

UNDER

THE INQUIRIES ACT 2013

IN THE MATTER OF

A GOVERNMENT INQUIRY INTO  
OPERATION BURNHAM AND  
RELATED MATTERS

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MEMORANDUM OF COUNSEL FOR THE CROWN

15 May 2019

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**MAY IT PLEASE THE INQUIRY:**

1. In Ruling Number 1, the Inquiry confirmed the procedural protocol for review of classified information / claims to withhold information from disclosure. This procedure involves three steps:
  - 1.1 Identification and assessment of the claimed grounds for non-disclosure;
  - 1.2 Consultation with the relevant agency or agencies concerning claims; and
  - 1.3 Referral of matters to the Inquiry.
2. The Inquiry has identified a tranche of documents relating to issues to be considered in module 2 to undergo the classification review process. The reviewers, Mr Keith and Mr Johnstone, and the relevant Crown agencies have consulted, and have agreed to the publication of the enclosed documents.
3. There are a small number of documents in the tranche for which consultation between Crown agencies and the reviewers is ongoing. In the meantime, however, in the interests of ensuring relevant information is disclosed prior to the public hearing scheduled for 22 - 23 May 2019, the Inquiry and the relevant Crown agencies have agreed that the enclosed documents should be disclosed.
4. The relevant Crown agencies and the reviewers continue to review the classification of documents produced to the Inquiry, pursuant to the protocol. It is expected that further information will be declassified for disclosure to other core participants and the public in the course of the Inquiry.

15 May 2019



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Aaron Martin / Ian Auld  
Counsel for the Crown