



Proactive Release

The following documents have been proactively released by the Department of the Prime Minister and Cabinet (DPMC), on behalf of Hon Andrew Little, Minister Responsible for the GCSB and Minister Responsible for the NZSIS:

Intelligence and Security (Review) Amendment Bill: Approval for Introduction

The following documents have been included in this release:

***Title of paper: Intelligence and Security (Review) Amendment Bill:
Approval for Introduction (LEG-21-SUB-0075)***

***Title of minute: Intelligence and Security (Review) Amendment Bill:
Approval for Introduction (LEG-21-MIN-0075)***

***Title of minute: Report of the Cabinet Legislation Committee:
Period Ended 21 May 2021 (CAB-21-MIN-0178)***

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it. In addition, some information has been withheld as out of scope of this release.

Key to redaction code:

- Section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials.

Office of the Minister Responsible for the GCSB and NZSIS
Chair, Cabinet Legislation Committee

Intelligence and Security (Review) Amendment Bill: Approval for Introduction

Proposal

- 1 This paper seeks approval to introduce the Intelligence and Security (Review) Amendment Bill (the Bill).
- 2 The Bill implements Cabinet's agreement to bring forward the statutory review of the Intelligence and Security Act 2017 (the Act) to start as soon as practicable after 1 July 2021, in order to promptly address the matters raised in the *Report of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Masjidain* (the Royal Commission Report), as part of a holistic review of the Act [ERS-21-MIN-0006 and CAB-21-MIN-0122].

Policy

- 3 The Government received the Royal Commission Report in November 2020. In December 2020, Cabinet agreed with the Royal Commission Report's findings and agreed in-principle with the Report's 44 recommendations [CAB-20-MIN-0516 refers].
- 4 The Royal Commission Report included four specific recommendations and raised a number of issues related to the Act. The report also recommended these issues should be addressed in the statutory periodic review of the Act. The Act requires a review of the intelligence and security agencies and the Act to commence as soon as practicable after September 2022. Cabinet has decided to bring forward that review in order to address the issues raised about the Act by the Royal Commission Report sooner.
- 5 This Bill makes a small amendment to the Act in order to start the review of the Act as soon as practicable after 1 July 2021. This will allow the issues with the Act that were raised in the Royal Commission Report to be addressed in a timely manner within a review of the entire Act.

6 9(2)(f)(iv)

Impact analysis

- 7 The Regulatory Impact Analysis team at the Treasury has determined that the proposal to bring forward the statutory review of the Intelligence and Security Act 2017 is exempt from the requirement to provide a Regulatory Impact Statement on the basis that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.

Compliance

- 8 The Bill complies with each of the following:
- 8.1 the principles of the Treaty of Waitangi;
 - 8.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 8.3 the disclosure statement requirements. A disclosure statement has been prepared and is attached to this paper;
 - 8.4 the principles and guidelines set out in the Privacy Act 2020;
 - 8.5 relevant international standards and obligations;
 - 8.6 the Legislation Guidelines (2018 edition).

Consultation

- 9 The following departments were consulted on this Cabinet paper and the attached Bill: the Government Communications Security Bureau; Inspector-General of Intelligence and Security; Ministry of Justice; Parliamentary Council Office; New Zealand Police, New Zealand Security Intelligence Service and the Public Service Commission.
- 10 The Intelligence and Security Committee has been briefed on the changes set out in the Bill.

Binding on the Crown

- 11 The Bill will bind the Crown, as the Act being amended binds the Crown.

Creating new agencies or amending law relating to existing agencies

- 12 Not applicable.

Allocation of decision making powers

- 13 Not applicable.

Associated regulations

- 14 Not applicable.

Other instruments

- 15 Not applicable.

Definition of Minister/department

- 16 Not applicable.

Commencement of legislation

17 The Bill will come into force on the day after the date of Royal assent.

Parliamentary stages

18 I plan to introduce the Bill on 24 May 2021 and will move for first reading shortly after. The Bill should be passed by 30 June at the latest.

19 Given the Bill only contains a very minor and straightforward amendment I propose to seek agreement of the House Business Committee to refer the Bill to the Foreign Affairs, Defence and Trade Committee for a shortened select committee process.

Proactive Release

20 I intend to proactively release this paper, and the associated policy paper, following introduction of the Bill, subject to any redactions consistent with the Official Information Act 1982.

Recommendations

21 The Minister Responsible for the GCSB and NZSIS recommends that the Committee:

1 **note** ^{9(2)(f)(iv)}



2 **note** that the Bill seeks to amend the Act in order to bring forward the periodic review of the Act to start as soon as practicable after 1 July 2021;

3 **approve** the Intelligence and Security (Review) Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;

4 **agree** that the Bill be introduced on 24 May 2021;

5 **agree** that the government propose that the Bill be:

5.1 referred to the Foreign Affairs, Defence and Trade Committee for a shortened select committee process;

5.2 enacted by 1 July 2021.

Authorised for lodgement

Hon Andrew Little
Minister Responsible for the GCSB and NZSIS



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Intelligence and Security (Review) Amendment Bill: Approval for Introduction

Portfolio **GCSB, NZSIS**

On 20 May 2021, the Cabinet Legislation Committee:

- 1 9(2)(f)(iv) [REDACTED]
- 2 **noted** that the Bill seeks to amend the Intelligence and Security Act 2017 in order to bring forward the periodic review of the Act to start as soon as practicable after 1 July 2021;
- 3 **approved** for introduction the Intelligence and Security (Review) Amendment Bill [PCO 23550/1.4], subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 4 **agreed** that the Bill be introduced on 24 May 2021;
- 5 **agreed** that the government propose that the Bill be:
 - 5.1 referred to the Foreign Affairs, Defence and Trade Committee for a shortened select committee process;
 - 5.2 enacted by 1 July 2021.

Rebecca Davies
Committee Secretary

Present:

- Hon Chris Hipkins (Chair)
- Hon Megan Woods
- Hon Carmel Sepuloni
- Hon Andrew Little
- Hon David Parker
- Hon Poto Williams
- Hon Kris Faafoi
- Hon Jan Tinetti
- Hon Michael Wood (Deputy Chair)
- Hon Ayesha Verrall
- Hon Meka Whaitiri
- Kieran McNulty, MP (Senior Government Whip)

Officials present from:

- Office of the Prime Minister
- Officials Committee for LEG



Cabinet

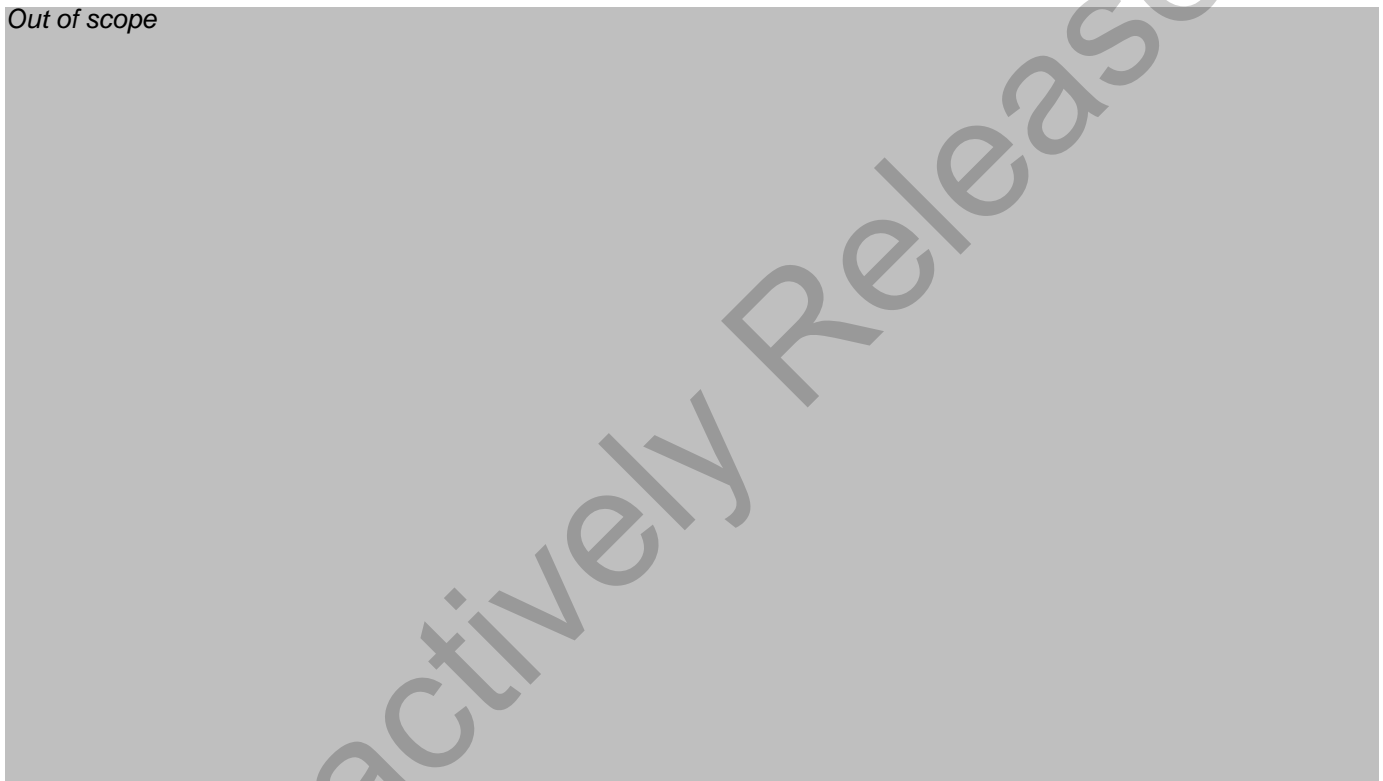
Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 21 May 2021

On 24 May 2021, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 21 May 2021:

Out of scope



LEG-21-MIN-0075 **Intelligence and Security (Review) Amendment Bill:** CONFIRMED
Approval for Introduction
Portfolios: GCSB / NZSIS

Out of scope



Out of scope



Proactively Released

Michael Webster
Secretary of the Cabinet