

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Stage 3 of the
Queenstown Lakes
Proposed District Plan

MINUTE 25 – SUBSTITUTING EXPERT WITNESSES

Introduction

1. I have received advice from the Council's Legal Team that the Council's expert traffic witness, Mr Smith, is unable to give evidence for personal reasons and seeking leave to substitute one of Mr Smith's colleagues, Mr Chris Rossiter, who will adopt Mr Smith's evidence. I see no difficulty giving the leave requested. More generally, if any other party faces a similar position, they can proceed on the basis that another expert witness can stand in the shoes of the expert whose evidence has been pre-circulated without an application. I have only three pre-conditions:
 - (i) The substitute witness must have the appropriate qualifications to address the subject matter covered by the original witness;
 - (ii) The substitute witness must have taken the time to be fully across the subject matter of the evidence;
 - (iii) The substitute witness must adopt the original evidence without material change – substituting a witness is not a back door method of putting additional expert evidence before the hearing panel.
2. Having said that, if a witness is to be substituted, I would appreciate if the Hearing Administrator could be advised, so that the Panel does not learn of this on the day.

Dated 26 June 2020



**Trevor Robinson
Chair
Stage 3 Hearing Panel**