

**From:** [REDACTED]  
**Sent:** Monday, 24 May 2010 4:10 PM  
**To:** Harrison, Sarah  
**Subject:** Re: Untitled

Hi Sarah

I have comments on paras 6.73-6.74 of the Inquiry's 'Performance of PTTEPAA' preliminary findings document, which is a part of the document that deals with an act by me. The Inquiry has interpreted the objective and intention of my email without taking evidence from me about my objective and intention at the time that I wrote that email.

I am concerned that judgments are being made about my actions without asking me about them.

Why am I different from Mr Trueman, who was not required to give oral evidence but when the Inquiry expresses a conclusion about his state of mind it at least does so on the basis of a draft statutory declaration provided by him ?

The Inquiry is reporting its conclusion that PTTEPAA's claim of LPP over the report is invalid based on an argument that the report was prepared for other purposes and therefore the dominant purpose test is not satisfied. The Inquiry's conclusion is incorrect, and its interpretation of the evidence (my email) it is using to support its conclusion is incorrect.

The report over which LPP is claimed did result from an investigation that was carried out at the request of the company's solicitors and which had as its dominant purpose use in the provision of legal advice by those solicitors. Yes there were other investigations for other purposes (planning the well kill; reporting to NOPSA under MOSOF) - but that does not change the privileged status of the report over which LPP is claimed.

It is of course the prerogative of the Inquiry to abandon its earlier acceptance of the claim of LPP and now express a conclusion that the claim of LPP is invalid (a conclusion which it acknowledges is unresolved because it has not been determined judicially). However, my objection concerns the fact that it is using its own incorrect interpretation of my email in support of its conclusion and doing so in circumstances where it has not put that interpretation to me as the writer of that email.

My email was written subsequent to:

- my request to Mallesons on 26 August 2009 that they act for the company and
- a meeting with Mallesons on 27 August 2009 at which Mallesons made its request for an investigation report and informed me that they would later that day send through an engagement/retainer letter that would confirm their request in writing and enclose the privilege protocols to be provided to the persons tasked with preparing the requested investigation report.

My receipt of the NOPSA information request resulted in me prompting Andy that he and I would need to consider how the company was going to resource the carrying out of each of these two tasks (being the investigation requested by Mallesons on the one hand and the NOPSA regulatory requirements on the other hand). In particular I expressed to Andy that we needed to ensure that these tasks were carried out separately by different persons. This was necessary in order to satisfy Mallesons' request which I knew required the internal investigation to be conducted on a confidential

basis as the aforementioned privilege protocols from Mallesons would (and did) stipulate. I therefore advised Andy that we needed to ensure that the investigation team for the Mallesons report was established first. We then proceeded to do just that the following day when Andy sent a memo to PTTEP management in Bangkok informing them of the Mallesons request (including the privilege protocols received from Mallesons) and seeking their assistance to source the personnel for that investigation team from within the Bangkok organisation. It was then established that a number of PTTEP Bangkok personnel and a PTTEPAA project secretary would constitute the team to fulfil the Mallesons request with adherence to the privilege protocols for ensuring that their investigations were kept confidential from other parts/activities of the organisation. We then determined that personnel in the PTTEPAA Legal department (none of whom were members of the investigation team for the Mallesons report) would be tasked with coordinating the response to NOPSA's information requests and the regulatory obligation to report to NOPSA.

I note that in two statements (the first sentence of 6.73 and the first sentence of 6.74) the Inquiry has reported its "concern" regarding this matter using equivocal language ("...may have manoeuvred..." and "...the unsurprising possibility that..."). I can therefore foresee the Inquiry disregarding this submission by me on the grounds that the Inquiry's report has not precluded there being another interpretation of the objective and intention of my email. Nevertheless, the Inquiry has now invited me to provide information that is relevant and so I have now done so.

Kind regards  
Christy Breadmore