witnesses appointed by VCAT to assess each case on its merits, in a similar manner to medical panels. VCAT could appoint independent experts in contested fields such as heritage, urban planning, traffic management and so on, with enormous savings in time and money, to arrive at independent decisions that are fair and equitable for all parties.

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