[2018] CCJ 15 (AJ)

IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction

ON APPEAL FROM THE COURT OF APPEAL OF BARBADOS

CCJ Appeal No BBCV2018/001
BB Civil Appeal No. 8 of 2004

BETWEEN

JAMES IFILL **APPELLANT**

AND

THE ATTORNEY GENERAL **FIRST RESPONDENT**

THE CHIEF PERSONNEL OFFICER **SECOND RESPONDENT**

Before the Honourables: **Mr Justice A. Saunders, JCCJ**
Mr Justice J. Wit, JCCJ
Mr Justice D. Hayton, JCCJ
Mr Justice W. Anderson, JCCJ
Mr Justice D. Barrow, JCCJ

Appearances

Mr. Bryan L. Weekes and Mr. Gregory Nichols for the Appellant

Ms. Donna K. Brathwaite Q.C. and Ms. Marsha Lougheed for the Respondents

REASONS FOR DECISION
of
The Honourable Justices Saunders, Wit, Hayton, Anderson and Barrow

Delivered by
The Honourable Mr Justice Denys Barrow
on the 12th day of June, 2018

[1] On the conclusion of the hearing on 29th May 2018, this Court dismissed the appeal without hearing counsel for the Respondent except as to costs, and promised to give reasons, which we now do.

[2] The appellant, Mr. Ifill, having failed before the High Court and the Court of Appeal, sought from this Court restoration to his employment as a public officer which was terminated in November 2003 for disciplinary breaches. He maintained that he was denied an oral hearing in breach of natural justice, that the sanction of 'compulsory resignation' imposed on him as a penalty for the disciplinary breaches was unreasonable, and that it was not an available sanction to impose for his conduct.

The Background

[3] Mr. Ifill, brought a claim for judicial review in the High Court on 26th June 2008, almost five years after his employment was terminated, claiming a declaration that the decision "to effectively dismiss" him from the Public Service was unreasonable, unlawful and an abuse of discretion. He also claimed certiorari to quash the decision to dismiss him, a declaration that he is entitled to be reinstated to the public service and damages.

[4] The decision to terminate Mr. Ifill's employment followed from the findings of Mr. Carlos Belgrave, a senior public officer, who had been appointed to investigate charges of breach of discipline made against Mr. Ifill, a Transport Inspector in the Ministry of Public Works and Transport. The Investigator submitted his report to the Public Service Commission (the Commission) and that body advised the Governor General that Mr. Ifill should be required to compulsorily resign from the Service, as provided in regulation 32(1)(b) of the **Service Commission (Public Service) Regulations, 1978** (the Regulations).

[5] Regulation 32 provides:

> *"((1) The forms of disciplinary action which may be taken against an officer are:*
>
> *(a) removal from office;*
>
> *(b) compulsory resignation;*

(c) reduction in rank;

(d) suspension of increment;

(e) deferment of increment;

(f) withholding of increment."

[6] The Governor General reacted to the advice of the Commission by having the Chief Personnel Officer (the CPO) inform Mr. Ifill, in a letter dated 31st July 2003, that he had been so advised by, and had accepted, the Commission's advice, and that Mr. Ifill had a right to have his case referred to the local Privy Council. Mr. Ifill was told in the letter that if he did not apply for a hearing within 21 days it would be considered that he did not wish to have his case referred to the Privy Council. Another letter dated 29th August 2003 again informed Mr. Ifill of his right to have his case go before the Privy Council and again he did not avail himself of this right. By letter dated 20th October 2003 the Chief Personnel Officer informed Mr. Ifill that, following his failure to invoke the procedure, the Governor General had acted on the Commission's advice and that Mr. Ifill's compulsory resignation would take effect on 1st November 2003.

[7] In the trial judge's analysis of Mr. Ifill's case, Richards J began her Judgment with the observation that the applicant "does not challenge the findings of the disciplinary tribunal. Neither does he challenge the decision that the disciplinary action against him should take the form of compulsory resignation. Rather, the Applicant takes umbrage with the process by which his compulsory resignation was implemented."[1] The judge identified Mr. Ifill's contention as being that his employer should not have decided the effective date of his compulsory resignation, but this was a matter for him to decide.

[8] The judge's analysis that Mr. Ifill did not challenge the decision of the disciplinary tribunal was perfectly borne out by the contents of Mr. Ifill's supporting affidavit. It stated as follows:

[1] Paragraph [5], High Court Judgment.

> "5. That in the month of October 2002 disciplinary charges were preferred against me and a hearing conducted.
>
> "6. That it was found as a matter of fact that I committed several breaches of discipline as alleged in the said charges."

Mr. Ifill's affidavit went on from there to address the matter of the effective date of his compulsory resignation. The affidavit said nary a word about the Investigator's verdict or the sanction.

[9] The case for Mr. Ifill did not change in the course of the trial, because in the dispositive part of the judgment the trial judge held:

> "[26] The Court is of the view that in all the circumstances, it was not unreasonable, within the context of compulsory resignation, for the Applicant's employer to determine the date of his resignation. The Applicant accepted the decision of the disciplinary tribunal, and he accepted the penalty of compulsory resignation. He did not ask to have his case referred to the local Privy Council. Therefore, he knew that he could not continue to work in the Public Service at the Ministry of Public Works and Transport …" (*Emphasis added*)

Challenge to the findings and the sanction

[10] It was, therefore, quite a departure from the case that was tried and determined in the High Court for Mr. Ifill's grounds of appeal before the CCJ, as before the Court of Appeal, to include a complaint that the decision of the Commission to recommend that Mr. Ifill be compelled to resign was taken in breach of the rules of natural justice. There was such a breach, the ground stated, because there had been no evidence that, before the making of that recommendation, Mr. Ifill had been given an opportunity by the Commission to be heard by the Commission on the findings of the investigation carried out by Mr. Belgrave or, alternatively, an opportunity to be heard at an oral hearing by a tribunal convened pursuant to regulation 40 of the Regulations.

[11] Mr. Ifill's written and oral submissions in support of this ground extended its reach. The thrust was that the process provided by the regulations, and the procedure followed in this case, resulted in procedural unfairness to Mr. Ifill. The submissions referred to the two ways provided in the Regulations for investigating allegations of wrongdoing by public servants. One way is to appoint a senior public officer to

investigate allegations of misconduct and report his findings and recommendations to the Commission. The other way is for the Commission to advise the Governor General that an oral hearing should be convened at which the accused public officer may cross examine witnesses and put forward his own case.

[12] After referring to case law on the requirement of an oral hearing and when it is required for natural justice, the appellant raised the question in the written submissions whether the opportunity to be heard referred to in *Clarke v The Attorney General of Barbados*[2] is afforded by allowing the public officer the opportunity to respond to the investigating officer. The submissions did not answer the question they posed but implied that such opportunity to respond did not satisfy the requirement of fairness and went on to contend for two propositions, and the contention was addressed in oral argument. First, counsel argued, the Commission failed to give Mr. Ifill any opportunity to challenge any findings contained in the Belgrave Report before it acted on the findings. Second, counsel argued, this was a case where Mr. Ifill "should have been afforded the right to directly confront those who had made the allegations against him and an opportunity to cross examine those witnesses", citing *Cashin v Canadian Broadcasting Corporation*.[3]

[13] The submissions concluded, on this ground, that the decision of the Commission not to recommend an oral hearing was manifestly unreasonable as the appellant was denied an opportunity to truly counter the findings of the Belgrave Report because he was denied the opportunity to subject "that version" to the "purifying" effect of cross examination.

[14] In oral argument counsel did not agree with the suggestion that he was eliding the opportunity to cross examine witnesses and the opportunity to challenge the findings contained in the Belgrave Report. We are satisfied that, quite simply, whatever wished-for oral hearing Mr. Ifill could have been granted, there could have been no cross examination on the Report whose findings had not been challenged by Mr Ifill as stated above at [7].

[2] BB 2011CA 3.
[3] 8 Admin L.R. 161.

The conduct of the investigation

[15] No doubt because there was no issue at trial concerning the findings or the recommendations of the Belgrave Report, neither of the courts below discussed the report in their judgments. In paragraph 5 of his supporting affidavit Mr. Ifill acknowledged that the Investigator, Mr. Belgrave, conducted a hearing; see [8] above. The title of the document Mr. Belgrave submitted (with emphasis added) is *'Report of the hearing into charges brought against Mr. James Ifill, Transport Inspector, Ministry Public Works and Transport.'* It is strongly suggested by the contents of the Report that there was a hearing in the fullest sense. Thus, the Report refers to arguments and submissions made by Mr. Jefferson Cumberbatch, counsel for Mr. Ifill. It referred to evidence from Mr. Ifill's superior. It spoke to the demeanour of Mr. Ifill and the attitude he displayed to his superior. In its recommendations, which proposed professional assistance to help Mr. Ifill learn to cope with his anger at having been passed over for appointment to the superior position and improve his clearly insufferable behaviour, the Investigator identified Mr. Ifill's "fantasy that he is well known in high places". The Report, therefore, establishes that Mr Ifill was heard in person and by counsel and successfully defended against three of the ten charges brought against him. (It is clear from its details that the Report relied heavily on contemporaneous documentary material that amply supported the charges of Mr. Ifill's grand absenteeism from work, which underpinned the charges of refusal to work even when present, defiance of instructions and overwhelming insubordination.) There is no hint of unfairness of the proceedings. Clearly, Mr. Ifill was effectively heard in person and by counsel, he was able to tell his side, and he confronted the maker of the charges against him. We were quite unable to accept the submission of counsel, unsupported by reference to any evidence or material, that the hearing before Mr. Belgrave was less than a full, natural justice hearing.

[16] In both the Written Submissions and the Reply Submissions counsel maintained that the Commission acted unfairly in not either (i) affording Mr. Ifill the opportunity to appear before the Commission itself to be heard on the Belgrave Report or (ii)

recommending to the Governor General that the matter was worthy of a full hearing before a 3-member tribunal. In relation to the former course, it has already been observed, at [14] above, that it is sheer confusion to suggest there could have been any possibility of cross-examining on the Belgrave Report. In relation to the latter course, the Court of Appeal closely analysed the situation in which such a course would be necessary or appropriate and decided that Mr. Ifill had been given a full oral hearing by Mr. Belgrave and it would have been superfluous for the Commission to have recommended a further hearing before a 3-member tribunal. There is no credible challenge to this decision of the Court of Appeal.

Oral Enquiry

[17] Counsel's attention was drawn to the fact that regulation 36 provides that an investigation may be made in such manner as the Commission thinks proper, that the investigation may be carried out in the form of an oral enquiry and that the 3-member tribunal that may be appointed under regulation 40 is intended to conduct a different oral enquiry from the investigator. Counsel persisted in the view that even if Mr. Belgrave had conducted some form of an oral enquiry the Commission was obliged, if it were to act fairly, to require an oral enquiry by a 3-member tribunal appointed pursuant to regulation 40.

[18] Regard to the structure of the part of the Regulations headed 'Procedure for Conduct of Investigations' is helpful and regulations 36 to 40A, falling under that heading, are reproduced as an Appendix. This part begins by providing in regulation 36(1) that the Commission shall cause an investigation to be made into the matter of alleged misconduct "in such manner as it thinks proper." In regulation 36(2), as stated above, provision is made for the investigation to "take the form of an oral enquiry or such other form as the Commission determines, and regulation 40 shall apply where the investigation takes the form of an oral inquiry". Regulation 37 provides for departmental enquiries and regulation 38 states the procedure to be followed in investigations. In regulation 39 the options are stated that are open to the Commission upon consideration of a report of an investigation, and these include, having regard

to all the circumstances of the case, recommending to the Governor General that an oral enquiry be held into the matter.

[19] The nub of the issue involves the meaning of the umbrella words of regulation 40 which, it is to be noted, applies only after a report has been provided to the Commission pursuant to earlier regulations:

> *"40. Where an investigation is held in accordance with regulations 37 and 38 and the Commission, after considering the report, recommends to the Governor-General that an oral enquiry into the matter ought to be held, the following provisions shall apply..."*

[20] In our view it is only where an investigation does not take the form of an oral enquiry that, normally, there is scope for the Commission to create a 3-member tribunal to hold an oral enquiry, to consider the report of the investigation. Given that the investigation in this case took the form of an oral enquiry, there was no practical justification for the Commission to have called for a second oral enquiry. As a matter of sense, it is difficult to see the purpose of that second enquiry. Counsel's point that the 3-member tribunal requires a judicial officer or legally qualified person to head it makes no difference. It is only where an investigation has been held and the Commission considers that an oral enquiry ought thereafter to be recommended, that a tribunal with this composition is to be activated. The difference is as between a one-step investigation, which takes the form of an oral enquiry, and a two-step investigation, which takes a form other than of an oral enquiry, followed by an oral enquiry. In the former the Investigator is the tribunal; in the latter there is an Investigator, then there is a tribunal.

"Pre-sentencing" hearing

[21] The other limb of the natural justice ground was that the Commission should have heard Mr. Ifill before it decided to recommend to the Governor General that Mr. Ifill should be compelled to resign, especially because that recommendation was of a more severe sanction than the Investigator recommended. It will be recalled that the trial judge observed that Mr. Ifill did not challenge the decision to compel him to resign. The belated challenge was that the course taken by the Commission was equivalent to a court imposing a severe sentence upon a person convicted of a crime

without first having given him the opportunity to plea in mitigation, citing *Gittens v The Queen*.[4] In that case this Court decided that the failure to hear from the defendant in a criminal trial in mitigation invalidated his sentence because it was a violation of the fundamental right to a fair trial, enshrined in section 18 of the Constitution.

[22] It was a factor of over-arching significance that Mr. Ifill had every opportunity, which was twice held out to him, to have the case against him referred to the local Privy Council. That was the ideal forum for him to challenge the sanction of compulsory resignation the Commission had recommended to the Governor General, as he had been informed. Aware that this opportunity was available to Mr. Ifill, it would have been superfluous (and, perhaps, embarrassing if not improper) for the Commission to have invited Mr. Ifill to a 'pre-sentencing hearing' before them, when the Privy Council was the body vested by law with the power to decide 'sentence'. The Commission could only recommend a sanction. The Governor General could only act on that recommendation if the public officer chose not to have his case, including sanction, referred to the Privy Council. The difference between Mr. Ifill's situation and that in *Gittens* is that before Mr. Ifill was 'sentenced' he was informed of the recommended 'sentence' and had the opportunity of deciding whether to accept that sentence or urge the imposition of a different sentence. The opportunity for mitigation was fully open to Mr. Ifill. Therefore, the argument that it was unfair and in breach of natural justice for the Commission not to have given Mr. Ifill an oral hearing to argue against the recommendation of compulsory resignation was devoid of merit.

Acceptance of the Commission's advice

[23] Counsel for Mr. Ifill argued that by accepting the advice of the Commission that Mr. Ifill be compelled to resign His Excellency acted in a manner prohibited by the express wording of section 98 of the Constitution. That section provides:

> *"98. (1) Before the Governor General acts in accordance with the advice of any Commission established by this Chapter that any public officer shall be removed from office or that any penalty should be imposed on him by way of disciplinary control, he shall inform the officer of that advice, and if the officer then applies*

[4] [2010] CCJ 1 (AJ) at [20] – [22].

for the case to be referred to the Privy Council, the Governor-General shall not act in accordance with that advice but shall refer the case to the Privy Council accordingly."

The complaint is that upon receiving the Commission's recommendation the CPO, on behalf of the Governor General, wrote to Mr. Ifill a letter dated 31st July 2003 that said His Excellency had accepted the advice. The letter read:

> *"Sir,*
>
> *I wish to refer to my letter PH 948 Vol. 2/64 dated 2002-10-28, interdicting you from the performance of your duties on half salary with effect from 2002-11-01, pending the outcome of an investigation into disciplinary charges brought against you.*
>
> *2. I am directed to inform you that the Public Service Commission having considered the report of the Investigating Officer that you have been found guilty of seven of the ten disciplinary charges brought against you, advised His excellency, the Governor General, that you should compulsorily resign from the public service.*
>
> *3. Consequently, His excellency, the Governor General, acting in accordance with the advice of the Public Service Commission, accepted the Commissioner's advice that you should compulsory [sic] resign from the Public Service, in accordance with Regulations 32 (1) (b) of the Service Commissions (Public Service) Regulations, 1978.*
>
> *4. The Commission also advised that the half salary withheld during your interdiction with effect from 2002-11-01 should not be restored.*
>
> *5. In accordance with Section98 (1) of the Constitution you may apply to have your case referred to the Privy Council. If you so desire you should apply in writing to the Governor-General-in-Privy Council, through the Clerk of the Privy Council, Government Headquarters, Bay Street, St. Michael within twenty-one (21) days of the date of this letter.*
>
> *6. A copy of your letter should be delivered to the Personnel Administration Division.*
>
> *7. If you do not apply within the stipulated time limit, it will be considered that you do not wish to have your case referred to the Privy Council."*

[24] The statement in paragraph 3 of that letter was a prohibited act taken by the Governor General, counsel for Mr. Ifill argued, because it expressed a substantive position by stating that His Excellency had accepted the advice of the Commission, meaning that he concurred with it. In deciding on this argument, the Court of Appeal concluded

the statement in the letter reflected no material action was taken by the Governor General because, by section 98 of the Constitution, the issue was whether the Governor General should "act in accordance with" the advice of the Commission. As the Court of Appeal expressed it,[5] *"The Governor General did absolutely nothing to further the compulsory resignation of Mr. Ifill advised by the Commission until after Mr. Ifill did not apply to have his matter referred to the Privy Council."*

[25] In arguing against that determination by the Court of Appeal, counsel's submissions extolled the principles of constitutional interpretation and argued that no state functionary was permitted to take any action which could be reasonably interpreted as tainting the due process of the disciplinary procedure. It was argued the Governor General's letter expressed a substantive position and would have misled a layman into believing there had already been a judgment made against him and to tell him, after that, he had a right to review could not cure the effect of what had preceded it. It was in this context, it was submitted, that Mr. Ifill "declined the invitation to have the advice which had already been accepted reviewed by the Privy Council and was left to his remedy of judicial review of the entire matter by the Courts."

[26] Counsel argued further that the **Administrative Justice Act** itself at section 2 defines what the term "act" means for the purpose of the statute. The word "act" is defined as *"any decision, <u>determination</u>, <u>advice</u> or recommendation made under a power or duty conferred or imposed by the Constitution or by any enactment."* (with counsel's emphasis) Therefore, it was argued, the Governor General acting through the CPO, took an administrative action by purporting to make a determination to accept the advice of the Commission when there was no authority to do so by the very clear language of section 98 of the constitution.

[27] When deconstructed, the ground of appeal amounted to saying the statement by the Governor General that he had accepted the advice of the Commission was misleading to Mr. Ifill. Counsel did not attempt to argue that the Governor General had actually "acted in accordance with" the advice of the Commission, although he came close.

[5] Paragraph [32], Court of Appeal Judgment.

Clearly that argument could not fly, given the statement in the letter that the Governor General was awaiting Mr. Ifill's decision whether to seek a reference to the Privy Council. Reliance on the definition of 'act' in the **Administrative Justice Act** to argue that the Governor General had, in fact, acted did not take the case any further. The sole question raised by counsel's argument was whether the letter from the CPO indicated the Governor General violated the prohibition in section 98 that *"... the Governor-General shall not act in accordance with that [i.e. the Commission's] advice but shall refer the case to the Privy Council accordingly."* It was clear there was no such violation.

[28] The claim that Mr. Ifill was misled or would have misinterpreted the letter also did not fly. It is true that the language employed in paragraph 3 of the correspondence was inapt and should perhaps have informed the appellant that the Governor General had "received" the advice of the Commission as opposed to "accepted" such advice. Nevertheless, as pointed out to counsel, Mr. Ifill was not a litigant in person; he was represented even after the Belgrave Report had issued, by counsel of standing. Indeed, after Mr. Ifill had received the letter of 31st July 2003 from the CPO, containing the allegedly misleading paragraph 3, he wrote a letter dated 31st July 2003 requesting a copy of the Belgrave Report and copied that letter to his legal representative, Mr. Jefferson Cumberbatch. In his letter Mr. Ifill stated, *"Access to this document is essential for my effective formulation of a response of your letter of July 21, [sic] 2003 wherein you urged a certain course of action on the basis of the Belgrave report."*

[29] Mr. Ifill's letter substantially undermined his counsel's contention that Mr. Ifill was misled by or misinterpreted the letter of the CPO, which counsel argued led him to conclude judgment had been passed against him and there was nothing left for him to do in response. To the contrary, what Mr. Ifill was saying in his letter, in reaction to the CPO's letter, was that he was in the process of formulating a response. Mr. Ifill obviously had it in mind that it was up to him – and open to him -- to respond to the letter. Further, the accomplished style of Mr. Ifill's letter, with its use of the adverb *[sic]* to draw attention to the erroneous date, and the arch legalese of referring to the

CPO's letter "wherein you urged a certain course", bespoke significant forensic appreciation on his part, or that he had professional assistance, either of which discredited any notion that Mr. Ifill misunderstood.

[30] In crafting the submission that Mr. Ifill was misled by the contents of the letter, his present counsel simply ignored the fact that Mr. Ifill had legal representation at the time he received the letter. When pressed by the Court, counsel had the momentary grace to acknowledge the utter incredulity that Mr. Ifill's then legal representative did not understand that the letter was telling him, not in a fleeting phrase or sentence but in three paragraphs, that he could take his case before the Privy Council and what he needed to do in this regard. Notwithstanding that counsel was barely deterred by this concession and went right back to arguing that Mr. Ifill was misled by the letter, it was a wholly unacceptable claim and easily dismissed.

Appropriateness of compulsory resignation

[31] The Court of Appeal also dismissed the remaining ground of appeal, which was re-asserted to this Court, that the Commission did not properly advise the Governor General when it recommended that the appropriate sanction was to require Mr. Ifill compulsorily to resign from the public service.

[32] Counsel's thesis was that this sanction could only be imposed in a certain type of case, such as where the public officer's activity or conduct placed him in a situation that was incompatible with his status as a public officer. The instance counsel gave was if a public officer, contrary to the Standing Orders of the Service and the express prohibition, participated in politics by being a parliamentary candidate. As submitted, a public officer can only be a candidate if he resigns from the service and, if he fails to resign, that is misconduct which attracts disciplinary sanction: and by his conduct "he effectively ceases to be … [a public officer], as he has, in effect constructively resigned his office or to put it another way, his resignation was compulsory, even if it has not been communicated by him." In this situation, it was submitted, disciplinary action would result in the Governor General taking the step of confirming the resignation.

[33] To the contrary, it was submitted for Mr. Ifill, because he did not breach a standing order going to status, his status was not effectively terminated by his breaches, which involved (merely, it seemed to be implied) absenting himself from work. Therefore, it was argued, the decision to impose the sanction of compulsory resignation was irrational, in that no reasonable body properly directing itself in the circumstances and the law, could have reached such a decision.

[34] It was prudent of counsel to not suggest that the sanction of termination of Mr. Ifill's employment was disproportionate or excessive, as that would have invited, to his disadvantage, consideration of the scale of his breaches of discipline. Mr. Ifill's subversion of order was appalling: over one calendar year, the Investigator found, he was absent for 260 working days, except for 70 of those days when he was present at work but did no work. Rather, the submission was that as a matter of law this sanction of compulsory resignation may be imposed only where the misconduct of a public officer amounts to a renunciation of his status as such. No authority was cited to support the proposition. Further, there is nothing in the Regulations, which list the sanctions that may be imposed, that restricts the cases in which a sanction may be imposed. It must, therefore, be concluded that the sanction of compulsory resignation, like all the other sanctions in the regulations, may be imposed in any given case where it is an appropriate sanction.

[35] The judgments in both the High Court and the Court of Appeal gave due consideration to the sanction of compulsory resignation and the manner in which it could be imposed, addressing the apparent contradiction of being compelled to take what is definitionally a voluntary action. Richards J determined that it was appropriate for the Governor General to impose such 'resignation' upon a public officer and His Excellency did not need to go through a process of requiring the officer to resign by his own act and, if the officer refused, to then dismiss him. We agreed. Instead of engaging on appeal in argument about the procedure or methodology for bringing about an actual resignation, Mr. Ifill should have contented himself, as he did at first instance, with the appreciation that compulsory resignation leaves a public officer with his entitlement to pension, as stated in the affidavit

responding to the originating motion and, that to impose that sanction stops short of dismissal, with its attendant loss of pension. The creation of that form of termination of employment was an act of regulatory generosity. In this case, its imposition was an act of mercy.

Conclusion

[36] The appeal failed on all grounds and was dismissed. We made no order as to costs.

/s/ A Saunders

The Hon Mr Justice A Saunders

/s/ J Wit

The Hon Mr Justice J Wit

/s/ D Hayton

The Hon Mr Justice D Hayton

/s/ W Anderson

The Hon Mr Justice W Anderson

/s/ D Barrow

The Hon Mr Justice D Barrow