

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

17 January 2019

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**MAY IT PLEASE THE INQUIRY:**

1. In accordance with Ruling No. 1 of the Inquiry, and after consultation with the Manager Secretariat, Ms Anna Wilson-Farrell, the Government Communications Security Bureau (**GCSB**) and the New Zealand Security Intelligence Service (**NZSIS**) produce an initial tranche of material to the Inquiry.
2. GCSB and NZSIS are currently collating material that contains partner equities in order to seek partner consent for production of that material to the Inquiry. Some of the material provided by GCSB and NZSIS in this initial tranche is redacted in order to protect partner equities that we will be seeking permission to produce.
3. Both GCSB and NZSIS anticipate that there will be several further tranches of material provided to the Inquiry. They will endeavour to provide these tranches in a timely manner, however will be constrained to some extent by the timing of partner response to consent requests. Nevertheless GCSB and NZSIS expect that there will also be further sovereign material that can be provided as part of these tranches.
4. The material being produced in this initial tranche from GCSB is classified either TOP SECRET or SECRET and the material from NZSIS is classified SECRET. A classified Appendix in respect of NZSIS material is attached.
5. Pursuant to paragraph 90 of Ruling No. 1 of the Inquiry, GCSB and NZSIS understand that a non-publication order under section 15 of the Inquiries Act 2013 is made in respect of the classified material provided in this initial tranche, subject to any variation or cancellation following the review process set out in the Draft Protocol.

6. A memorandum will be filled shortly seeking confidentiality for current and former GCSB and NZSIS staff members.

17 January 2019



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Toby Fisher / Ian Auld  
Counsel for the Crown

