

Expansion of GCSB intelligence gathering intrusive

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The Government Communications Security Bureau and Related Legislation Amendment Bill is intrusive and no clear justification has been provided for the extraordinary extension of powers of the GCSB to conduct surveillance on New Zealand citizens and residents, the New Zealand Law Society says.

The Law Society presented its submission on the bill to the Intelligence and Security Committee. Law Society spokesperson Rodney Harrison QC says the bill empowers the GCSB to spy on New Zealand citizens and residents. He says the new objectives and functions for the GCSB effectively transform it from an agency which gathers foreign intelligence to one which also obtains domestic intelligence.

"This is inconsistent with the rights to freedom of expression and freedom from unreasonable search and seizure under the New Zealand Bill of Rights Act 1990 and with privacy interests recognised by New Zealand law," he says.

The Law Society recognises the critical role intelligence gathering plays in ensuring New Zealand's security, but believes that extensive amendments to the state's surveillance powers should not be passed by Parliament lightly.

"More information should be provided to the public about the justification for the proposed changes to the operation of the GCSB. Further public debate is needed, and safeguards should be incorporated into the law if the reforms are to proceed," Dr Harrison says.

The Law Society is concerned that Parliamentary urgency has been used to push through the bill, which has resulted in a shortened time frame for public consultation and submissions.

If the reforms are to proceed, the Law Society recommends a range of amendments to the Government Communications Security Bureau Act 2003 and related legislation. In particular, the Law Society recommends that:

- systemic checks are put in place to ensure the GCSB's extended powers are exercised appropriately;
- the office of the Inspector-General of Intelligence and Security is strengthened;
- the Inspector-General undertakes a full operational review following amendments to the GCSB Act, and reports to Parliament on whether the Inspector-General of Intelligence and Security Act remains fit for purpose in providing for effective independent oversight; and
- the Intelligence and Security Committee Act 1996 is amended to assist in the overall objective of strengthening the oversight provided by the Intelligence and Security Committee.