

Hon Andrew Little

Minister of Justice

Minister for Courts

Minister for Treaty of Waitangi Negotiations

Minister Responsible for the NZSIS

Minister Responsible for the GCSB

Minister Responsible for Pike River Re-entry



- 5 MAR 2018

Paul Stichbury

paulstichbury@gmail.com

Dear Mr Stichbury

I refer to your correspondence dated 30 January 2018.

You have raised concerns about the integrity of bodies which have refused to consider your allegations of corruption. I do not share your concerns. None of the material you have put forward convinces me their decisions were made other than on the merits of your complaint. I note that your response indicates you have a complaint being considered by the Human Rights Commission, which I was not aware of. I am confident they too will approach the matter in an impartial manner. While I am Minister responsible for the Commission, it is an independent Crown entity and not subject to Ministerial direction in such matters.

You also outline your belief that you are the subject of surveillance by New Zealand's intelligence and security agencies, and that they are using "blocking tactics" against two of your websites.

As Minister Responsible for the New Zealand Security Intelligence Service (NZSIS) and the Government Communications Security Bureau (GCSB), it is not my usual practice to comment on matters that involve the day to day operations of the intelligence and security agencies. I suggest that you contact the NZSIS and GCSB directly if you wish to request any personal information that they may hold on you. The agencies can be contacted via oa.privacy@nzsis.govt.nz and information@gcsb.govt.nz respectively.

I can assure you, however, that the intelligence and security agencies are subject to very robust oversight, including independent external oversight and review by the Inspector-General of Intelligence and Security. I refer you to the attached factsheet, which sets out the safeguards that are in place for the agencies.

I appreciate the time that you have taken to write.

Yours sincerely

A handwritten signature in blue ink that reads "Andrew Little".

Hon Andrew Little

Minister of Justice

Minister Responsible for the NZSIS

Minister Responsible for the GCSB

Strengthening oversight of NZSIS and GCSB



Ensuring the agencies operate legally and properly and are held to account

The Intelligence and Security Act 2017

FACT SHEET NO. 9

What the Act does

- Increases the membership of the Parliamentary Intelligence and Security Committee (ISC) to between five and seven members.
- Requires the Prime Minister to consult with the Leader of the Opposition before nominating members to the ISC, and requires the Prime Minister and Leader of the Opposition to have regard to the proportional representation of political parties in the House of Representatives when nominating members.
- Allows the ISC to request that the Inspector-General of Intelligence and Security (IGIS) inquire into any matter about the intelligence and security agencies' compliance with the law and propriety of their activities.
- Preserves the independence of the IGIS from the New Zealand Security Intelligence Service (NZSIS), Government Communications Security Bureau (GCSB) and the responsible Minister/s and the Prime Minister in legislation.
- Clarifies that the IGIS may review the propriety and implementation of all warrants. This means oversight occurs before, during and after any activity.
- Permits the IGIS to generally inquire into operationally sensitive matters.

The importance of oversight

Intelligence and security agencies are essential in a modern democracy to protect against security threats and to advance the interests of the nation as a whole.

However, the inherently secret nature of the agencies, along with their intrusive nature and abilities, means it is essential robust and independent oversight exists to ensure they act legally, properly and in a manner consistent with New Zealand's democratic values.

Through independent oversight, a balance is struck between the secrecy necessary for the agencies to operate effectively and the public's expectations of accountability and transparency.

For more information on why secrecy is necessary, see Factsheet 11.

Oversight bodies

In New Zealand, the main oversight bodies of the intelligence and security agencies are the IGIS and the Parliamentary ISC. The Act strengthens their existing oversight roles.

The ISC is the Parliamentary oversight committee for the intelligence and security agencies. It examines issues of effectiveness and efficiency, budgetary matters and policy settings.

The IGIS is a statutory officer providing independent external oversight and review of the intelligence and security agencies. The IGIS is responsible for reviewing issues of legality and propriety, which includes the agencies' compliance with human rights and privacy obligations.

Executive/Ministerial

- The Minister Responsible for the GCSB and Minister in Charge of the NZSIS oversee day-to-day business and approve warrant applications made by the respective agency.
- The Minister for National Security and Intelligence (Prime Minister) oversees the national security system and the National Security Committee of Cabinet provides Cabinet oversight.
- State Services Commissioner, as employer of the Directors-General and who provides leadership and oversight of the State sector.

Parliamentary

- The Intelligence and Security Committee (ISC).
- The agencies are required to brief the Leader of the Opposition.
- Legislative requirement to review the intelligence agencies every five to seven years.

How the oversight regime fits together

NZSIS and GCSB will operate within a strengthened oversight and accountability framework.

Judicial

- The participation of a panel of Commissioners of Intelligence Warrants in the warranting process.
- The Courts.

Independent authorities

- Inspector-General of Intelligence and Security (IGIS), and the advisory panel to the IGIS.
- Privacy Commissioner.
- Ombudsman.
- Auditor-General.
- Human Rights Commission.