

RESOURCE PLANNING AND DEVELOPMENT COMMISSION

Integrated Assessment pursuant to s20 of the *State Policies and Projects Act 1993* of the proposal by Gunns Limited for the development and operation of a bleached kraft pulp mill in northern Tasmania

Outline of Submissions of Counsel Assisting the Commission

(In relation to an application by Peg Putt MHA and Senator Christine Milne that Dr Warwick Raverty disqualify himself from the panel to which the Commission has delegated the function of undertaking an integrated assessment)

Introduction

1. By letter dated 31 October 2006, counsel for Ms Peg Putt MHA and Senator Christine Milne applied to have “...*Dr Warwick Raverty disqualify himself from the Panel to whom (sic) the [Resource Planning and Development] Commission has delegated the task of conducting the integrated assessment...*” pursuant to s20 of the *State Policies and Projects Act 1993* of the proposal by Gunns Limited for the development and operation of a bleached kraft pulp mill in Northern Tasmania.
2. The basis for that application is said to be that “...*in all of the circumstances, the parties or the public might entertain a reasonable apprehension that Dr Raverty might not bring an impartial and unprejudiced mind to the resolution of the matter in particular the conduct of the integrated assessment and the Panel’s determination of a recommendation to the Minister...*” (i.e., a so-called “reasonable apprehension of bias”)
3. It would appear that the applicants assert that the reasonable apprehension of bias relates to both “*the conduct of the integrated assessment*” itself and to the ultimate “*determination of a recommendation to the Minister*”
4. It is submitted, on the basis of what follows, that the matters relied upon by the applicants;

- (a) are incapable of supporting the former proposition - namely, that there is a reasonable apprehension that the *conduct* of the integrated assessment might not be impartial and unprejudiced, and,
- (b) relate only to particular “issues” likely to arise during the course of the integrated assessment and fall well short of establishing that which must be established – namely, “...*a reasonable fear that [Dr Raverty’s] mind is so prejudiced in favour of a conclusion already formed that he ... will not alter that conclusion irrespective of the evidence or arguments presented to him...*”¹

The “No Bias” Rule Applies

5. It is accepted that s10 of the *Resource Planning and Development Commission Act 1997* (“the RPDC Act”) requires that, where the Commission holds a hearing, it “*must observe the rules of natural justice*”. It is also accepted that the “no bias” rule is a fundamental component of natural justice (or “procedural fairness”).
6. As appears from the letter from the applicants’ counsel of 31 October 2006, in *R v Resource Planning & Development Commission; ex parte Hayward* (2000) TASSC 40, Underwood J. proceeded on the basis that the Commission is subject to the “no bias” rule and applied the conventional test for “apprehended bias” as stated by Dawson J in *Grassby v R* (1989) 169 CLR 1 and as originally formulated by the High Court in *Livesey v New South Wales Bar Association* (1983) 151 CLR 288
7. The test laid down in *Livesey*, although of general application, is primarily concerned with the “no bias” rule as it relates to judicial and quasi-judicial tribunals but in *Re Finance Sector Union of Australia; ex parte Illation Pty Ltd* (1992) 66 ALJR 583 the High Court made it clear that the precise practical requirements of the “no bias” rule may vary from case to case and are influenced by the nature, function and composition of the particular tribunal. In a passage which has a particular resonance in the current application the court (Deane, Toohey & Gaudron JJ) said at pp.583-584;

“The central principle involved in the applications [to disqualify for apprehended bias] is well settled. It is that a judge or person obliged to act

¹ Per Gaudron & McHugh JJ in *Laws v Australian Broadcasting Tribunal* (1990) 170 CLR 170

judicially in the discharge of the functions of a public tribunal should not sit to hear a matter if, in all the circumstances, a party or the public might entertain a reasonable apprehension that she or he might not bring an impartial and unprejudiced mind to the resolution of the question or questions in it (see e.g. , *Livesey v. New South Wales Bar Association* (1983) 151 CLR 288, at pp 293-294; *Re Polites; Ex parte Hoyts Corporation Pty Ltd* (1991) 173 CLR 78, at p 85.

The precise practical requirements of that principle vary from case to case. They will be influenced by the nature, function and composition of the particular tribunal. Thus, the operation of the principle in a case such as the present where it is sought to prevent a member of the Commission from participating in the determination of particular proceedings is governed by a number of considerations relating to the nature and functions of the Commission, the prescribed or desirable formal qualifications and practical experience of those appointed to discharge those functions, the nature of the contests involved, and the Australian industrial environment.

In the discharge of its functions, particularly that of the prevention of inter-State industrial disputes, the Commission is required to act promptly and effectively. In a context where its members are permanent and its resources are limited, **it is desirable that the members, between them, possess a vast fund of practical background knowledge and experience** extending over all facets of Australian industrial relations. Indeed, s.20 of the *Industrial Relations Act 1988 (Cth)* ("the Act") requires each member of the Commission to "keep acquainted with industrial affairs and conditions". A potential or actual industrial dispute extending beyond the limits of any one State is liable to encompass a variety of issues or potential issues between the parties or potential parties to it. **The nature of industrial relations in this country makes it inevitable that, in a particular industry, the leading employer and employee organizations, and their officers, will be frequently involved in dispute with one another. Obviously, the functioning of the Commission requires that its members participate in the determination of matters in circumstances where they have a familiarity with the industry in which the particular dispute arises, with the context of the dispute and, inevitably, with facts relevant to the dispute and with one or more of the parties to the dispute. In that regard, it has long been recognized that, in most cases, that familiarity is an advantage rather than a disqualifying factor.** Again, the Act itself obliges the President of the Commission to constitute industry panels to which a Presidential member and at least one Commissioner shall be assigned: s.37(1).

In these circumstances, the need for caution which this Court has consistently identified (see, e.g., *Re J.R.L.; Ex parte C.J.L* (1986) 161

CLR 342, at p 352; *Re Polites* (1991) 173 CLR, at pp 86-87; *Reg. v. Australian Stevedoring Industry Board; Ex parte Melbourne Stevedoring Co. Pty. Ltd.* (1953) 88 CLR 100, at p 116 **in relation to applications for an order preventing a member of a statutory tribunal from participating in the discharge of the functions of that tribunal by reason of apprehended bias is particularly apposite when such an application is directed against a member of the Commission. It is that care must be taken to bear in mind that the basis for disqualification by reason of apprehended bias is that there are grounds upon which a party or the public might entertain a reasonable apprehension that the particular member of the Commission will not decide the case impartially or without prejudice. The basis for disqualification is not merely that the member's past decisions, on questions of fact or law, might lead to a reasonable expectation that she or he will decide the case adversely to one of the parties. Nor is it that she or he has had previous contact or experience, as a member of the Commission, with the facts involved in the particular matter, with the context in which the particular matter arises, or with one or more of the parties involved in the particular matter.**" (emphasis added)

8. It may be noted that in *Hayward*, Underwood J placed considerable emphasis upon the fact that the Commission consisted of a "*relatively small, but highly skilled, group of persons, together with a like group of equally skilled deputies, to perform a wide range of significant statutory duties in diverse environmental planning and development areas*"²
9. These observations are particularly relevant in the context of the current application for it is likely, if not inevitable, that by reason of their past professional and personal experience, members of the panel will have previously had cause to consider, and possibly even to determine, some of the issues likely to arise during the integrated assessment. The authorities make it perfectly clear that that fact alone will not provide a sufficient foundation for disqualification on grounds of apprehended bias.

The "Conduct" of the Integrated Assessment

10. If, as seems to be the case, the applicants assert that the integrated assessment will not be *conducted* fairly (for reasons other than the claimed apprehended bias of one of the panel members), the application does not appear to refer to any facts in support of that contention.

² *R v Resource Planning & Development Commission; ex parte Hayward* [2000] TASSC 40 at par. 26

11. To the extent that the contention is that the conduct of the integrated assessment will be unfair because of the claimed apprehended bias of one of the panel members, the matters raised by the applicants in support of that contention are dealt with below.

The Factual Bases for the Application

12. It is convenient to deal with the factual bases upon which the applicants rely in the same order in which they appear in the letter from their counsel dated 31 October 2006:

(a)

13. The matters referred to in paragraph (a) are correct.

(b) & (c)

14. The applicants assert that “*Ensis*³ has already formed a clear view with respect to the Pulp Mill Project in general terms, and in respect of some of the crucial issues.” (“the Assertion”)
15. The Assertion is supported first, by reference to the contents of a website apparently maintained by the Department of Economic Development⁴ - a department of the government of Tasmania (“the DEE Website”). Particular reference is made by the applicants to the contents of two “newsletters” which may be viewed and downloaded from the DEE Website. The DEE Website and the newsletters contain extracts from, and comment upon, a document published by Ensis entitled “*Frequently Asked Questions on Kraft Pulp Mills - As at 8 March 2005*” (“the FAQ”)
16. However, it is not apparent that Ensis has, in any way, either adopted or endorsed any of the contents of the DEE Website nor any of the comments concerning the FAQ.

³ It would appear from the “Ensis” website (www.ensisjv.com) that Ensis is “an unincorporated joint venture between Australia’s CSIRO and New Zealand’s Scion.” The CSIRO website (<http://www.csiro.au/csiro/content/standard/ps1p,..html#1>) describes the CSIRO as being “an independent statutory authority constituted and operating under the provisions of the *Science and Industry Research Act 1949*”. The “Scion” website (<http://www.scionresearch.com/scion+profile.aspx>) describes “Scion” as “a Crown Research Institute”.

⁴ See: <http://www.pulpmill.tas.gov.au/>

17. Accordingly, it is submitted, that neither the contents of the DEE Website nor the contents of the newsletters are logically capable of supporting the Assertion. Whilst it may be safely assumed that documents published by Ensis accurately reflect its opinions (but not *necessarily* those of Dr Raverty) there is no basis for assuming that comment made by third parties upon the contents of documents published by Ensis, reflect the opinions of Ensis (or of Dr Raverty).
18. The Assertion is secondly supported by reference to the contents of the FAQ. The FAQ is apparently published by Ensis and should be taken to accurately reflect (at least as at 8 March 2005 and, probably, currently) the views of that organisation. Whether the FAQ should similarly be assumed to represent the views of Dr Raverty is a more difficult question. However, for present purposes, this submission will proceed upon the assumption that is most favourable to the applicants.
19. The applicants argue that the FAQ contains four statements, conclusions or opinions which, by inference, they do not accept and which they intend to challenge.

(c)(i)

20. The first of these, as formulated by the applicants, is; “*the emission limit guidelines are the most stringent in the world*”. This formulation appears to be based upon the following passage which appears as part of “answer” 14 in the FAQ;
“The emission limit guidelines for odour established by the Tasmanian Government are the most stringent in the world.”
21. The applicants say that they (and other parties) will assert “that the emission limit guidelines are inadequate and not nearly as stringent as they should be.” However, it is unclear whether the claimed inadequacy of the guidelines relates only to *odour* emissions or to some or all other emissions. Plainly enough, the passage complained of in the FAQ, is confined to the Guidelines only as they relate to odour.
22. In any case, the passage complained of and the applicants’ argument that the guidelines are not nearly as stringent as they should be, are not inconsistent. To say of something that it is the most stringent (or even the best) in the world is not to deny the possibility of its being further improved.

23. This evident lack of inconsistency goes to the very heart of the argument that Dr Raverly might reasonably be thought to have prejudged an issue in the integrated assessment.
24. The law is clear. Where a party claims that a tribunal (or one of its members) may not bring a fair or unprejudiced mind to an inquiry because it has formed a conclusion about a single issue in the proceeding (as distinct from a conclusion about the *outcome* of the proceeding) that party must 'firmly establish' that the tribunal is so prejudiced that it will not alter its mind irrespective of the evidence or arguments presented to it. So much was made clear by the High Court in *Laws v Australian Broadcasting Tribunal* (1990) 170 CLR 70. In their joint judgment Gaudron & McHugh JJ said (at p. 99)

"A reasonable bystander does **not** entertain a reasonable fear that a decision-maker will bring an unfair or prejudiced mind to an inquiry merely because he has formed a conclusion about **an issue** involved in the inquiry: *Reg. v. Australian Stevedoring Industry Board; Ex parte Melbourne Stevedoring Co. Pty. Ltd.* (1953) 88 CLR 100, at p 116; *Reg. v. Commonwealth Conciliation and Arbitration Commission; Ex parte Angliss Group* (1969) 122 CLR 546, at pp 554, 555; *Re Shaw; Ex parte Shaw* (1980) 55 ALJR 12, at pp 14, 15; 32 ALR 47, at pp 50-51, 53. When suspected prejudgment of **an issue** is relied upon to ground the disqualification of a decision-maker, what **must** be **firmly established** is a reasonable fear that the decision-maker's mind is **so prejudiced** in favour of **a conclusion already formed** that he or she will not alter that conclusion **irrespective of the evidence or arguments presented to him or her**. Thus, in *Ex parte Angliss Group*, the mere fact that the statement of reasons for a previous decision gave rise to the conclusion that members of the Conciliation and Arbitration Commission tended to favour the adoption of a principle of equal pay for both sexes as soon as it was economically and industrially practicable to do so was not a ground for disqualifying them from sitting on an application for an equalisation of rates of pay for male and female employees brought in reliance upon their reasons. **This Court rejected** (at p 554) **the notion that a fair and unprejudiced mind was "necessarily a mind which has not given thought to the subject matter or one which, having thought about it, has not formed any views or inclination of mind upon or with respect to it"**. In *Re Shaw*, the transcript showed that a judge of the Family Court of Australia had expressed opinions adverse to the case for the husband before his counsel had opened his case. Nevertheless, Gibbs A.C.J., with whose judgment Stephen J. and Wilson J. agreed, said (at p 14; p 51 of ALR) that the evidence did not justify "a conclusion that the views which the learned judge expressed, although strong, were other than provisional,

or that it could reasonably be suspected that at the end of the case she would not decide with a fair and unprejudiced mind". (emphasis added)

(c) (ii)

25. Next, the applicants submit that "Ensis has described ECF and TCF as equivalent in terms of low level toxicity emissions". The formulation of this proposition appears to be based upon the following passage which appears as part of the "answer" to question 1 in the FAQ;

"When ecotoxicological studies are done on effluents from ECF and TCF bleaching following proper biological treatment (including microanalysis for the 'dioxins', PCDF and PCCD) both types of effluent show very low levels of toxicity that is removed by adequate dilution in the sea. These findings have been reviewed by the United Nations Environment program (UNEP) who, in 2003, published the statement:

'The United Nations Environment Program (UNEP) considers the ECF and TCF bleaching methods to be equivalent with respect to their potential formation of PCCD and PCDF.'"

26. It is submitted that, properly understood, Ensis is saying that in the circumstances described, effluents from both ECF and TCF bleaching "show very low levels of toxicity..." and that the UNEP has said that the UNEP "considers the ECF and TCF bleaching methods to be equivalent with respect to their potential formation of PCDF and PCCD". That is, except perhaps by inference, Ensis is saying nothing about the equivalency (as distinct from the levels) of the toxicity of effluents from ECF and TCF bleaching. Rather, it is the UNEP which is expressing a view concerning the equivalency of the potential *formation* of those compounds.
27. However, even if the proposition as formulated by the applicants is accurate, it is submitted that such a statement by Ensis is incapable of "firmly establishing" a reasonable fear that Dr Raverty is so prejudiced in favour of that proposition that he will not alter the opinion which is imputed to him "irrespective of the evidence or arguments presented to him."

(c)(iii)

28. Thirdly, the applicant submits that Ensis has “[s]tated that organochlorine emissions from ECF bio-degrade naturally and do not accumulate in the bio sphere.” Again, the formulation of this proposition appears to be based on part of the answer to question 7 in the FAQ in the following terms;
- “The organochlorides produced by the ECF process have been extensively studied and found to be degraded biologically and by sunlight to carbon dioxide and sodium chloride, so they do not accumulate in the biosphere in the way that certain obsolete chlorine-containing pesticides, such as DDT and chlordane, accumulate.”
29. The applicants say that the proposition, as formulated by them, is under significant challenge. In truth there are two apparently related propositions. The first being that “organochlorine emissions from ECF bio-degrade naturally” and the second, that those emissions “do not accumulate in the bio sphere.”
30. It may be a matter of scientific debate whether the statement by Ensis that “organochlorides produced by the ECF process have been extensively studied and found to be degraded biologically and by sunlight to carbon dioxide and sodium chloride” means (as the applicants assert) that “organochlorine emissions from ECF bio-degrade naturally.” Similarly, the statement by Ensis that organochlorides produced by the ECF process “do not accumulate in the biosphere in the same way that certain obsolete pesticides, such as DDT and chlordane, accumulate” may or may not (as the applicants assert) be the same thing as saying that organochlorine emissions “do not accumulate in the bio sphere.”
31. However, even assuming that the proposition(s) as formulated by the applicants accurately represent(s) what Ensis has said, it may be expected that the applicants (or others) will adduce evidence intended to disprove the truth of those propositions. The relevant question is therefore: *Do the statements by Ensis firmly establish a reasonable fear that Dr Raverty is so prejudiced in favour of the views said to be expressed in those statements that he will not alter the opinion which he is said to hold irrespective of the evidence or arguments presented to him?*
32. It is submitted that the difficulty which the applicants face is that, even assuming that Dr Raverty in fact currently holds the same opinions as those said by the applicants to have been expressed by Ensis, without

something more, it is impossible to logically conclude that Dr Raverty holds those opinions so strongly that he will be unlikely to alter them irrespective of the evidence or arguments presented to him.

(c)(iv)

33. Fourthly, the applicants submit that Ensis has stated “[t]hat Kraft Pulp Mills run essentially on solar energy stored in timber.” The formulation of this proposition appears to be based upon a passage appearing in the “answer” to question 16 in the FAQ as follows;
- “The 500kg of each tonne of woodchips that does not end up as pulp (mainly lignin) will be burnt to release the solar energy stored by the tree in order to run the mill and to recycle the chemicals used to pulp the wood. Kraft mills are usually self sufficient in energy and often have a small excess of electricity to contribute to the State power grid. In summary, the kraft process effectively runs on solar energy stored in the wood and turns carbon dioxide that a tree has converted into cellulose fibre into a useful and natural polymer, papermaking pulp”
34. The applicants say that the proposition (as formulated by them) “is subject to challenge”. The basis of the challenge is not identified but it may be anticipated that it would include an argument that the burning of wood or wood constituents would not ordinarily be described or understood by lay persons as involving the release of solar energy.
35. However, from a scientific point of view, it may be that the proposition is an arguable one and will presumably be the subject of evidence and submissions to the Commission. Again, and without more, the fact that Dr Raverty is assumed to have expressed or to hold that opinion, is incapable of satisfying the test laid down in *Laws v Australian Broadcasting Tribunal*.

(d)

36. The applicants also submit that, in addition to the above matters the clear implication from the FAQ is “...that Ensis and CSIRO, and by implication Dr Raverty, have reached conclusions in relation to the proposed Pulp Mill which is (sic) favourable to the proponent.”

37. This submission appears to be based on what might be called “the general tenor” of the FAQ.
38. Strictly speaking, any views which either Ensis or CSIRO might have regarding the pulp mill proposal are irrelevant. However, as mentioned, this submission proceeds upon the assumption that the views of Ensis are taken to be the views of Dr Raverty.
39. It is unclear whether the assertion that Dr Raverty has “*reached conclusions which are favourable to the proponent*” is intended to mean that Dr Raverty has reached (presumably final) conclusions in relation to the issues dealt with in the FAQ or that he has reached (presumably final) conclusions in relation to a recommendation to approve the proposed pulp mill.
40. Logically, the contents of the FAQ are incapable of supporting the latter proposition, for the FAQ does not canvass all of the issues which are relevant to the integrated assessment.
41. On the other hand, if the submission means only that Dr Raverty has reached conclusions on the issues dealt with in the FAQ, this submission does not seem to raise anything new or different from the matters already raised in sub-paragraph (c).

(e)

42. The applicants also rely upon an additional matter in connection with a personal computer application known as The Air Pollution Model (TAPM V3) (“TAPM”).
43. TAPM is a three dimensional prognostic model for air pollution studies.⁵ TAPM was developed by the Marine and Atmospheric Research Division of the CSIRO and is licensed by the CSIRO for commercial use.
44. TAPM was used by the proponent’s consultants to carry out pollutant dispersion modelling designed to determine the impact of predicted emissions from the proposed pulp mill on air quality in the Tamar valley.
45. The applicants say that they (and others) “*challenge TAPM as an appropriate or accurate model for the purpose of assessment of the impact*”

⁵ See: http://www.dar.csiro.au/TAPM/docs/tapm_v3_information_sheet.pdf

of the Pulp Mill on air quality” and “will adduce evidence to establish that TAPM is discredited”

46. The applicants submit that “...*Dr Raverty’s association, through Ensis, with the CSIRO, raises the apprehension that he may have prejudged the issue concerning the appropriateness of the use of TAPM*”
47. It may be observed that the applicants do not contend that Dr Raverty has ever expressed any view concerning the appropriateness or otherwise of TAPM. Rather, the submission appears to proceed upon the basis that because Dr Raverty is associated with a joint venture in which the CSIRO is interested and because a division of the CSIRO - evidently unrelated to Dr Raverty’s principal field of expertise - licenses a computer application, it may be reasonably assumed that Dr Raverty has formed a fixed and unshakeable belief in the appropriateness of the use of that computer application.
48. It is of course not to the point that the applicants themselves might apprehend or fear that Dr Raverty may have formed such a belief.⁶ The test - as appears from the passage from the judgment of Underwood J in *Hayward* and which is relied upon by the applicants themselves - is an objective one. It looks to the state of mind of an hypothetical observer of the proceedings. Immediately following the passage in *Hayward* which is relied upon by the applicants, Underwood J said:
- “Application of the test needs to bear in mind that the hypothetical person will be aware of the work of the Commission and its statutory obligations, and will be as well informed as is this Court with respect to all the circumstances surrounding this particular case. See *R v Carter and the Attorney-General; Ex parte Gray and McQuestin* 90/1991 at 47.”
49. It is submitted that an objective and informed hypothetical observer could not rationally conclude that, because of nothing more than some supposed sense of collegiate or quasi-corporate loyalty, Dr Raverty’s mind is so prejudiced in favour of the accuracy or appropriateness of TAPM, that he will not alter that conclusion irrespective of the evidence or arguments presented to him.

⁶ Or even a belief that Dr Raverty (and, by extension, the Commission) will decide the issue of the appropriateness or accuracy of TAPM adversely to the applicants - see *Laws v Australian Broadcasting Tribunal* (supra) ; *Re: J.R.L.; Ex parte C.J.L.* (1986) 161 CLR 342 per Mason J. at par. 5

The Need For Caution

50. One final consideration in relation to the general approach which should be taken to an application like the present should be should be mentioned.
51. The High Court has consistently⁷ warned of the need for courts and tribunals to proceed with caution and not to accede too readily to suggestions of the appearance of bias.
52. In *Re: J.R.L.; Ex parte C.J.L.* (1986) 161 CLR 342 Mason J. said at par. 5;

“It seems that the acceptance by this Court of the test of reasonable apprehension of bias in such cases as *Watson* and *Livesey* has led to an increase in the frequency of applications by litigants that judicial officers should disqualify themselves from sitting in particular cases on account of their participation in other proceedings involving one of the litigants or on account of conduct during the litigation. **It needs to be said loudly and clearly that the ground of disqualification is a reasonable apprehension that the judicial officer will not decide the case impartially or without prejudice, rather than that he will decide the case adversely to one party.** There may be many situations in which previous decisions of a judicial officer on issues of fact and law may generate an expectation that he is likely to decide issues in a particular case adversely to one of the parties. But this does not mean either that he will approach the issues in that case otherwise than with an impartial and unprejudiced mind in the sense in which that expression is used in the authorities or that his previous decisions provide an acceptable basis for inferring that there is a reasonable apprehension that he will approach the issues in this way. **In cases of this kind, disqualification is only made out by showing that there is a reasonable apprehension of bias by reason of prejudgment and this must be "firmly established"** (*Reg. v. Commonwealth Conciliation and Arbitration Commission; Ex parte Angliss Group* (1969) 122 CLR 546, at pp 553-554; *Watson*, at p 262; *Re Lusink; Ex parte Shaw* (1980) 55 ALJR 12, at p 14; 32 ALR 47, at pp 50-51). **Although it is important that justice must be seen to be done, it is equally important that judicial officers discharge their duty to sit and do not, by acceding too readily to suggestions of appearance of bias, encourage parties to believe that by seeking the disqualification of a judge, they will have their case tried by someone thought to be more likely to decide the case in their favour.”**

⁷ *Re J.R.L.; Ex parte C.J.L.* (1986) 161 CLR 342, at p 352; *Re Polites* (1991) 173 CLR, at pp 86-87; *Reg. v. Australian Stevedoring Industry Board; Ex parte Melbourne Stevedoring Co. Pty. Ltd.* (1953) 88 CLR 100, at p 116

Dated the 8th of November 2006

A handwritten signature in black ink, appearing to read 'Leigh Sealy', written in a cursive style.

Leigh Sealy

Counsel Assisting the Commission