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20th June 1975

Dear Professor Maude

OCEAN ISLAND PHOSPHATES

I hope that you will by now have received the telegram which I sent to you earlier today, following the receipt of your letter of 14th June and the statement enclosed with it.

From the telegram, you will have gathered that Mr. le Quesne and his colleagues found the contents of your statement and the comments in your letter of great assistance and interest. They have asked me to convey their thanks to you for the careful thought which you gave to my request, for your comments on Mr. Rotan's evidence and for the trouble which you took in preparing the statement.

As you will also have gathered from the telegram, the matter does not end there. Mr. le Quesne and his colleagues, having considered your letter and statement, believe that it may be of decisive importance for you to be able to give evidence on the Crown's behalf in the present action, in view of the nature of Mr. Rotan's allegations and your personal knowledge of the matters to which he referred in evidence. As we read your letter, it appears that you might well be willing to do this and it is our hope, as expressed in the telegram, that you will be prepared to come to London for the purpose as soon as possible - indeed, within the next few days, if this would be at all convenient.

On the present time-table, the Plaintiffs' evidence is likely to conclude during the coming week and then a number of witnesses will be called on behalf of the British Phosphate Commissioners. So far as can at present be predicted, therefore, the Crown's case will be likely to open during the week of 14th July. However, Mr. le Quesne and his colleagues consider that it would be highly desirable for them to be able to have a consultation with you at the earliest opportunity - which would be of value in formulating the strategy of the Crown's defence - and for you to be able ~~to~~ /of it) to appreciate the development of the case (thus getting the "feel"/by reference to the examination and cross-examination of the BPC's witnesses.

In the hope that you will be prepared to do this, I have requested that the High Commission in Canberra should be asked to give you any cooperation that you might consider necessary in making travelling arrangements - and I trust that you would let me know what assistance I can give over here.



The expense involved would be a matter for my department.

Perhaps I should say that, in requesting that you should give evidence for the Crown in the present action, I am by no means excluding the possibility that I might also subsequently request you to give further evidence in the Royalty action, which is due to commence in October and where, I understand, Mr. Rotan is again to be an important witness for the plaintiffs. This question - and the logistics involved, in view of the intervention of the Long Vacation during August and September - would be one of the matters to be considered in consultation with Mr. le Quesne and his colleagues.

Finally, there is an important point which I must mention. I am of course aware of the nature of the correspondence in which you took part earlier this year about the possibility of your coming to this country as a witness for the plaintiffs and it may seem to you strange that the opportunity of putting forward the present request was not taken then. That this was not done was, as I hope you will accept, in no way a rejection of your interest in and knowledge of the matter. There were, however, two factors. One was that we gained the impression that, at that time, reasons of health might have rendered a visit to this country for such a purpose burdensome and that to have explored the position would have been highly inconsiderate; the tenor of your letter leads me to hope that this is not the position now.

The other factor was that, at that time, it was not anticipated ~~that~~ and perhaps could hardly have been anticipated - that allegations about the Crown's "record" would have played so prominent a part in the replanting action, as opposed to the royalty action, as regards which no final decision had been taken (as is still the position) as regards the persons who might be invited to give evidence. The situation changed fundamentally in the light of Mr. Rotan's evidence.

I look forward to hearing from you (and, I hope, meeting you) in the near future.

Yours sincerely

N. D. Ing

(N.D. Ing)
Assistant Treasury Solicitor