

**OFFICE OF THE INFORMATION
COMMISSIONER (W.A.)**

**File Ref: F1411998
Decision Ref: D0181999**

Participants:

Peter de Waal
Complainant

- and -

Ministry of the Premier and Cabinet
Respondent

DECISION AND REASONS FOR DECISION

FREEDOM OF INFORMATION – refusal of access – transcript of evidence of the 1974 Honorary Royal Commission into matters relating to homosexuality – clause 3(1) – personal information about third parties – meaning of “personal information” – clause 8(1) – confidential communications – evidence given *in camera* – anonymity of witnesses – whether disclosure would be a breach of confidence – whether breach of equitable obligation of confidence.

Freedom of Information Act 1992 (WA) Schedule 1 clause 3(1), 8(1) and 12(b).
Royal Commissions Act 1968 ss.19B(1), 32.

Re Speno Rail Maintenance Australia Pty Ltd and the Western Australian Government Railways Commission and Rail Technology International Pty Ltd [1997] WAICmr 29

DECISION

The decision of the agency is set aside. In substitution it is decided that, subject to the deletion of the matter described in the schedule to these reasons for decision, the disputed matter is not exempt under clauses 3(1) or 8(1) of Schedule 1 to the *Freedom of Information Act 1992*.

B.KEIGHLEY-GERARDY
INFORMATION COMMISSIONER

20 July 1999

REASONS FOR DECISION

BACKGROUND

1. This is an application for external review by the Information Commissioner arising out of a decision of the Ministry of the Premier and Cabinet ('the agency') to refuse Mr de Waal ('the complainant') access to part of a document requested by him under the *Freedom of Information Act 1992* ('the FOI Act').
2. I understand that, in 1973, a Bill was introduced into the Legislative Assembly of the Parliament of Western Australia to amend those sections of the Criminal Code relating to homosexual acts. The Bill was passed by the Legislative Assembly and was transmitted to the Legislative Council on 5 December 1973. The Legislative Council voted to refer the Bill to a Select Committee of the Legislative Council. It was ordered that the Select Committee have power to call for persons and documents; to adjourn from place to place; to sit on days over which the Legislative Council stood adjourned and that the Select Committee report when the Legislative Council reassembled. The Legislative Council requested the Legislative Assembly to also appoint a Select Committee of that House to confer with the Select Committee of the Legislative Council. That request was agreed to and the Joint Select Committee held its initial meeting on 19 December 1973.
3. At its initial meeting in 1973, in view of the proximity of the State General Elections, the members of the Joint Select Committee resolved that an application be made to the Government to grant it the status of an Honorary Royal Commission. That request was acceded to and, on 16 January 1974, the members of the Joint Select Committee were appointed by the Governor as an Honorary Royal Commission ('the Royal Commission').
4. Following the appointment of the Royal Commission, advertisements were lodged in the four principal metropolitan newspapers calling for written submissions and applications from persons wishing to present oral evidence to the Royal Commission. Thereafter, commencing on 30 April 1974, and on eleven subsequent days, formal evidence was taken from 53 witnesses. The transcript of evidence totalled 598 pages.
5. The *Report of the Honorary Royal Commission Appointed To Inquire Into and Report Upon Matters Relating To Homosexuality* ('the Report') was completed in September 1974 and tabled shortly thereafter in the Parliament of Western Australia.
6. In October 1997, the complainant made preliminary inquiries with the agency about the possibility of obtaining a copy of the transcript of the hearings conducted by the Royal Commission and the likely cost of obtaining that document under the FOI Act. After making preliminary inquiries into the complainant's request, the agency informed him that the process of dealing with his request for access to a complete copy of the transcript under the FOI Act

- would, in the opinion of the agency, require the agency to divert an unreasonable and substantial amount of its resources due to the number of third parties who would need to be consulted. The agency suggested, as an alternative, that the amount of work required could be considerably reduced if the complainant would consider excluding from the scope of his request, all personal, commercial or business information about third parties.
7. By letter dated 15 December 1997, the complainant lodged a formal application with the agency seeking access under the FOI Act to a complete copy of the transcript of the Royal Commission. Despite the agency's earlier advice to the complainant, he chose not to narrow the scope of the access application in the manner suggested by the agency. Further discussions took place between the agency and the complainant and, on 28 January 1998, the complainant agreed that he would accept access to an edited copy of the transcript from which personal information about third parties had been deleted.
 8. Before making its decision on access, the agency consulted with three of the former Royal Commissioners and with the former Secretary to the Royal Commission. I understand that the former Royal Commissioners advised the agency that it was their understanding that the transcript was confidential and that assurances of confidentiality had been given by the Chairman to witnesses who gave evidence before the Royal Commission.
 9. By letter dated 17 March 1998, the agency informed the complainant of its decision on access. The agency informed the complainant that the witnesses who gave evidence to the Royal Commission could be classified as three distinct groups. Group 1 was identified as comprising the 17 witnesses who gave their evidence *in camera*, with no members of the press or public present when that evidence was given. Group 2 was identified as comprising the witnesses who gave their evidence in the presence of the press, but who requested that the Royal Commission suppress their names and addresses from publication. Group 3 was identified as comprising the witnesses who gave their evidence at hearings of the Royal Commission attended by the press and who did not object to the disclosure of their names and addresses – there were 36 such witnesses.
 10. The agency claimed exemption for those parts of the transcript containing the evidence of the Group 1 witnesses under clauses 8(1) and 12(b) of Schedule 1 to the FOI Act. The agency claimed exemption for those parts of the transcript containing the evidence of the Group 2 and Group 3 witnesses, under clauses 3 and 12(b). By letter dated 27 March 1998, the complainant applied to the agency for internal review of the decision on access.
 11. After receiving the request for internal review, the internal reviewer consulted with those of the Group 2 and Group 3 witnesses for whom the agency was able to obtain a current address. Thirteen such witnesses advised the agency that they had no objection to that part of the transcript containing their particular evidence being released to the complainant. Subsequently, by letter dated 8 September 1998, the internal reviewer varied the agency's initial decision on access and granted the complainant access to those parts of the transcript

containing the evidence of the 13 witnesses who had consented to their evidence being disclosed.

12. The internal reviewer confirmed the claims for exemption under clauses 8(1) and 12(b) for the parts of the transcript containing the evidence of the Group 1 witnesses. In addition, the internal reviewer claimed exemption for those parts of the transcript under clause 3(1). Although not clearly stated in the notice of decision, it is apparent that the internal reviewer abandoned the agency's claim for exemption under clause 12(b) relating to the evidence of the Group 2 and Group 3 witnesses who had consented to its disclosure. However, the internal reviewer maintained the claim for exemption under clause 3(1) for the evidence given by the Group 2 and Group 3 witnesses with whom the agency had been unable to consult or who did not consent to its disclosure.
13. By letter dated 6 October 1998, the complainant lodged a complaint with the Information Commissioner seeking external review of the agency's decision.

REVIEW BY THE INFORMATION COMMISSIONER

14. I obtained the transcript of the Royal Commission and the file maintained by the agency in respect of the complainant's access application. I also obtained a copy of the Report. Inquiries were made with the complainant to clarify aspects of his complaint and its scope. The complainant advised my office that he did not seek access to any information that would identify the witnesses who appeared before the Royal Commission, nor any personal information about other individuals identified or referred to in the transcript. Accordingly, in my view, any information in the transcript remaining in dispute that would identify the witnesses who gave evidence to the Royal Commission and any other third parties referred to in the transcript by witnesses, such as their names and addresses, is outside the scope of the access application and that matter is no longer in dispute between the parties.
15. During the review process, two meetings were held with officers of the agency. At the second of those meetings, held on 15 December 1998, two former members of the Royal Commission who had previously been consulted by the agency attended and the prospect of obtaining a conciliated outcome of this complaint was discussed. However, it appeared that conciliation was not an option.
16. On 17 March 1999, after considering the material before me, I informed the parties in writing of my preliminary view of this complaint, including my reasons. It was my preliminary view that those parts of the transcript remaining in dispute between the parties may not be exempt under clauses 3(1), 8(1) or 12(b) of Schedule 1 to the FOI Act. Further, I considered that it was practicable for the agency to give the complainant access to an edited copy of the transcript from which matter falling outside the scope of the access application had been deleted. To assist the agency in identifying that matter and making the appropriate deletions, I identified the matter to be excluded by highlighting it in a copy of the transcript forwarded to the agency.

17. Subsequently, the agency provided the complainant with access to edited copies of the pages of the transcript containing evidence given by the Group 2 and Group 3 witnesses, as agreed between my office and the agency. However, the agency claims that those parts of the transcript containing the evidence of the Group 1 witnesses are exempt in total under clause 8(1).

THE DISPUTED MATTER

18. There is only one document in dispute between the parties. That document is the transcript of the evidence given to the Royal Commission. However, since the agency has already given the complainant access to copies of parts of the transcript, the only matter remaining in dispute consists of the following pages: 17-31; 39-53; 82-97; 110-116; 125-200; 266-286; 401-405; 443-446; 460-492; 504-512; and 547-561. Those pages contain the transcript of the evidence given *in camera* by the Group 1 witnesses.

THE EXEMPTIONS

(a) Clause 8 – Confidential communications

19. Clause 8(1) of Schedule 1 to the FOI Act provides:

“8. Confidential communications

Exemptions

(1) Matter is exempt matter if its disclosure (otherwise than under this Act or another written law) would be a breach of confidence for which a legal remedy could be obtained.”

20. I considered the meaning and interpretation of the exemption in clause 8(1) of Schedule 1 to the FOI Act in *Re Speno Rail Maintenance Australia Pty Ltd and The Western Australian Government Railways Commission and Rail Technology International Pty Ltd* [1997] WAICmr 29. In *Re Speno*, I expressed the view that the particular wording of clause 8(1) of Schedule 1 to the FOI Act is significantly different to other jurisdictions and unique to Western Australia. Accordingly, for the reasons expressed in paragraphs 15-28 of *Re Speno*, I consider that the exemption provided by clause 8(1) extends to documents the disclosure of which would give rise to a cause of action for breach of a common law obligation of confidence, such as a contractual obligation of confidence for which a legal remedy could be obtained, and does not include those documents the disclosure of which would give rise to a cause of action for breach of confidence for which only an equitable remedy would be available.

The agency's claims

21. The agency initially claimed, on the basis of advice received from some of the former Royal Commissioners and the former Secretary to the Royal Commission, that the issue of confidentiality was discussed by the members of the Royal Commission and that the Chairman had offered absolute assurances of confidentiality to each of the Group 1 witnesses. The agency's decision-makers concluded that the undertaking of strict confidentiality given by the Chairman to each of the Group 1 witnesses was accepted and relied upon by those witnesses. The agency claimed that the giving and receiving of that undertaking created an equitable obligation such that the disclosure of the evidence of those witnesses would amount to a breach of confidence for which a legal remedy could be obtained. The agency therefore claims that information to be exempt matter under clause 8(1).
22. It is also submitted by the agency that if an obligation of confidence is owed to one or more of the Group 1 witnesses, then that obligation of confidence cannot unilaterally be waived by the agency, the former Royal Commissioners or by the Information Commissioner. The agency submits that that obligation of confidence can only be waived by agreement of the witnesses concerned. The fact that the Group 1 witnesses cannot be identified because their identities were suppressed by the Royal Commission does not, in the view of the agency, preclude the operation of clause 8(1) because any former witness who was of the opinion that the Royal Commission had breached its obligation of confidence could bring an action against the State at any time. The agency claims that the fact that the witness cannot be identified would merely be a matter to be taken into account when assessing damages, rather than whether the matter was actionable *per se*.
23. During the meeting on 15 December 1998, two former members of the Royal Commission informed my office that, in their view, the assurances of confidentiality given to the Group 1 witnesses extended not only to protect the anonymity of the witnesses, but to the whole of their evidence as well. The agency claims that both the transcript and the Report support the recollections of the former Royal Commissioners because those documents contain a number of references to confidentiality undertakings, assurances of anonymity, and the "safeguarding" of witnesses and evidence taken *in camera*. The agency submits that, even if some ambiguity can be read into those references, the former Royal Commissioners clearly intended that the guarantees of confidentiality were to protect both the identities of the witnesses and their evidence.
24. The agency does not dispute the fact that selected details pertaining to the evidence of some Group 1 witnesses appear in the Report. However, the agency says that there is nothing in the Report that overtly links those details or that evidence to any particular witness, such that the witness could be identified. The agency submits that certain parts of the transcript confirm the understanding given to my office by the two former Royal Commissioners that the Royal Commission intended to protect both the identity of a witness and his or her evidence.

25. Notwithstanding the conclusions reached in my decision in *Re Speno*, the agency informs me that it holds the view that clause 8(1) applies to prevent a breach of confidence for which an equitable remedy could be obtained and that any undertakings of confidentiality given to the Group 1 witnesses by the Royal Commission extend to the whole of the evidence given by such witnesses and not merely to their names and addresses. In support of that position, the agency relies on the recollections of the former Royal Commissioners and claims that those statements are irrefutably the best evidence available from which the intentions of the Royal Commission can be ascertained.
26. The agency also submits that the recollections of the Royal Commissioners should not be lightly dismissed. The undertakings of confidentiality given by the Royal Commission were given at a time when the FOI Act did not exist and those statements were not expressed with the FOI Act in mind. The agency contends, therefore, that the expectations of best practice in public administration in the 1990's should not be applied to ascertain the purpose of or the intentions behind certain parts of the proceedings of a 1974 Royal Commission. Accordingly, the agency submits that the evidence given by the Group 1 witnesses is exempt from disclosure under clause 8(1) of Schedule 1 to the FOI Act.
27. On the basis of the material before me, I accept that the Group 1 witnesses gave their evidence to the Royal Commission *in camera*, in circumstances that indicate that their evidence was given and received in confidence for the purpose of protecting their identities. In my view, it is clear from my examination of the transcript that, at various stages during the hearings, the Chairman informed several of the Group 1 witnesses that they would only be referred to in the transcript by a letter of the alphabet, in order to preserve their anonymity.
28. However, the transcript does not record how many of the Group 1 witnesses actually gave their evidence *in camera*. The Report indicates that all of the Group 1 witnesses who are identified only by letters of the alphabet in both the Report and in the transcript gave their evidence *in camera*. Although the transcript does not record that the Chairman gave each of those witnesses an express assurance that his or her identity would remain confidential, on the basis of the material before me, including the recollections of the two former Royal Commissioners, I am prepared to accept that such an assurance was given to each of them.
29. Notwithstanding that, I have some difficulty accepting the agency's claim that any undertakings as to the confidentiality of the evidence itself were expressly given or are to be implied. Although the two former Commissioners indicated that it was their recollection that the assurances of confidentiality extended to the evidence given by the Group 1 witnesses as well as their identities, the documentary material does not support their recollections. I have examined the contents of the transcript, the Report and the minutes of the meeting of the Joint Select Committee provided to me by the agency. There is no record in those

documents of any express assurance being given, other than in respect of their identities.

30. At page 156 of the transcript it is recorded that the Chairman asked a witness to impress upon others who were to give evidence that “...*when things are said or given in evidence in camera, they will be kept in camera and will be regarded in camera.*” However, other recorded statements of the Chairman indicate that the assurances given were in respect of the witnesses’ identities rather than the substance of their evidence. At page 489, the Chairman informed another witness that “...*your evidence - even though you appear as Mr. K. - will be included in the volume; it will be read and be available to any parliamentarian here...*”. At page 504 the Chairman is recorded as informing another witness that “...*your testimony will appear in print under the letter “P” and will be incorporated in the bound volume of the transcript of evidence.*”
31. In my view, the fact that the names of the Group 1 witnesses were deleted and replaced by letters of the alphabet to protect their anonymity in the transcript and in the Report, and the latter two statements of the Chairman referred to above, suggest that the Royal Commission did not intend the evidence of those witnesses was to be kept confidential, but rather that their anonymity was to be protected. I am strengthened in that view by the fact that, without identifying the particular witness, summaries of evidence given *in camera* by several of the Group 1 witnesses – including a detailed summary of the evidence given by witnesses G and H – were included in the Report, which was tabled in the Parliament and is, therefore, in the public domain.
32. In my opinion, the only fact that can clearly be ascertained from the available evidence is that the Royal Commission took great care to protect the identities of particular witnesses, where those witnesses specifically requested it to do so. In the Report it is stated, at page 5, that many witnesses were reluctant to appear unless their anonymity was guaranteed and, where required, the Royal Commission undertook to protect those witnesses who gave their evidence *in camera* and their names were deleted from the official transcript.
33. The *Royal Commissions Act 1968* governs the proceedings and powers of Royal Commissions. That Act contemplates the publication of the transcript or proceedings of a Royal Commission (s.32), and s.19B(1) gives a Royal Commission the power to direct that any evidence given before it shall not be published. Any publication in contravention of any direction given by a Royal Commission under s.19B(1) of that Act is to be dealt with as a contempt of the Supreme Court by the person responsible for such publication. However, it does not appear to me that any such direction was given in the present case and, in view of the possibility of contempt proceedings, in my opinion, such a direction would need to be explicit rather than implicit.
34. Although the agency claims exemption for the disputed matter under clause 8(1), it does so on the basis that the exemption in that clause includes an action for a breach of confidence for which an equitable remedy could be obtained and that disclosure of the disputed matter would constitute such a breach of confidence. However, it seems to me that s.32 of the *Royal Commissions Act*

1968 may expressly exclude such an action and negate the application of clause 8(1). Section 32 provides:

“32. No action or proceeding, civil or criminal, lies against the Crown in right of the State, against a Minister, or against a person employed or engaged by the Crown in right of the State, in respect of the printing or publishing of-

(a) a transcript or proceedings of a Commission; or

(b) a report of, or a recommendation made by, a Commission.”

35. I note that the heading to s.32 states “Proceedings for defamation not to lie”, but in my view, the terms of that section may not be limited to actions for defamation. It seems to me that the ordinary words of section 32 make it clear that all civil and criminal actions, including actions for breach of confidence, in respect of the printing or publication of a transcript or proceedings of the Royal Commission are barred. In any event, even if I were to accept that clause 8(1) extends to equitable actions for breach of confidence (which, at this stage, for the reasons given in *Re Speno*, I do not), and that such an action were available, I am of the view that any obligation of confidence arising in the circumstances of this matter relates only to the non-disclosure of the identities of certain witnesses and not to the substance of the evidence given by those witnesses.
36. I have considered the statements made by the two former Royal Commissioners concerning confidentiality and the fact that the disclosure of documents under the FOI Act some 25 years later could not have reasonably been foreseen at the time of the Royal Commission. I have also carefully examined the documentary material in my possession to determine if those parts of the disputed document are exempt. The onus is on the agency under s.102(1) of the FOI Act, to establish that its decision to refuse access was justified. In my view, for the reasons given, the agency has not established that its decision to refuse access based on clause 8(1) was justified. Accordingly, I find that the disputed matter is not exempt under clause 8(1) of Schedule 1 to the FOI Act.

(b) Clause 3 – Personal information

37. Clause 3, so far as is relevant, provides:

“3. Personal information

Exemption

(1) Matter is exempt matter if its disclosure would reveal personal information about an individual (whether living or dead).”

38. In the Glossary in the FOI Act, “personal information” is defined to mean:

“...information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead-

- (a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
- (b) who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample”.*

The agency’s claims

- 39. In its initial decision on access, the agency claimed exemption for the evidence of the Group 1 witnesses under clauses 8(1) and 12(b) of Schedule 1 to the FOI Act, but not under clause 3(1). However, following internal review, exemption was also claimed for that material under clause 3(1).
- 40. In support of that claim, the agency submits that the definition of “personal information” makes it clear that any information or opinion about an individual from which that individual could be identified is *prima facie* exempt under clause 3(1). The agency submits that matter falling within the terms of the exemption in clause 3(1) includes more than a name and address. The agency contends that the evidence given by the Group 1 witnesses about themselves, including facts, opinions, beliefs or experiences constitutes personal information as that term is defined in the FOI Act and, hence, is exempt under clause 3(1).
- 41. The agency further submits that its broad interpretation of the words “personal information” is justified, particularly in the circumstances of this complaint, where the identities of individuals could reasonably be ascertained because those individuals form part of a particular section of the community. For that reason, the agency claims that the whole of the evidence of the Group 1 witnesses is exempt under clause 3(1).
- 42. Paragraph (a) of the definition of “personal information” makes it clear that information or opinion about someone will only be personal information for the purposes of the FOI Act if the identity of that person is either apparent from the information itself or if it could reasonably be ascertained from that information. In my view, once any information from which a person’s identity could reasonably be ascertained is removed, what remains is not “personal information” as defined.
- 43. I accept that information other than specific names and addresses may in some cases reasonably enable the identities of individuals to be ascertained. However, having carefully considered the contents of the disputed pages, I do not accept the agency’s contention in this case that the individual witnesses could be identified by the views they have given or the accounts they have given or by the fact that they belong to a particular group or profession. Subject to the deletion

of certain matter that might enable them to be personally, individually identified, that matter does not, in my view, reveal any more than that it was given by one of many people who belonged to that group or held that view or experienced certain events. It does not reveal which of those people gave that evidence, particularly more than 25 years later.

44. Based on my examination of pages 17-31; 39-53; 82-97; 110-116; 125-200; 225-232; 266-286; 401-405; 443-446; 460-492; 504-512; and 547-561 of the transcript, I am satisfied that some of those pages contain personal information, as that term is defined in the FOI Act, about third parties including witnesses. The personal information includes, among other things, names and various other references that would, in my view, clearly identify those third parties. I am satisfied that that kind of information is, *prima facie*, exempt matter under clause 3(1) of Schedule 1 to the FOI Act.
45. However, the complainant has made it clear to me that he does not seek access to that kind of information. Therefore, I consider that that matter is not in dispute between the parties. I have also considered whether it is practicable to delete that kind of matter wherever it appears in the disputed pages. In my view, it is practicable to do so. Therefore, I have described the matter to be deleted in the schedule attached to these reasons for decision.
46. In my view, for the reasons given above, the agency has not established that its decision to refuse access based on clause 3(1) was justified. Accordingly, I find that the disputed matter, other than the matter described in the schedule attached to these reasons for decision, is not exempt under clause 3(1) of Schedule 1 to the FOI Act.

Schedule of exempt matter

Page No	Description of matter to be deleted
18-19	The last sentence on page 18 starting with the word "He", and the first 3 lines and the first 4 words in line 4 on page 19.
21	The name in lines 25 and 27.
22	The question and answer in line 7; the last two words in line 11 and all of line 12.
40	The first two sentences in the second last paragraph.
41	Lines 9 and 10; lines 30-35; the references to the exhibits.
47	The answer to the question in lines 2 and 3; the last 4 words in the sentence on lines 5 and 6.
48	The name of the group in line 11.
52	The first question in lines 22 and 23.
88	The answer to the question appearing in lines 3-7.
91	The second sentence commencing in line 11 and finishing in 12; the first sentence in lines 16 and 17.
93	The question and answer in line 24.
127	The name in line 23; the last sentence of the second last paragraph; the first sentence of the last paragraph.
128	The name in lines 3 and 17; the number in line 17; the date in line 20.
129	The number in line 6 of the third last paragraph; the name appearing in the last 2 paragraphs.
130	The name in line 13; the whole of the sentence commencing in line 4 and finishing in line 6 of the last paragraph.
132	The first sentence in line 1; the name in line 8; the date in line 11; the name in lines 14 and 20; the name in lines 1 and 5 of the last paragraph; lines 25-32.
133	The name in lines 2,6,8 of the first paragraph and line 3 of the last paragraph.
133A	The name in line 1.
134	The name in line 1.
135	Paragraphs 2-6; the first 10 words of the 4 th sentence in paragraph 8.
136	Paragraph 2; paragraphs 4-6.
137	The words after the hyphen in line 3 to the end of the sentence in line 9; the name in line 21.
138	The last 2 words of line 5; all of lines 10-19; the name in line 21; the last two words of line 22 and the first 5 words of line 23.
141	Lines 3 and 4.
142	The first sentence of paragraph 3.
143	Paragraphs 3-6.
146	The first sentence in line 19; the first sentence in line 24.
150	The last 3 words of the last paragraph.
151	The first word of the first line.
153	The second sentence.
154	The last 4 words in line 3; all of the words after the comma in lines 34 and 35.
155	The last word in line 18.
156	The last 4 words of line 8 and the first 3 words of line 9.
157	Lines 12 and 13; first 3 words in line 14; last 4 words in line 16 and balance of that sentence in line 17.
158	The last 2 sentences of the first paragraph (after the list of publications) and the first sentence of the second paragraph.
159	The name in line 13.
161	The 2 nd , 3 rd , 4 th , 5 th and 6 th words in line 24; line 43.
162	The number in line 8.
163	The sentence commencing with the second word in line 36 and ending in line 37.
168	Lines 28-32.
171	The second paragraph; last two lines on the page.

172	The last 7 words in the 8 th last line, and the last 7 lines of the last paragraph.
173	Line 1; line 8; the first word in line 9.
176	The answer to the question in lines 19 and 20.
179	The fifth word in line 27.
190	The 3 sentences commencing at the end of line 2 and finishing in line 7; the last 6 words in line 39.
266	Lines 5-14 in the first paragraph.
270	The answer to the questions in the third paragraph and in the 5 th paragraph.
271	Lines 5-8 inclusive.
274	The last word of line 8 and the name in line 9.
280	The name in line 2 of the last paragraph.
282	The first 4 words in line 20.
283	The name in the last line.
285	The sentence commencing in line 38 and ending in line 40
401	Lines 3-7; the 2 nd , 3 rd , 4 th and 5 th words in line 25.
403	Line 8; lines 21 and 22; the answer to the question commencing in line 25 and finishing in line 26.
461	The name and title appearing in lines 19,21,24,31 and 34 and all of line 35.
462	The name in line 12 and the sentence commencing in line 34 and ending in line 36; all of line 40.
463	The name in lines 6, 10, 27, 28 and 32.
464	Lines 2 and 3 and the first two words of line 4.
470	The name in lines 27-28.
478	The date in line 42 and all of line 44.
479	The name in lines 18 and 38; the date in line 21; the name in line 23 and in line 28.
506	The first sentence in paragraph 5.
510	The name in line 1 of the second last paragraph and in line 2 of the last paragraph; all of line 4 of the last paragraph.
547	The sentence commencing with the last 2 words in line 11 and finishing in line 14; everything after the question in line 15 to the end of the page.
548	The first two sentences; the names in lines 17, 18 and 19.
549	All.
550	The first 14 lines and the first word in line 15.
551	All.
552	The 1 st , 2 nd and 3 rd paragraphs.
555	The name of the legal firm in the second paragraph and in the exhibit reference; the next 2 lines after the exhibit reference; the names in the next paragraph; the names and the name of the place of employment in the last paragraph.
556	The name in line 2 and the name of the legal firm in line 3.
557	The names of people and the names of the businesses and legal firms, wherever they appear.
558	The 3 rd and 4 th words in line 10; the answer to the question commencing in line 23 and concluding with the word "Wagin" in line 29.
559	The last 8 words of the second paragraph.
560	Lines 1-3.
561	The 4 th word in line 9; the question by Mr Jamieson and the answer.