

PRIME MINISTER

THE PETER WRIGHT CASE

Three extra points for this evening's meeting:

i) Sir Robert or Mr. Mallaby can give a report of today's hearing in Sydney. By and large, a very successful outcome.

ii) The Home Secretary may, I think, wish to take a more forward public line on the Government's position on some of the issues raised by this case. So far, Ministers have been inhibited because of the progress of the court case. You may want to ask the Attorney when this inhibition can be lifted; and what Ministers should say in public when it is.

iii) Our Counsel believes that Mr. Justice Powell may rule that while Wright has a duty of confidentiality, it would not be right to prevent him from publishing in his book:

a) information which has already been published, including books by outsiders;

b) information on iniquitous actions, such as burglaries, of which the public ought to be aware.

This would amount to permitting the book's publication with deletions - and it would be Mr. Justice Powell who would decide the deletions under a) and b) above.

I emphasise that this is no more than Counsel's informed guess on a possible judgement. Another outcome would be a ruling in Wright's favour. No-one believes that the Judge will find in our favour though prospects on appeal are still believed good.

If the Judge rules in Wright's favour or gives the 'publish with deletions' judgement described above, we need to decide

what to do. Officials think that as soon as Mr. Justice Powell's judgement is delivered, we should seek leave to appeal. This would continue the interim injunction and prevent publication for the time being. We should then reflect on what to do and almost certainly decide to pursue the appeal.

N.L.W.

N.L. WICKS

10 December 1986

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