

77 Arthur Circle,
Forrest, A.C.T. 2603,
19th April, 1975.

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

Dear Sirs,

Rotan Tito and others v Her Majesty's Attorney General and others

I am in receipt of your letter J.52037 of the 8th April, informing me that you have been sent a subpoena from Mr R.M.L. Brown, the solicitors for the plaintiffs, requiring my attendance in London to give evidence in the above case, together with a copy of his letter to me dated the 1st April.

Subject to your legal advice it does not appear to me that Mr Brown's letter satisfies the conditions which I stated in my letter of the 3rd February to him, were those on which I was prepared to give evidence, i.e. it cannot be regarded as constituting an instruction from the British Government requesting my attendance as a witness.

Lest I should be mistaken, however, I have asked the United Kingdom High Commission in Canberra to enquire through the Foreign Office whether I am right in this assumption or not and I shall let you know their reply if and when received.

Should I be instructed to proceed to England as a witness in this case I would require a return ticket, hotel accommodation and a daily allowance to cover necessary expenses during my stay, and you will no doubt secure adequate guarantees to your satisfaction, prior to my leaving this country, that all such expenditure will in fact be met.

I am advised that subpoenas issued in the United Kingdom are not enforceable in Australia.

Perhaps you would be so kind as to let Mr Brown know the substance of such portions of this letter as you may consider pertinent to his communication under reference.

Yours faithfully,


H.E. Maude.

Summary of points which occasioned dissatisfaction

- (1) No statement with regard to my willingness to give evidence on commission should have been made without my knowledge and consent.
- (2) Even if a letter to that ^{effect} had been sent, perhaps inadvertently, at least I should have been told of any safeguards which it contained to protect my interests, instead of being left in a state of anxious suspense.
- (3) To delay preparing an affidavit from the 27th November to at least the 27th January (two months) is inexcusable, when in fact it took me $1\frac{1}{2}$ hours to complete and would have taken a professional lawyer less.
- (4) However busy Mr Hohnen was he should have found time to see me again after perusing the documentation and familiarizing himself with the case so that my letter of the 3rd February to the plaintiffs' solicitors could have been prepared on proper legal advice and sent by his firm on my behalf.
- (5) Mr Hohnen has in fact never thought fit to see me once from the 27th November, 1974, to the present day.
- (6) If Mr Hohnen was not willing to act on my behalf on the terms regarding costs proposed by the plaintiffs' solicitors he should have informed me accordingly at the time of the first (and only) interview, and not by telephone over four months later.
- (7) On receiving a High Court subpoena from Great Britain Mr Hohnen should have ascertained the extent to which it could be enforced in Australia before communicating with me (if he did not already know the answer).

.....

Summary of points which occasioned dissatisfaction

- (1) No statement with regard to my willingness to give evidence on commission should have been made without my knowledge and consent.
- (2) Even if a letter to that effect had been sent, at least I should have been told of any safeguards which it contained to protect my interests,