

77 Arthur Circle,
Forrest, A.C.T. 2603,
12th January, 1975.

Messrs. Macphillamy Cummins & Gibson,
P.O. Box 628, CANBERRA CITY,
A. C. T. 2601.

Dear Sirs,

Banabans v British Phosphate Commissioners

I am in receipt of your letter J.52037 of the 7th January notifying me of a proviso contained in your correspondence with Mr R.M.L. Brown which had not been made clear in your letter of the 24th December.

The two letters from Mr Brown which you would like to peruse are enclosed. It would be appreciated if they could be returned to me as soon as possible, though there is no objection to your making and retaining copies for your files should you so desire.

As the draft affidavit referred to in para.3 of my letter of the 1st January has been with you since the 27th November I should be glad if it could now be returned to me for the necessary action. As it is only a formal statement of fact unlikely to be contested by the defendents there would appear to be no occasion to worry you with a consideration of the amendments which I wish to have made prior to signature.

Yours faithfully,



H.E. Maude.

MACPHILLAMY CUMMINS & GIBSON

SOLICITORS

11th floor, National Mutual Centre
Darwin Place
Canberra ACT

PO Box 628, Canberra City, ACT 2601

Sydney Document Exchange No. C1

Telex: 62613 Telegrams: Phipson

Telephone: STD 062/488311

Your ref.:

Our ref.: J.52037

7th January, 1975

Professor H.E. Maude,
77 Arthur Circle,
FORREST. A.C.T. 2603.

Dear Sir,

BANABAN LAND RIGHTS CASE RE: EVIDENCE ON COMMISSION

Thank you for your letter of 1st January, 1975. You may be assured that we have only suggested the possibility of evidence on commission, provided of course that Mr. Brown the solicitor in London can arrange satisfactory assurance to protect your pension rights. However, as it appears that Lloyds are not prepared to assume the risk involved then it would appear unlikely that Mr. Brown would be any more successful.

We note that you have received two further letters from Mr. Brown, and we should be interested to peruse copies of these if this could be arranged. Mr. Hohnen will be absent from Canberra on vacation until the end of this months, and upon his return we should appreciate the opportunity of discussing the matter with you further.

Yours faithfully,
MACPHILLAMY CUMMINS & GIBSON



Partners:
Neil M. Macphillamy BA LLB
M.P. Cummins
T.M. Johnstone Notary Public
J.W. Leedman MA LLB
J.W. Haslem LLB B Com AASA
P.G. Seaman

Associates:
R.J. Skeen
Stephen L. Walmsley LLB
J.G. McMahon BA (Econ)
Consultant:
A.R. Morris Gibson BA LLB

77 Arthur Circle,
Forrest, A.C.T. 2603,
1st January, 1975.

Messrs. Macphillamy Cummins & Gibson,
P.O. Box 628, CANBERRA CITY,
A. C. T. 2601.

Dear Sirs,

Banabans v British Phosphate Commissioners

Thank you for your letter J of the 24th December informing me that Edward Lumley & Sons (A.C.T.) Pty. Ltd. are unable to find Underwriters prepared to provide cover against the possible loss of pension rights from the British Government should I elect to give any evidence in the above case, and that you have notified the solicitor for the Plaintiffs accordingly.

I must confess, however, to being rather at a loss in conjecturing the rationale of your suggestion to Mr R.M.L. Brown, the solicitor referred to, that evidence can be taken from me by Commission in Canberra, unless you have succeeded in obtaining cover to protect me in such an eventuality. Failing such cover it would appear, prima facie, that the means by which, or the locality in which, such evidence is obtained, does not affect my vulnerability to any subsequent action which may be taken by the British (or indeed by any other) Government.

You will recollect the draft affidavit which I left with you on which I had pencilled certain amendments which I suggested that we should discuss when you had been able to consider them, prior to the return of the document, with any amendments agreed upon, to Mr Brown for retyping and return for my eventual signature. I await your convenience on this matter.

I note that you would like to be informed should any communication be received direct by me from Mr Brown pending his reply to your letter to him. Two letters have been received from Mr Brown since I saw you on the 27th November but neither concerns the question of insurance cover. You are of course welcome to peruse both should you so desire.

Yours faithfully,



H.E. Maude.

MACPHILLAMY CUMMINS & GIBSON

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Your ref.:
Our ref.: **J.**

24th December, 1974

Professor H.E. Maude,
77 Arthur Circle,
FORREST. A.C.T. 2603

Dear Sir,

BANABAN LAND RIGHTS CASE RE: EVIDENCE ON COMMISSION

We refer to our previous correspondence and now enclose a copy of a letter of 20th December, 1974 from the Manager of Lumleys who are agents for Lloyds of London.

Kindly note that the Underwriters are not prepared to provide cover for the risk that we described to them concerning your possible problems re loss of pension benefits from the British Government.

We have written to Mr. Brown, solicitor in London informing him of this, and suggesting that if your evidence is essential to his clients' case, then evidence could be taken from you by commission in Canberra. Please let us know if you receive any communication direct from London in the meantime.

Yours faithfully,
MACPHILLAMY CUMMINS & GIBSON



Encl.

Partners:
Neil M. Macphillamy BA LLB
M.P. Cummins
T.M. Johnstone Notary Public
J.W. Leedman MA LLB
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Consultant:
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Lumley's

23 DEC 1974

EDWARD LUMLEY & SONS (A.C.T.) PTY. LTD.

INSURANCE BROKERS • INSURANCES EFFECTED AT LLOYD'S OF LONDON AND COMPANIES
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OW:MC

20th December, 1974.

Messrs. Macphillamy Cummins
and Gibson, Solicitors,
Post Office Box 628,
CANBERRA CITY, A.C.T. 2601.

Dear Sirs,

re: Professor H. Maude - Your ref. J.52037

Further to our letter of the 9th December, we confirm that we have put the matter to Underwriters and regret to have to advise that they are unable to provide cover for the risks that you requested.

Yours faithfully,
EDWARD LUMLEY & SONS (A.C.T.) PTY. LTD.



O. WINDER
ASSISTANT MANAGER