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Please quote  
T&M 71/948/NDI  
Your reference

Date  
27th November 1975

Dear Professor Maude

OCEAN ISLAND PHOSPHATES - ROYALTY ACTION

I refer once more to your letter to Mr R K Price of 16th November, which I have now had an opportunity of discussing with him.

I am pleased to say that Mr Price's convalescence is progressing well but he will probably not be back in the office for a few days and it seemed best to both of us that I should reply without further delay.

As regards the opening paragraph of your letter, it was helpful of you to let us know the outcome of your discussions with Mr P D Macdonald and it is of course most pleasing to learn (provided that, as you say, satisfactory arrangements can be made), that you both anticipate being able to give evidence for the Crown in the royalty action. It is fully understood that your wife will accompany you, if this should seem to you desirable and practicable, bearing in mind the state of her own health.

Not least in view of the exacting literary commitments which you mention, I entirely agree that it would be preferable for you not to have to become involved in correspondence over the financial arrangements for the visit and I will, as you suggest, arrange for Richard Sands to be contacted about this and for the arrangements to be made through him. I would only add that I fully appreciate that you certainly ought not to be out-of-pocket in consequence of the assistance which you will be giving and I feel sure that there will be no difficulty in making arrangements designed to avoid any such contingency and which will be entirely satisfactory to you.

Your proposal to travel to this country with Mr Macdonald seems an admirable one and I have no doubt that, when the dates become a little more clear, a suitable timetable can be worked out for this journey and for a period in London (initially for recuperation, subsequently for consultations with Counsel) prior to the giving of evidence. The present position is that the speeches in the replanting action are likely to conclude within less than a week, with the result that the royalty action will probably commence either during the week of 8th December or during the week of 15th December. I understand that the opening speech of the plaintiffs' Leading Counsel may occupy some 2 - 3 weeks, so that, bearing in mind the Christmas Vacation, the plaintiffs' evidence is likely to be given during January and that of the Crown in late January and/or February. I will of course let you know how events develop.

In connection with these arrangements, it may be useful to mention now that I have made enquiries at the Royal Commonwealth Society about the possibility of membership and accommodation (without mentioning any names at this stage). As I thought, for you and your wife to obtain accommodation, you would both have to become members.



The Membership Officer suggested that temporary membership for both your wife and yourself would meet the case as this would, for its duration, afford all the privileges of full membership (including accommodation) and could be arranged without difficulty on my sponsorship here - whereas full, annual membership would, in the circumstances, have to be arranged through the Canberra branch of the Society.

// In the hope that you may feel that this would be a satisfactory solution, I am enclosing two forms for temporary membership, for completion by your wife and yourself, purely on a contingency basis. If, for some reason, this scheme is not proceeded with, it simply means that I would not send the forms forward to the Society at the appropriate time. I suggest that the spaces for the period of membership and for United Kingdom address should be left blank. I would of course deal with the matter of the subscription.

I understand that there is still ample accommodation at the Society for January and February but that it would be advisable for a provisional booking of any accommodation to be made at the end of the year. With the agreement of Mr Macdonald and yourself - and assuming that there has been no change of circumstances in the meantime - I will attend to this, on the best estimate of dates available at that time, which can be adjusted as necessary. The maximum period for a booking is normally 21 days but I believe that it would anyway be your hope that the duration of your stay would be appreciably less than this.

Returning to the paragraphs in your letter which relate to transcripts:

- (1) Noted - and the suggestion that copies of relevant evidence should also be sent to Mr Macdonald is appreciated; this will be done.
- (2) While I am hoping to obtain transcripts of the speeches and arguments of Counsel in the royalty action, this cannot be regarded as certain - this (as opposed to obtaining transcripts of evidence) is an unusual requirement, especially in a case likely to last more than a very few days and its fulfilment will depend on the commitments of the shorthandwriters concerned. However, if such a transcript can be obtained, your suggestion will be followed, subject, if you agree, to my having a discretion to send you any individual transcripts which (or items within which) relate to aspects of the case with which you are especially concerned. (If it does not prove possible to obtain transcripts of speeches and arguments, clearly I shall have to devise some other method of ensuring that Mr Macdonald and yourself are acquainted with relevant points which emerge.)
- (3) This is a little more difficult, as no transcripts have been made. However, for most of the closing speech of the plaintiffs' Counsel (insofar as it has related to matters with which the Crown is concerned), the Foreign and Commonwealth Office have had a representative in Court who has produced regular notes for the use of his colleagues and that Department will, in the near future, supply Mr Macdonald and yourself with copies of those notes. It may be that the same procedure can be used in connection with Mr Vinelott's closing speech but, in any event, I will see that you are informed of its nature. I hope, therefore, that these arrangements will provide you with some useful information.

Please do not hesitate to let me know if there are any further matters on which I can provide information at this stage. I am sending a copy of this letter to Mr Macdonald.

Mr Price asked me to give your wife and yourself his best wishes.

Yours sincerely

N. D. Ing  
(N D ING)  
Assistant Treasury Solicitor