

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

COMMITTEE OF PRIVILEGES

**POSSIBLE FALSE OR MISLEADING STATEMENTS
TO SENATE SELECT COMMITTEE ON
PUBLIC INTEREST WHISTLEBLOWING**

(61ST REPORT)

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POSSIBLE FALSE OR MISLEADING STATEMENTS TO SENATE SELECT COMMITTEE ON PUBLIC INTEREST WHISTLEBLOWING

Introduction

2.1 On 21 March 1995, the following matter was referred to the Committee of Privileges:

Whether false or misleading statements were made to the Select Committee on Public Interest Whistleblowing and, if so, whether any contempt was committed in relation to those statements.ⁱ

2.2 The reference to the Committee was given precedence by the President of the Senate, Senator the Hon. Michael Beahan, following the raising of the matter by Senator Shayne Murphy, Chair of the Unresolved Whistleblower Cases Committee at the time,ⁱⁱ and Senator Jocelyn Newman, the former Chair of the Public Interest Whistleblowing Committee.ⁱⁱⁱ In giving precedence to the motion, the President drew attention to past cases and reports by the Committee of Privileges, noting that any suggestion of false or misleading evidence had always been taken seriously and required investigation.^{iv} The President's statement, letters from Senator Murphy and Senator Newman and associated documents are included in the volume of documents tabled with this report.

Background

2.3 On 27 February 1995 Mr Alwyn Johnson wrote to the Secretary of the Select Committee on Unresolved Whistleblower Cases drawing attention to what he regarded as misleading statements by Mr John Harris, Chairman of the Trust Bank Tasmania, in a letter to the Senate Select Committee on Public Interest Whistleblowing (Whistleblowers Committee) of 7 January 1994.^v Mr Harris' letter was a response to a letter of 7 December 1993, from the Acting Secretary of the Whistleblowers Committee, addressed to the General Manager of the Trust Bank. The Acting Secretary had written to the General Manager under Privilege Resolution 1(13), which requires all Senate committees to give persons about whom they have received adverse evidence an opportunity to respond to the evidence.^{vi} The Acting Secretary's letter enclosed several allegations by Mr Johnson in a submission to the Whistleblowers Committee, the most significant of which was that he had been dismissed as a result of his activities as a whistleblower. Mr Harris' response made five statements about the bank's general position on the termination of Mr Johnson's employment and went on to comment on matters including legal proceedings and Mr Johnson's role in disclosing problem loans.^{vii}

2.4 The Trust Bank was formed as a result of an amalgamation between the SBT Bank, formerly the Savings Bank of Tasmania, and the Tasmania Bank. Mr Johnson had been an employee of the Tasmania Bank at the level of Chief Manager. The amalgamation occurred with effect from 1 September 1991, but had been announced on 14 March 1991.^{viii} On 21 March 1991, Mr Johnson wrote a letter to Mr Paul Kemp, at that time the General Manager of the SBT Bank, mentioning a previously submitted application for the position of Managing Director of the Tasmania Bank. He drew attention to his role in advising the then Premier, the Hon. Michael Field, and the relevant union, of problem loans at the Tasmania Bank which he suggested had led to a special audit of the bank and

ultimately to its amalgamation with the SBT Bank.^{ix}

2.5 According to Mr Johnson, during the amalgamation process Mr Kemp refused to have any contact with him despite his attempts to do so and his expectation that as a Chief Manager he would have access to Mr Kemp.^x

2.6 On 20 May 1991, Mr Johnson was listed by Messrs Purtell and Spinks, the Assistant General Managers responsible for restructuring the lending division, as being surplus to requirements, and on 29 May his name was listed among a number of persons within the lending division whose positions were considered to be redundant.^{xi} The Committee was advised that the Tasmania Bank level of Chief Manager was an extra layer of management, which had no equivalent within the merging SBT Bank. It was determined that the level was superfluous to the amalgamated Bank's requirements. As a consequence, all five Chief Manager positions were abolished; three of the Chief Managers took voluntary retrenchments; another Chief Manager was redeployed to a lower-level position, while Mr Johnson received notice of termination of his employment, based on his position having become redundant.^{xii}

2.7 On 1 July 1991, Mr Johnson faxed a letter to Mr Bernie Fraser, Governor of the Reserve Bank,^{xiii} drawing to attention concerns about the new management of the merged SBT/Tasmania Bank. In advice to the Whistleblowers Committee and in answer to questions on notice, the Reserve Bank has provided information on the sequence of events from that time. Having received the fax, Mr Fraser copied Mr Johnson's letter to the Deputy Governor with an annotation to the effect that he wished to talk with the Deputy Governor and the Assistant Governor (Financial Institutions) the next day, when the Assistant Governor returned to the office. The Reserve Bank Board met on the morning of 2 July, and into the early afternoon. Mr Fraser advised that he discussed Mr Johnson's letter with the Deputy Governor and the Assistant Governor during the afternoon.^{xiv}

2.8 Also in the afternoon, Mr Cullen, Australian Bankers' Association, telephoned Mr Fraser to report that Mr Johnson had rung him to express his concerns. Mr Fraser believes he then phoned Mr Johnson and Mr Kemp, in that order. Mr Fraser advised that Mr Kemp told him that decisions had been made to terminate the services of seven employees the following day (3 July), six of whom would be leaving voluntarily and one (Mr Johnson) involuntarily.^{xv} On 3 July Mr Johnson's employment was terminated with immediate effect.^{xvi} He was handed a termination letter signed by Mr Kemp, and was escorted from the building.^{xvii}

Conduct of inquiry

2.9 In accordance with its normal practice, the Committee wrote both to Mr Johnson and to Mr John Harris, as Chairman of the Trust Bank, inviting each to make a submission on the matter referred to it. The first response, of 12 April 1995, to the Committee's invitation came from the legal firm Abetz Curtis & Docking, acting for the Trust Bank.

The response challenged the jurisdiction of the Committee on the basis of matters raised by Mr Johnson, declared the inadequacy of the terms of reference and drew the Committee's attention to proceedings settled in the Federal Court between the Trust Bank and Mr Johnson. The letter suggested that a decision would be made "shortly" in relation to the institution of legal proceedings against Mr Johnson for breaching confidentiality provisions of the deed of settlement. That letter also included a direct response to specific matters raised by Mr Johnson.^{xviii}

2.10 Mr Johnson's response of 19 April 1995 to the Committee's invitation repeated the allegations made in his original letter to the Unresolved Whistleblower Cases Committee and made further comments in relation to the Privileges Committee's terms of reference. In the submission Mr Johnson made certain disparaging comments in respect of several persons, in addition to officers of the Trust Bank.^{xix} As required by Privilege Resolution 1(13) the Committee forwarded Mr Johnson's comments to those persons to give them an opportunity to respond. The persons concerned were Mr Bernie Fraser, Governor of the Reserve Bank, who also responded on behalf of another officer of the Reserve Bank, and Mr Robert Reitano, a barrister who had acted pro bono for Mr Johnson. The responses are included in the volume of documents.^{xx} The Committee also provided copies of relevant documents to Abetz Curtis & Docking and Mr Johnson and invited their further response.

2.11 Subsequently, the Committee received and considered a further submission from Mr Johnson,^{xxi} and also responded to matters raised by Abetz Curtis & Docking in its April 1995 submission. In its response, the Committee again invited Abetz Curtis & Docking or their clients to draw to its attention any substantive matters they wished to raise.

2.12 In response, Abetz Curtis & Docking continued to raise objections in comparable terms to the submission of 12 April 1995, but also included comment on substantive matters, enabling the Committee to carry the matter further.^{xxii} Included, however, in the attachments were two submissions which Abetz Curtis & Docking asked be treated as strictly confidential documents. The Committee confirmed its normal practice that it was not willing to receive and consider documents on a confidential basis, without a capacity to publish the documents if required. It also sought advice as to the status of other attachments. These matters were finally resolved in late November 1995. For reasons of privacy, explained later in this report, the Committee has decided not to publish the documents.

2.13 Further correspondence was transmitted between the various parties, and documents received, before the Committee was to consider the matter further early in the new year. However, it was unable to continue with the reference until after the March 1996 elections. The Committee met during April to complete its deliberations, which it concluded on 22 April. A submission was received from Abetz Curtis & Docking later that day, and is included in the volume of documents.^{xxiii} The submission did not require the Committee to modify its report in any way.

CHAPTER TWO

Matters for consideration

3.1 As the President of the Senate stated in giving precedence to the motion to refer the matter to the Committee of Privileges, the question whether false or misleading evidence has been given to the Senate or a committee is of serious concern. The information-gathering processes of the Senate and its committees depend significantly on the willingness of witnesses before committees to give full, frank and truthful information. Withholding or distorting information can be as obstructive to the Senate or a committee as deliberate lying. The first question for the Committee, therefore, was whether the matters contained in the letter signed by Mr John Harris, as the newly appointed Chairman of the Trust Bank following the amalgamation of the SBT Bank and the Tasmania Bank, were in fact false or misleading, or had the effect of misleading the Senate Select Committee on Public Interest Whistleblowing.

3.2 If the Committee of Privileges were to find that false or misleading evidence had been given, the next question for the Committee would be whether such information was intended to be false or misleading. The Committee has pointed out in several reports since the passage of the privilege resolutions in February 1988 that it considers itself obliged to establish, under Privilege Resolution 3(c)(i), that a person intended to commit an act constituting contempt.

Possible false or misleading evidence

3.3 Mr Alwyn Johnson, in his submissions to both the Unresolved Whistleblower Cases Committee and the Committee of Privileges, set out several matters which he regarded as constituting misleading evidence. Abetz Curtis & Docking suggested in its initial response to the matters raised by Mr Johnson that “[a]ll except two of the allegations relate to expressions of opinion and not allegations of fact”.^{xxiv} That letter concluded that it was “demonstrably clear that this exercise is not worthy of taking up the time of either the members of the Committee of Privileges or of Mr Harris”.^{xxv}

3.4 The Committee did not accept this view, and has examined all the matters with care. The following analysis is based on the Trust Bank letter of 7 January 1994 to the Whistleblowers Committee,^{xxvi} Mr Johnson's views on the matters raised, as contained in his submission to the Committee of Privileges of 19 April 1995,^{xxvii} and a response on behalf of the Trust Bank received by the Committee in September 1995.^{xxviii} The particular matter, on which all other comments on behalf of the Trust Bank hinged, appeared to the Committee to be whether Mr Johnson had been dismissed from his employment on the grounds that he was a whistleblower. In determining whether there was a causal connection between Mr Johnson's activities in drawing attention to the operations of the Tasmania Bank and the termination of his employment, the Committee

followed the sequence of statements in the Trust Bank letter of 7 January, in the order discussed by Mr Johnson.

Mr Johnson's claim to be a whistleblower

3.5 The first statement challenged by Mr Johnson was as follows:

Mr Johnson was not at all a whistleblower in the sense that the problem loans which he adopts as his own were already the subject of a special audit and had been discussed by representatives of the Union with the government and other employees of the Bank prior to the first communication by him. The matter was already well at hand when Mr Johnson sought to contribute to it.^{xxix}

Mr Johnson asserted that he was recognised as a whistleblower by, among others, the then Premier of Tasmania, Mr Field.^{xxx} The Committee also notes that Mr Johnson advised Mr Paul Kemp, General Manager of the SBT Bank, and subsequently Managing Director of the amalgamated Trust Bank, on 21 March 1991 — six months before the amalgamation of the two banks was completed and more than three months before he was denied a position in the amalgamated bank — that he had written to the Premier about difficulties in the Tasmania Bank.^{xxxii} His letters to the Premier were sent on 9 June and 8 August 1990.

3.6 The response to the Committee of Privileges on behalf of the Trust Bank reaffirmed that other staff of the Tasmania Bank had drawn attention to difficulties at the Bank earlier than Mr Johnson, with a meeting being held between the relevant union and employee representatives from the Bank and the then Premier on 26 February 1990, more than four months before Mr Johnson had made his first contact with the Premier. While the Bank's submission acknowledged that Mr Johnson had an involvement in the process of drawing to public attention the difficulties experienced by the Tasmania Bank, it suggested that Mr Johnson's perception of his own role as a whistleblower differed from that of Bank officials, including Mr Harris.^{xxxiii} Mr Johnson, however, held the view that the matters raised by other staff were not as significant or specific as those contained in his letters to the Premier.^{xxxiii}

3.7 The Bank's assertions as to both the scope and the timing of Union representations to the Premier were supported by a statement, prepared for a possible Federal Court hearing, which, although unsigned at the time, was stated to be from Mr Mel Cooper, formerly Secretary of the Tasmanian Branch of the Finance Sector Union. In the statement Mr Cooper named the three employee representatives involved in the meeting with the Premier, stating that the purpose of the meeting was to express to the Premier the concern held by those employees regarding the banking practices of the Tasmania Bank.^{xxxiv}

3.8 The relevant paragraph of Mr Cooper's statement continued:

In particular, these employees were concerned in relation to areas where they thought the Bank was being unacceptably extravagant, and the other main area concerned the Bank's lending practices and the exposure which they created particularly in the wholesale banking area.^{xxxv}

3.9 Mr Cooper's statement went on to advise that he "called a report back meeting to the members of the Union which was to be held at the Civic Centre in Ulverstone". The meeting was held on 4 March 1990. Mr Cooper continued:

At that meeting I advised the members present of the meeting that had been held with the Premier and the reasons why it had been held. The members were specifically advised in relation to concerns as to the extravagance exhibited by the Bank and the state of the syndicated loans.^{xxxvi}

3.10 The paragraph concluded as follows:

As a result of this meeting the concerns of the Union in relation to the state of the Tasmania Bank and the fact of the meeting having been held with Premier Field were public knowledge.^{xxxvii}

3.11 The Committee sought from Mr Cooper advice as to the validity and origins of the statement. Mr Cooper, who is now retired, stated that "in respect of the general thrust the statement is correct".^{xxxviii}

Whether Mr Johnson was dismissed

3.12 Mr Johnson's second concern involved the statement by the Trust Bank that he "was not dismissed".^{xxxix} This statement is linked with his claim that his performance was not poor, as alleged by the Bank.

3.13 Mr Johnson stated that he was dismissed on 3 July, without notice and with immediate effect. A letter, dated 3 July 1991, advising Mr Johnson of the termination of his employment with the Bank, was attached to his submission. The first paragraph of the letter is as follows:

You have been advised that your position with the Tasmania Bank is to be made redundant with effect from Wednesday 3 July 1991.^{xl}

3.14 The response on behalf of the Trust Bank stated:

This seems to be purely and simply an exercise in semantics. Mr Johnson seeks to equate the word "dismiss" with the words "wrongfully dismiss". The position occupied by Mr Johnson became redundant, he did not apply for a

voluntary redundancy and therefore because he could not be redeployed he was dismissed. Thus, the concepts of redundancy and dismissal are not mutually exclusive. One follows the other.^{xli}

3.15 The submission then argued, in accordance with its previous advice to the Whistleblowers Committee, that:

- Mr Johnson's previous level of employment as Chief Manager was superfluous within the new structure;
- all five positions of Chief Manager were disbanded;
- in the absence of voluntary redundancy or redeployment to other positions, all Chief Managers would have been forced to take redundancy;
- the assessment of Mr Johnson by two direct supervisors was not favourable; and
- the union representing Mr Johnson was "satisfied that his position was genuinely redundant".^{xlii}

3.16 The Committee has noted that the initial documentation supplied on behalf of the Bank in support of its claim that two, named, supervisors determined that he was a poor performer did not demonstrate this, but merely listed "identified surplus staff" and proposed a new organisational structure which excluded Mr Johnson.^{xliii} While one supervisor subsequently made an unfavourable written statement about Mr Johnson's performance, the documents adduced have not contradicted Mr Johnson's assertion that one of the named persons denied giving him an unfavourable report. The Committee has also noted earlier, favourable assessments of his banking performance.^{xliv}

3.17 The written statement by Mr Mel Cooper affirmed that Mr Johnson's position was genuinely redundant. Mr Cooper also drew attention to a more detailed statement which Mr Len Hingley, the National Secretary of the Financial Sector Union,^{xlv} made to the Whistleblowers Committee and asked that this statement be taken into account by the Committee of Privileges. Although this latter statement indicated a concern by the Union that Mr Johnson might have had some difficulty with the Bank as a result of his activities, it explained in detail why the Union decided that there was no point in pursuing the matter of possible wrongful dismissal further.

Independent assessments of senior staff

3.18 Mr Johnson's next claim, concerning the statement that "The Bank undertook a program of independent assessment of all Senior Management of both SBT Bank and Tasmania Bank",^{xlvi} was that the assessment was "a complete sham".^{xlvii} He went on to suggest that important senior appointments had been made months before the independent assessments had started, and that he had been told by one of the assessors that his

“psychological appraisal would be rendered useless”^{xlviii} as a result of what had happened to him. Mr Johnson also suggested that the Committee seek the reports on which Mr Harris' statements about Mr Johnson's competence were based.

3.19 The submission on behalf of the Bank responded as follows:

The Bank undertook a program of independent assessment of all Senior Management of both SBT Bank and Tasmania Bank by mainland consultants, Chandler & Macleod. The assessment of Chandler & Macleod in so far as it related to Mr Johnson as summarised in the letter of Mr Harris of the 7th January, 1994 remains unchallenged.^{xlix}

3.20 Documents in support of the assessment were originally provided on a strictly confidential basis to this Committee, and remained unread for some time while their status was established. While the Committee appreciated any concern on behalf of the Trust Bank to ensure that privacy was not unduly invaded, it refused initially to accept the documents on that basis, but gave the legal advisers an opportunity to summarise them or, alternatively, to resubmit them in the knowledge that they might be made public. The documents were resubmitted, and were considered by the Committee. In the event, because of the personal matters discussed in the documents, the Committee has decided not to make the documents public. They were offered on a confidential basis to Mr Johnson, with the Committee making it clear both to Mr Johnson and to Abetz Curtis & Docking that it did not intend otherwise to publish them. The Committee did, however, indicate that the Senate has the power to order the publication of the documents.

3.21 The documents in question were two declarations from staff of the firm Chandler & Macleod, who had been contracted by Mr Paul Kemp, at the time General Manager of the SBT, to evaluate staff of that Bank over a period commencing in March 1990. When the amalgamation of the SBT and Tasmania Bank was mooted following the difficulties facing the Tasmania Bank, Mr Kemp extended the evaluations to include officers of the latter bank, of which Mr Johnson was one of five Chief Managers. Both staff members of Chandler & Macleod gave details of their independent assessments of Mr Johnson and declared that Mr Kemp at no stage influenced their assessment. The statements appear to the Committee to support the Bank's submissions in most respects.

3.22 The Bank submission has, however, contradicted itself in relation to one element. It claimed that all senior management were assessed^l while, it then stated, only “a variety” of senior personnel was assessed.^{li} This supports Mr Johnson's contention that the evaluations were not across the board.

Proposed legal proceedings

3.23 Mr Johnson's next allegation of misleading evidence concerned the Bank's assertion that it “would welcome the oft threatened legal proceedings”^{lii} in relation to unfavourable dismissal. Mr Johnson indicated that he first sought legal advice in October 1991, and

that it took three years to have his case listed.^{liii} However, the Bank has asserted that no action was taken in relation to proceedings before the Federal Court until the letter by Mr Harris to the Whistleblowers Committee in January 1994.^{liv} This difference of opinion appears to the Committee to be minor, as the Bank would not necessarily have had knowledge of Mr Johnson's private canvassing of legal advice.

Bank's acceptance of whistleblower protection mechanisms

3.24 Mr Johnson's final claim of misleading evidence was the Bank's assertion that it accepted appropriate mechanisms to protect whistleblowers, but that Mr Johnson's case did not fall into that category. As the response on behalf of the Bank has pointed out, this question hinges on whether there was any causal connection between Mr Johnson's failure to be appointed to the amalgamated Trust Bank and his activities to draw attention to difficulties within the Tasmania Bank.^{lv} On the basis of the evidence considered, the Committee of Privileges is unable to establish such a connection.

Comment

3.25 Before making its finding on this matter, the Committee follows its usual practice of commenting on the general issues raised. Questions of false or misleading evidence are, in the Committee's experience, difficult to establish as constituting contempts. Frequently, as in the present case, persons who give evidence to parliamentary committees have differing perceptions of what might have occurred in given circumstances. Committees' acceptance of one perception rather than another may lead them to reach conclusions that ultimately turn out to be incorrect. This does not, however, mean that the persons giving evidence intended to mislead the committees concerned. The Committee of Privileges notes that relatively few matters are referred to it on the basis that they may constitute false or misleading evidence, as other committees usually can resolve such matters for themselves in the normal course of their operations. The Committee thus considers only those matters which it is difficult for other committees to resolve without recourse to the painstaking procedures which the Committee of Privileges must undertake.

3.26 Having considered all the matters raised, as summarised in the analysis at paragraphs 2.5 to 2.24 above, the Committee of Privileges has concluded that the original responses by the Chairman of the Trust Bank, Mr John Harris, in his letter of 7 January 1994, were not as helpful as they might have been to the Select Committee on Public Interest Whistleblowing. As a consequence, Mr Johnson was able to construct a case which led to the reference of the matters to this Committee and this Committee's exhaustive examination of them. However, the Committee has not discovered any statements which were so misleading as to constitute a deliberate intention to give false or misleading evidence to the Whistleblowers Committee.

Conclusion

3.27The Committee of Privileges has concluded that, while statements made in a letter of 7 January 1994 by Mr John Harris, as Chairman of the Trust Bank Tasmania, to the Select Committee on Public Interest Whistleblowing, were not as precise in all aspects as they might have been, the statements did not constitute false or misleading evidence before that committee.

Finding

3.28The Committee of Privileges has therefore determined that no finding of contempt should be made.

Baden Teague
Chairman

ENDNOTES

- i. *Submissions and Documents*, p. 30.
- ii. *Submissions and Documents*, p. 30.
- iii. *Submissions and Documents*, p. 28.
- iv. *Submissions and Documents*, p. 29.
- v. *Submissions and Documents*, p. 3.
- vi. Standing Orders and Other Orders of the Senate, October 1994, p. 86.
- vii. *Submissions and Documents*, pp. 8-11.
- viii. 'New State bank in Tas', *Australian Financial Review*, 14 March 1991, p. 2.
- ix. *Submissions and Documents*, pp. 26-7.
- x. *Submissions and Documents*, p. 53.
- xi. *Submissions and Documents*, p. 104.
- xii. *Submissions and Documents*, pp. 118-9.
- xiii. *Submissions and Documents*, p. 69.
- xiv. *Submissions and Documents*, pp. 15-16.
- xv. *Submissions and Documents*, pp. 16-17.
- xvi. *Submissions and Documents*, p. 63.
- xvii. *Submissions and Documents*, p. 50.
- xviii. *Submissions and Documents*, pp. 100-103.
- xix. *Submissions and Documents*, p. 37.
- xx. *Submissions and Documents*, p. 148; p. 157.
- xxi. *Submissions and Documents*, pp. 72-80.
- xxii. *Submissions and Documents*, pp. 107-126.
- xxiii. *Submissions and Documents*, pp. 130.
- xxiv. *Submissions and Documents*, p. 100.
- xxv. *Submissions and Documents*, p. 103.

- xxvi.*Submissions and Documents*, pp. 8-11.
- xxvii.*Submissions and Documents*, pp. 31-57.
- xxviii.*Submissions and Documents*, pp. 107-126.
- xxix.*Submissions and Documents*, p. 111.
- xxx.*Submissions and Documents*, p. 7.
- xxxi.*Submissions and Documents*, pp. 26-7.
- xxxii.*Submissions and Documents*, p. 111.
- xxxiii.*Submissions and Documents*, pp. 86-7.
- xxxiv.*Submissions and Documents*, p. 127.
- xxxv.*Submissions and Documents*, p. 127.
- xxxvi.*Submissions and Documents*, p. 127.
- xxxvii.*Submissions and Documents*, p. 127.
- xxxviii.Private Committee records.
- xxxix.*Submissions and Documents*, p. 8.
- xl.*Submissions and Documents*, p. 63.
- xli.*Submissions and Documents*, p. 114.
- xlii.*Submissions and Documents*, p. 115.
- xliii.*Submissions and Documents*, pp. 104-6.
- xliv.*Submissions and Documents*, pp. 64-68.
- xlv.*Submissions and Documents*, pp. 139-146.
- xlvi.*Submissions and Documents*, p. 8.
- xlvii.*Submissions and Documents*, p. 47.
- xlviii.*Submissions and Documents*, p. 19.
- xlix.*Submissions and Documents*, pp. 115-6.
- l.*Submissions and Documents*, p. 115.
- li.*Submissions and Documents*, p. 116.

lii.*Submissions and Documents*, p. 123.

liii.*Submissions and Documents*, p. 51.

liv.*Submissions and Documents*, p. 124.

lv.*Submissions and Documents*, p. 125.