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**Sent:** Wednesday, 12/12/2012 09:58 AM  
**Subject:** Fw: Biles - privilege

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CSO REFERENCE: 200801481 - D2012/556725

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----- Forwarded by Helen Allison/CSO/NSW\_AG on 12/12/2012 11:01 AM -----

Richard Kelly/CSO/NSW\_AG  
12/12/2012 07:07 AM

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Subject  
Biles - privilege

My thoughts are that the CSO affidavit can say when and how Maxwell was instructed - eg when letters were sent and by whom - and what investigations took place etc, as necessary - but as to confidentiality, it can say that the material has only been disclosed to clients and defendants lawyers unless instructions were obtained to release to opponents or third parties. (Obviously this can only be said if the facts support it). The conclusion from the above is that the material was dealt with consistently with the existence of privilege or confidentiality - query whether this last point is a submission or something that could go in the affidavit.

I think it would also be helpful to have an affidavit from Maxwell as to his understanding of his obligations - which presumably were to keep everything confidential in order to maintain privilege, but this would need to be checked of course.