

## PROTOCOL FOR EXPERT CONCLAVES

### *Purpose of this Protocol*

1. This protocol is designed to assist experts in the conduct of expert conclaves as required by direction 34 ('the Direction') of 21 July 2017.
2. The Direction requires the conduct of conclaves in the following disciplines:
  - a. Town planning;
  - b. Architecture, Urban design and landscape;
  - c. Urban ecology and biodiversity;
  - d. Groundwater;
  - e. Contaminated land;
  - f. Strategic transport planning;
  - g. Traffic engineering and freeway design;
  - h. Noise and vibration;
  - i. Air quality and health; and
  - j. Business and economic impacts.

### *Purpose of the Conclaves*

3. The purpose of the conclaves is to assist the Inquiry and Assessment Committee in completing its tasks as set out in the Terms of Reference. In particular, it is to assist the IAC in addressing the matters set out in clauses 13(e), (g) and 14(c) of the Terms of Reference.

### *Conduct of the Conclaves*

4. Unless otherwise agreed by the participating experts, the expert appearing on behalf of the Westgate Distributor Authority will act as chairperson of the conclave in each instance.
5. At least 24 hours prior to the relevant conclave, each participating expert should circulate a brief written statement identifying the key issues relevant to their evidence. The statement is for the purpose of the internal workings of the

conclave and is confidential to the conclave body. Copies of this document must not be circulated to instructing parties.

6. Where the statements of key issues circulated by the parties identify discrete issues particular to certain parties, only those experts instructed by those parties should participate in the discussion of those issues to reach agreement or disagreement on that issue. 'Sub-conclaves' on particular topics between relevant experts may be held if the participating experts consider this will facilitate the more efficient and effective conduct of the conclave as a whole.
7. The chairperson may be assisted by a person appointed by the chairperson from their organisation to assist with the recording of the discussions in the conclave and to help prepare the statement of outcomes of those discussions. This person is not to offer any opinions on the substantive issues under discussion, or engage in those discussions in any way.
8. Conclaves may be adjourned and reconvened as may be thought necessary by those participating.

#### *Timing and Location of Conclaves*

9. Conclaves are to be conducted in the week of 7 August 2017. If this is not possible, the conclave must be completed at least 5 days prior to the calling of the first expert in the relevant discipline.
10. Conclaves are to be conducted in person, as far as practicable. Where this is not practicable, the participating experts may agree to hold the conclave by other means (e.g. teleconference, videolink, etc).
11. Conclaves are to be conducted at a mutually convenient location agreed by the participating experts. Failing that, conclaves should be conducted at the offices of the chairperson.

#### *Attendees*

12. The meeting should only be attended by the experts being called to give evidence, and by any person appointed by the chairperson to assist with the recording pursuant to paragraph 6.

13. Representatives from VicRoads and the EPA with technical expertise in relevant areas are invited to attend the appropriate conclave.
14. Advocates for parties or those instructing the experts must not attend the meeting.

*Preparation of an Agreed Statement*

15. An agreed statement must be prepared in respect of each conclave by the participating experts.
16. The agreed statement should, if possible, be no longer than 10 pages in length, set out in numbered paragraphs and must identify, as succinctly as possible, the following matters:
  - a. The key issues identified by the participating experts, including any issues in relation to methodology, assumptions, results and interpretation of results;
  - b. The facts and opinions agreed and not agreed in respect of each issue and the reasons for any disagreement; and
  - c. Identification of the relevant experts to the particular issue.
17. The agreed statement should not restate the evidence. Where appropriate, that evidence should be cross-referenced in the agreed statement.
18. Where, pursuant to paragraph 5 of this Protocol, an issue has only been discussed between particular experts, then only those experts who have participated in that discussion should comment on that issue. The statement should record which experts participated in discussion of which issues.
19. The chairperson of the conclave should prepare a first draft of the agreed statement for circulation to the other participating experts at or shortly after the conclusion of each conclave. Those experts may suggest changes to that document to ensure that it is a fair and accurate summary of what was discussed, agreed or not agreed at the conclave. Where agreement cannot be reached on a proposed change to the document, the fact of that disagreement and the reasons for it should be recorded.

20. The agreed statement must be signed by each participating expert. By signing the statement the expert is taken to be signifying that they agree that the document is a fair and accurate summary of what occurred at the conclave.
21. The agreed statements must be tabled on the opening day of the hearing or at least two clear business days prior to the first witness in the conclave being called to give evidence.
22. If any participating expert has been instructed not to reach agreement in respect of any issue, these instructions must be reported in writing to the Inquiry and Advisory Committee by the expert in question.