Solicitors & Attorneys

State Threats Consultation.
Homeland Security Group
Home Office
5th Floor,
Peel Building
2 Marsham Street
LONDON SW1P 4DF

By Email: CST.Consultation@homeoffice.gov.uk

22 July 2021

Dear Sirs,

Re: Our Consultation Response: State Threats Consultation July 2021

A. Overview

We must question how meaningful this consultation can be when there is only a month in which to comment. Our own response below suffered from the short period but we provide the below general comments. With respect, a more efficient approach might have been to have provided draft legislation and then invited comment.

A.1 The Problem

We respectfully take issue with the introductory statement in the Report that says at p.14: "*While there has been a recent successful prosecution, the Official Secrets Acts, (particularly in the case of the 1911-39 Acts) are not commonly used to bring prosecutions. This is primarily due to the sensitive nature of the evidence that would typically be required to be disclosed in order to bring prosecutions, but also because of the age of the legislation, which means many of the offences are not designed for the modern world. Prosecutions as a result are challenging and rare*." The fact is that the old law fell into disuse as it was so over-broad and unfair that juries just would not convict. As we said in our earlier submission: *"The law falls into disrepute and then disuse due to its over-broad reach – having rendered itself and the prosecuting State ridiculous --harming the rule of law. Lessons must be learned from the past.... The consultation paper would undo Franks and roll back to a 1911 approach. Indeed, the tabled reforms feature three elements: a catch all criminal offence, limited by the dispensation of authorization and the Attorney-General's consent to prosecute. But Franks recommended the repeal of the 61 year old Act's §.2 (of 1911) and its "catch all" criminal offence of unauthorized disclosure applicable to all official information and documents and all Crown Servants, —"saved from absurdity" only by the Attorney-General's sparing consent to prosecute."*

Furthermore, the fact that current legislation is old is not and has never been the problem (nor is it an issue in English law generally and we have some of the oldest laws in the world) in part due to the flexibility of the common law. The problem was and remains an over-broad and unfair law without proper defences. The government abandoned the OSA rather than face further embarrassing defeats in the courts, and turned to the civil law of confidence instead, so that cases such as the *Spycatcher* media cases etc were all bought in civil law for breach of confidence --as a work around. The situation with the Guardian Newspaper and the Wikileaks cables is another example. The OSA was not engaged and rather the government arranged for an onsite destruction –a protocol from the civil law of confidence. We therefore now welcome these proposals from the Law Commission that include the missing defence and other safeguards and urge the Government to adopt them.

A.2 Leaks

The most important issue with these proposals are the potential to apply to ordinary domestic leaks of any official or government data. Astonishingly this key issue is buried in the section on sentences at page 19, where it says: *"Since the passage of the Act in 1989, there have been unprecedented developments in communications technology (including data storage and rapid data transfer tools) which in our view, means that unauthorized disclosures are now capable of causing far more serious damage than would have been possible previously. As a result,* ***we do not consider that there is necessarily a distinction in severity between espionage and the most serious unauthorized disclosures,*** *in the same way that there was in 1989...."* This has rightly caused a groundswell of protest in and by the media. Leaks are absolutely vital to public safety and good government and press freedom. As the ECHR put it: "*Protection of journalistic sources is one of the basic conditions of press freedom ... Without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest. As a result the vital public watchdog role of the press may be undermined"* Goodwin v UK (1996) 22 EHRR 123 paragraph 39. " See also *Telegraaf Media Nederland Landelijke Media BV v Netherlands* (Application no 39315/06), *Financial Times v United Kingdom* (Application no 821/03) [2010] 50 EHRR 46, and *Keena and Kennedy v Ireland* (Application no 29804/10) [2014] ECHR 1284.

We draw the government's attention to the June 1988 White Paper that noted that while prosecutions were not bought for the harmless disclosure of information, it was wrong in principle that the criminal law should extend to them and had long been criticized and regarded as an *"oppressive instrument for the suppression of harmless and legitimate discussion"* and this hampered the necessary role of the media. The focus had to be to determine in what circumstances the unauthorized disclosure of information should be criminal. It noted "*..it is not sufficient that the disclosure is undesirable, a betrayal of trust or an embarrassment to the Government"* and "*..even if disclosure may obstruct sensible and equitable administration, cause local damage to individuals or groups or result in political embarrassment, it does not impinge on any wider public interest to a degree which would justify applying criminal*

sanctions." See the White Paper of June 1988 Reform of Section 2 of the Official Secrets Act 1911 (Cmnd 408) at ¶8 et.seq.

It is timely that this question is open for discussion just as the government (over)reacts to the disclosure in the public interest (on grounds of hypocrisy) of the Hancock film footage.[1] That example and also the cases of Mitchell and Hume show us that if we hand the government more tools, where leaks embarrass politicians--they will be misused. Mitchell and Hume both involved the Police avoiding RIPA (with its professional secrecy protections for journalists) and using PACE instead to identify sources to the media (the safeguards extend only to police and not intelligence services). As the Franks report put it: "*In balancing secrecy and openness --the criminal law should only be engaged to guard against disclosures seriously damaging the security of the nation and the safety of the people. It should not apply to mere leakage (with no such intent) and leaks that were merely embarrassing for the government of the day had to be tolerated."*

B. Concerns

B.1.Public Interest Disclosures and a Statutory Commissioner

Under the Public Interest Disclosure Act 1998, members of the armed forces, intelligence officers etc are all excluded. That Act is widely regarded as a failure in any event. This proposal of a Commissioner is a good one and it was a core feature of the Tshwane model, namely the ability to make disclosure to an oversight body in Principle 39. It is laudable that the government is seeking to provide a path for such disclosures, but we are not in favour of the proposal if it purports to be applicable in *all* cases. In some cases, only the power and reach of the media can protect the public interest and the public –as well as bring the necessary pressure on wrongdoers, the government and the status quo. [2]

[1] https://www.telegraph.co.uk/politics/2021/06/25/whitehall-investigation-launched-serious-breach-security-matt/

[2]See *Guja v Moldova (14277/04):"70. … .. in view of the very nature of their position, civil servants often have access to information which the government, for various legitimate reasons, may have an interest in keeping confidential or secret. ..the Court notes that a civil servant, in the course of his work, may become aware of in-house information, including secret information, whose divulgation or publication corresponds to a strong public interest. The Court thus considers that the signaling by a civil servant or an employee in the public sector of illegal conduct or wrongdoing in the workplace should, in certain circumstances, enjoy protection. This may be called for where the employee or civil servant concerned is the only person, or part of a small category of persons, aware of what is happening at work and is thus best placed to act in the public interest by alerting the employer or the public at large... 73. In the light of the duty of discretion referred to above, disclosure should be made in the first place to the person's superior or other competent authority or body.* ***It is only where this is clearly impracticable that the information could, as a last resort, be disclosed to the public (see, mutatis mutandis, Haseldine, cited above). In assessing whether the restriction on freedom of expression was proportionate, therefore, the Court must take into account whether there was available to the applicant any other effective means of remedying the wrongdoing which he intended to uncover...****76. On the other side of the scales, the Court must weigh the damage, if any, suffered by the public authority as a result of the disclosure in question and assess whether such damage*

Further, particularly given the command culture of the Military and the Intelligence communities, for obvious reasons, there will be cases where individuals will rightly fear stepping forward and/or believe they cannot be protected from detriment following purely internal disclosures. In other cases, the only way any anonymity can be retained is by use of the media. See the briefing paper by Matrix and Mischon at https://www.mishcon.com/news/official-secrets-mishcon-acts-for-client-seeking-to-introduce-a-public-interest-defence .It cites the Law Commission's example of the June 2018 ISC report on Detainee Mistreatment and Rendition, 2001-2010. The report concluded that, while there was no evidence to suggest that UK personnel were directly involved there was evidence to suggest that UK personnel were implicated. Had there been a Commissioner or a public interest defence individuals may have felt able to come forward or tell the media. This can make a difference in cases of grave mistreatment when whistleblowers will fear the consequences. The safety of the public and the nation require that this most important valve be kept open and this should be a core objective in reform. Further, the professional media are a reliable and responsible gatekeeper and guidance can be issued to them. This is a tried and tested method in relation to the old D Notices for example. The Commissioner model is very much better than the status quo but there is a risk of deference and capture and it is no complete substitute for the role of the media as the watchdog of democracy. In the context of the Military and Intelligence services, we believe it is crucial that there remain a protected route to disclose to the media where there is no other effective means. A Statutory Commissioner does not completely answer the real concerns about effectiveness, anonymity or safety so while we support the principle, it should not close down the ability to lawfully disclose to the media where only that route is likely to be effective.

B.2 Serious harm/injury

A serious injury standard should be retained as an additional safeguard against overreach. We urge the government to retain this important safeguard. At present it is all we have. There can be no certainly as to the final contours of any public interest defence, if any. A fault standard does not address the concern in the harm principle and is problematic in light of the public interest issues. See for example the case of Mr. Derek Pasquill prosecuted under section 3 for leaking documents about secret CIA renditions etc. His case was dropped given the Foreign Office had

---

outweighed the interest of the public in having the information revealed (see, mutatis mutandis, Hadjianastassiou v. Greece, 16 December 1992, § 45, Series A no. 252, and Stoll, cited above, § 130). See Heinisch v Germany 28274/08 (same): "*37. In its Resolution 1729 (2010) on the protection of "whistle-blowers" the Parliamentary Assembly of the Council of Europe stressed the importance of "whistle-blowing" – [i]t invited all member States to review their legislation concerning the protection of "whistle-blowers", keeping in mind the following guiding principles: ...****6.2.3. Where internal channels either do not exist, have not functioned properly or could reasonably be expected not to function properly given the nature of the problem raised by the whistle-blower, external whistle-blowing, including through the media, should likewise be protected...****The above guidelines were also referred to in the Parliamentary Assembly's related Recommendation 1916 (2010)."*

previously admitted that the disclosures were not damaging at all and the case seemed to be more about governmental embarrassment than national security and public safety.[3]

B.3 Public interest defence

We welcome the proposal to provide a defence, missing from even our common law, as confirmed in *Shayler* [2003] 1 AC 247. Although the Law Commission accept that the law has moved on in terms of the fundamental rights position, at present, for OSA offences in which damage must be proved, it is only a defence for the accused to show that they did not know and had no reason to believe that the disclosure was damaging or likely to be. This has led to cases where the focus is showing prior publication of the substance of the disclosure, to prove that no harm was caused. But this type of argument is not available to the strict liability offences where there is no requirement to prove any damage. The only other real defence is necessity if the defendant can establish that the offence of disclosure involved a lesser harm than the crime it sought to prevent, as per the Ms. K. Gun prosecution. This lacuna in relation to national intelligence and defence protection in the UK has been described as a "glaring gap" in the legal framework protecting whistle-blowers. The Parliamentary Assembly of the Council of Europe endorsed the Tshwane Principles in October 2013 and the Committee of Ministers also adopted a recommendation on the Protection of Whistle-blowers that recognized that, while member states may institute "a scheme of more restrictive rights" for information related to national security, defence or international relations, *"they may not leave the whistle-blower completely without protection or a potential defence."*

We understand that only the UK lacks any public interest defence and that the remaining Five Eyes Members: Australia, Canada and New Zealand all have some form of a public interest defence, as does Denmark. These have different contours. See these all examined with care in the exceptional briefing paper by Alex Bailin QC and Jessica Jones of Matrix and Mischon at https://www.mishcon.com/news/official-secrets-mishcon-acts-for-client-seeking-to-introduce-a-public-interest-defence. As they note, generally, a public interest defence requires both an objective and subjective element. The Law Commission's proposal is limited to an objective test[4] but we believe both elements should be present. The proposed defence should apply in relation to all offences arising under the current sections 1-6 of the OSA 1989, or to any successor legislation replacing, replicating or enlarging those offences. We would like to reserve further comment for draft legislation.

[3]See the briefing paper by Matrix and Mischon at https://www.mishcon.com/news/official-secrets-mishcon-acts-for-client-seeking-to-introduce-a-public-interest-defence .

[4]See Recommendation 33. 12.52 A person should not be guilty of an offence under the Official Secrets Act 1989 if that person proves, on the balance of probabilities, that: (a) it was in the public interest for the information disclosed to be known by the recipient; and (b) the manner of the disclosure was in the public interest. We make no further recommendation beyond this in respect of the form of the defence. Paragraph 11.81

See other cases discussed in the briefing paper where the lack of any route to safely disclose –or any defence in law was in issue, including the case of Mr. C. Ponting, made disclosures relevant to the Belgrano incident in the Falklands war, and was acquitted by a jury who ignored the trial judge's directions and clearly felt he had acted in the public interest. Ms. Katharine Gun's case, was dropped at the door of the Old Bailey when the CPS contended that it could not rebut her necessity defence. Ms. C Massiter, the MI5 officer who revealed details of its espionage operations against trade unionists and civil libertarians motivated by her conscience. While she was not prosecuted, even now she would have no defence at all under the 1989 Act.

We remind the Government that the press exercises a vital role of "public watchdog" in imparting information on matters of public concern (see, for example, *Magyar Helsinki Bizottság v. Hungary*, no. 18030/11, § 167, 8 November 2016). It is also well established that the gathering of information is an essential preparatory step in journalism and an inherent, protected part of press freedom (see *Dammann v. Switzerland*, no. 77551/01, § 52, 25 April 2006; *Shapovalov v. Ukraine*, no. 45835/05, § 68, 31 July 2012; and *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, § 128, ECHR 2017. In cases concerning gathering and disclosure by journalists of confidential information or of information concerning national security, the Court has consistently protected journalistic preparatory work before publication (see *Dammann*, cited above, § 28; and *Schweizerische Radio- und Fernsehgesellschaft SRG v. Switzerland,* no. 34124/06, § 22, 21 June 2012).The concept of responsible journalism, as a professional activity which enjoys the protection of Article 10 of the Convention, is not confined to the contents of information which is collected and/or disseminated by journalistic means. That concept also embraces the lawfulness of the conduct of a journalist, and the fact that a journalist has breached the law is a relevant, albeit not decisive, consideration when determining whether he or she has acted responsibly (see Pentikäinen v. Finland [GC], no. 11882/10, § 90, ECHR 2015 and the cases referred to therein; see also Bédat, cited above, §§ 49-50). [5] We urge the government to draw a distinction in both offences and sentences between

[5]See Gîrleanu v. Romania (Application no. 50376/09): "*Considering that, because of its very nature, investigative journalism is of particular significance in times of crisis, a notion that includes, but is not limited to, wars, terrorist attacks and natural and man-made disasters, when there may be a temptation to limit the free flow of information for security or public safety reasons; ...II. Calls on member states to protect and promote investigative journalism, having regard to Article 10 of the European Convention on Human Rights, the relevant case law of the European Court of Human Rights and other Council of Europe standards, and in this context:...iv. to ensure that deprivation of liberty, disproportionate pecuniary sanctions, prohibition to exercise the journalistic profession, seizure of professional material or search of premises are not misused to intimidate media professionals and, in particular, investigative journalists".45. In the Claude Reyes et al. v. Chile case before the Inter-American Court of Human Rights (19 September 2006, Series C no. 151), the Inter-American Commission on Human Rights submitted as follows: "58. ... The disclosure of State-held information should play a very important role in a democratic society, because it enables civil society to control the actions of the government to which it has entrusted the protection of its interests. ..."63. They lastly noted that there was an increasing trend for prosecutorial criminal enforcement powers to be utilized against journalists. The use of criminal enforcement powers against a journalist in the context of national security or terrorism could have a real impact in hampering or discouraging other journalists from*

journalists and crown servants etc and other citizens. We also urge that serious thought be given to how to focus on the activity or the behavior --and not the actor --and provide the same protection to the non -professional engaged in journalistic activity and who is more vulnerable and also needs the protection.

B.4 Scope of information protected

Only truly secret information should be protected by the sanction of criminal law. No offence should catch all official data. Further, the information must have been classified as secret and protected as such. It should be narrow covering the main categories of (1) National Security/Defence and (2) foreign relations. Disclosure of all other data should fall outside the scope of the criminal law. As Franks recommended, even within National Security/Defence only the following were deserving of protection: (a) the Armed Forces; (b) military weapons and

---

engaging in research and investigation of such matters. In this context, it was well established in the Court's case-law that the imposition of even very minor criminal sanctions on a journalist could have a wholly disproportionate chilling effect on those performing the role of reporting on matters of public interest and, in consequence, may very rarely be considered proportionate....64. Open Society ... submitted that based on research of various sources of comparative law and jurisprudence, ***there was an emerging European consensus distinguishing the sanctions that could be applied to journalists, and in some cases other members of the public, compared with those available for public servants, for the public disclosure of information of public interest.*** *Public servants were subject to reasonable and qualified obligations of confidentiality to which members of the public were not. Among the members of the public, journalists and other similarly protected persons with a special responsibility to act as public watchdogs, could be sanctioned for disclosing government information only in extraordinary circumstances. 65. States increasingly distinguished between the offences or penalties available for the unauthorized disclosure of information by members of the public on the one hand, and public servants on the other. For instance, in Germany, the criminal law had been amended in 2012 to release journalists from the risk of being charged with aiding and abetting the "violation of official secrets" for disclosing classified information. If the unauthorized disclosure did not amount to treason or espionage, and was not in wartime, several countries – including Moldova, the Russian Federation and Slovenia – limited criminal responsibility for unauthorized disclosure only to public servants. Many other countries – including Belgium, Denmark, France, Poland and the United Kingdom – provided separate or heightened offences for public servants who disclosed information to which private persons, including those working in the media, were not subject. 6. They further submitted that the possession of information was protected from government restriction at least to the extent that disclosure would be so protected. It could not be lawful for a journalist who received information which the State did not want disseminated to be unprotected in the absence of disclosure. On this point, there was growing support in international and national law and practice against sanctions for unauthorized possession, including in the area of national security. For instance, where there was no espionage, demonstration of intent to harm, or actual harm, the laws of Albania, Moldova and Poland provided no punishment for the unauthorized possession of classified information by members of the public or public servants, despite clear penalties for the unauthorized disclosure of such information. In other States – including the Czech Republic, Germany, Serbia and Slovenia – the offence of unauthorized possession required that the offender was a public servant, had had an intent to disclose, had used unlawful means, or had caused harm. 67.* ***They concluded that the State was primarily or exclusively responsible for the protection of government information, and journalists and other similarly protected persons may be subject to sanctions for possession or disclosure in the public interest of information only in exceptional circumstances due to the commission of crimes not based on the fact of possession or disclosure""***

equipment and communications; (c) research and development of the same; (d) defence policy, strategy and military planning for war, (e) intelligence and security services and information obtained by them; (f) military treaties and arrangements with other nations and negotiations for them, and (g) homeland defence and security in the event of war. Similar information from allies should be protected. Less needs protection even within these topics and it is now the law that even in the context of security and intelligence—in relation for example to surveillance--it is now established that the systems in place that impact citizens must be made public. See *Liberty v Secretary of State for Foreign and Commonwealth Affairs* [2014] UKIPTrib 13_77-H. The Tshwane model has categories of information whose withholding may be necessary to protect a legitimate national security interest at Principle 9. Like Franks, the drafters also see classification as inherently linked to other issues and as applying a necessary discipline to protection. A list of classified information is recommended and time limits. See Principles 15 & 16 respectively. Note that classification levels, if used, should correspond to the levels and likelihood of harm identified in the justification. At page 12 it notes: "A national security interest is not legitimate if its real purpose or primary impact is to protect an interest unrelated to national security, such as protection of government or officials from embarrassment or exposure of wrongdoing; concealment of information about human rights violations, any other violation of law, or the functioning of public institutions; strengthening or perpetuating a particular political interest, party, or ideology; or suppression of lawful protests."

C. Our Answers to Your Questions re Official Secrets Acts reform Official Secrets Acts 1911-39 reform

1. Do you think an acts preparatory to hostile activity by states offence could be a valuable addition to modern criminal law, in light of the threat?
   While in theory it might provide an attempt offence where the acts were never completed, it is likely fraught with difficulty and will not be often used.

2. Do you have any comments about how an offence of this nature could work in practice?
   No.

3. Do you think there would be merit in considering a 'significant link' formula to bring into scope espionage against assets in the UK from overseas? How do you think this could work in practice?
4. No.

5. Is there anything that you consider this model would miss that ought to be captured? No.

6. Do you agree with the Law Commission's proposals with regards to introducing a subjective fault element, as part of offences in sections 1 to 4 of the existing Act, instead of a damage requirement?

No. See above.

7. Do you agree that the requirement to prove damage should remain for offences under sections 5 and 6 of the existing Act? If so, why?
   Yes. See above.

8. Do you agree that maximum sentences for some offences under the Official Secrets Act 1989 should be increased?
   No. Any prison term is a serious deterrent in this field. For Crown Servants etc, there are many other constraints such as disgrace, dismissal and end of careers etc.

9. Do you think there should be a distinction in sentencing between primary disclosure offences - committed by members of the security and intelligence agencies, Crown servants, government contractors and those notified - and onward disclosure offences - which can be committed by members of the public?
   Yes. Most definitely. Only the former should be criminal and only in the most serious cases. See above.

10. Do you agree with the Law Commission's proposed recommendations on how sensitive official material could be better protected during the process of obtaining legal advice?
    We support David Kaye, the UN Special Rapporteur for the Promotion and Protection of the Right to Free Expression, in his report of 8 September 2015 concurred that while states should avoid prosecuting whistle-blowers, where this happens, defendants "should be granted ... the ability to present a defence of an overriding public interest in the information and ... access to all information necessary to mount a full defence, including otherwise classified information." In March 2014, the European Parliament adopted the conclusions of an inquiry into surveillance practices conducted by the LIBE committee. Among its many recommendations, this report recommended that the Commission consider the possibility of establishing guidelines for national security whistle-blowers across the EU and called on member states to ensure their national frameworks were in accordance with international standards, including the Tshwane Principles. See also Resolution 1551 (2007) of the Parliamentary Assembly of the Council of Europe on fair-trial issues in criminal cases concerning espionage or divulging State secrets, whereby publication of documents is the rule and classification the exception. These norms should be followed.

11. Do you have any other suggestions on how it can be assured that sensitive official information is adequately protected during the process of obtaining legal advice? See above. Protocols and Guidelines can be issued. This need not be statutory. What is important is access to justice and fair trials.

12. Do you have a view on whether the categories of protected information should be reformed? Yes. This does need reform. See above. Only the most sensitive information classified as top secret should be protected. The catch all approach is hopeless and should be abandoned. Resources will have the most impact on the most secret information.

13. In your view, is there a type of sensitive official information that is not currently protected by the existing Act, but should be in reformed legislation?
Given the width of current protection—no. It is our view that less information should be protected and protected better. See above.

14. Do you think the extraterritorial ambit of offences in sections 1 to 4 should apply to formerly notified persons, Crown servants and contractors, as well as those currently employed? No.

15. Do you think the extraterritorial ambit of offences in sections 5 and 6 should be extended to bring into scope British citizens, residents and those with settled status (including those located overseas) when committed abroad?
No.

16. Do you think there is a case for extending the extraterritorial ambit of offences in sections 5 and 6 to all, regardless of nationality?
No. Legislative jurisdiction should follow established norms and individuals should be able to understand in advance when they might be answerable to a nation state. Under the ECHR jurisprudence, derogation from convention rights must be prescribed by law and foreseeable so the individual can know what the law is and adapt his conduct.

17. Do you support the potential creation of a Statutory Commissioner to support whistle blowing processes? If so, why?
See above. Yes, provided it is still lawful to go to the public via the media where only that is likely to be effective. Further, the professional media are a reliable and responsible gatekeeper and guidance can be issued to them.

18. Do you have any evidence for why existing government whistle blowing processes would necessitate the creation of a Statutory Commissioner? No.

19. Do you have a view on whether a Public Interest Defence should be a necessary part of future legislation?
Yes. We absolutely need this. Again, in some cases, only the power and reach of the media can bring about change and right wrongs and failures. To keep this valve open, we need the defence. It should have both objective and subjective elements. See above.

20. Do you have any views or evidence you'd like to provide on any of the other final Law Commission recommendations, or the Government's response, in Annex B? No.

21. Are there any harms which fall under these broad headings (sabotage, economic espionage, and foreign interference) that are not currently captured in existing legislation? Economic espionage should be left alone and presents too greater risk of criminalizing conduct that should not be unlawful.

22. Do you think that there is a case for standalone offences for sabotage, economic espionage, and foreign interference? No.

23. Do you have any concerns about the continuation of this power? If so, what kind of mitigating actions could be put in place to address these concerns? No.

24. What do you think the implications would be for you, your employer, or your sector in making certain information about registrants, their registerable activity and their registerable links to a foreign state available to the public?
This proposal is a good one. It is a valuable way to impose transparency. We note the US and Australia have similar provisions and suggest these are studied to provide contour. We do not answer the balance of the questions as we have no comments on those.

Thank you.

Yours faithfully,

Victoria McEvedy
McEvedys