

Why did we need new legislation?

Legislation passed in 2013 included a requirement for periodic reviews of the intelligence and security agencies.

In March 2016, Sir Michael Cullen and Dame Patsy Reddy presented the First Independent Review of Intelligence and Security to Parliament. The review focused on the legislative framework governing the agencies and their oversight regime.

Their central conclusion was that there should be a single, integrated and comprehensive Act clearly setting out how and why the agencies are constituted; how their intelligence and security activities are authorised; and their oversight.

The previous legislation

Before the Intelligence and Security Act 2017 there were four separate Acts governing New Zealand's core security and intelligence agencies, and their oversight bodies:

- the New Zealand Security Intelligence Service Act 1969
- the Government Communications Security Bureau Act 2003
- the Intelligence and Security Committee Act 1996, and
- the Inspector-General of Intelligence and Security Act 1996

In the 47 years since the New Zealand Security Intelligence Service Act was passed, the world has changed a lot. In light of the growing complexity and sophistication of security threats, there is an increasing need for intelligence and security agencies to work together and pool their expertise. Having separate Acts hampered the ability of the New Zealand Security Intelligence Service (NZSIS) and Government Communications Security Bureau (GCSB) to work together.

The Intelligence and Security Act 2017 replaces the four previous Acts with one piece of legislation. This will make the law easier to understand and access. The previous legislation also needed to be updated to keep pace with our changing world.

The Intelligence and Security Act 2017

As recommended by the Reviewers, the overarching purpose of the Intelligence and Security Act 2017 is to protect New Zealand as a free, open and democratic society.

The Act sets out the functions, powers and duties of the agencies and empowers them to contribute to the following objectives while acting in accordance with New Zealand law and human rights obligations:

- The protection of New Zealand's national security; and
- The international relations and wellbeing of New Zealand; and
- The economic wellbeing of New Zealand.