



BRITISH HIGH COMMISSION
CANBERRA 2600

Telephone: ~~7-2211X~~
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19 August 1975

Professor H.E. Maude
77 Arthur Circle
CANBERRA ACT 2603

Dear Professor Maude,

1. Noel Ing of the Treasury Solicitor's Department in his letter T and M 17/948/ND1 of 5 August said that Eric Patterson of the Pacific Dependent Territories Department in the Foreign and Commonwealth Office would be commenting in detail on the various points contained in my letter of 25 July, a copy of which you hold. I have now received Patterson's comments.
2. I have been asked to convey to you our gratitude for your willingness to go to Britain to give evidence on behalf of the Crown in the royalty action. Mr John Vinelott Q.C., Leading Counsel for the Crown, considers that it was most proper and helpful of you to draw attention to the possible evidentiary problems which I reflected in paragraph 3 of my letter of 25 July to Patterson. However, Mr Vinelott, having given careful thought to these points, remains of the opinion that your attendance as a witness is likely to be of great importance to The Crown's case in the royalty action. We must regret that your attendance as a witness is likely to involve you and your wife in personal inconvenience; but I am glad to be able to say that the conditions which you stipulated, and which I reflected in paragraph 4(a) to (g) of my letter of 25 July are considered by the Treasury Solicitor's Department to be, in the circumstances, entirely reasonable and that these conditions are acceptable to their Department.
3. There are two points, however, which I have been asked to put to you. When we spoke in late July, you said that you did not wish to be absent from Australia for longer than six weeks. While your wish not to be away from home longer than at all necessary is fully understood, it is hoped that you can agree that this six-week period should, wholly or mainly, be exclusive of travelling time. Otherwise your actual availability at the court hearing, taking account of the various "stop-overs", which very reasonably you laid down as a condition of your travelling, would be appreciably reduced.

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4. The second point arises from the somewhat uncertain date of the commencement of the royalty action. As you know, Mr Justice Megarry proposes to visit Ocean Island and Rabi Island in connection with the replanting action in the first half of October. On his return, the hearing of the replanting action will be resumed and, conceivably, may not be concluded until early or mid-November. It is almost impossible at present to make a realistic estimate of when you might be called on to give evidence - and therefore around what dates the six week period ought to be calculated. We accept that this may be unsatisfactory, but we shall do all we can to keep you informed of developments in the timetable as they occur, with the maximum advance warning of the time when your presence is likely to be required, taking account of the time needed to make the necessary arrangements for your departure and travel.

5. A further difficulty results from the unanticipated extension of the hearing of the replanting action. It seems probable that the stage of the royalty action at which your evidence will fall to be given will be within the mid-November to mid-April period, which you have said you would wish to avoid. In view of the importance attached by Mr Vinelott to your contribution, we can only hope that you might see your way to reconsidering your feelings about this and agree to go to London even during that period. You may rest assured that every care will be taken to ensure that your accommodation in London would be comfortable and warm and that arrangements during your stay would be such as to expose you to as little as possible of English winter weather.

6. I hope you will understand my putting all these points on paper, rather than calling on you personally; I am sure you will agree, however, that it is useful to have a record of the various points which I have been asked to make to you by Departments in London. If you would like to discuss this matter further do not hesitate to telephone me; I shall be delighted to call on you at your convenience.

With my best wishes,

Yours sincerely

G W HEWITT