

Expanded spy powers being rammed through New Zealand parliament

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8 December 2014

With the help of the opposition Labour Party, sweeping new security laws, designed to extend the state's powers to spy on citizens and remove basic rights, are being pushed through the New Zealand parliament, under urgency procedures. The Countering Terrorist Fighters Legislation Bill passed its first reading on November 25 before going to a parliamentary committee with just one and a half days for public submissions.

The draconian legislation is similar to laws being enacted in Britain and Australia, on the pretext of dealing with the alleged threat of terrorism posed by supposed supporters of Islamic State of Iraq and Syria (ISIS). It is being fast-tracked on the pretext that it needs to be in place before the Cricket World Cup, to be played in Australia and New Zealand beginning next February.

In its original form, the bill gave the Security Intelligence Service (SIS) broad new powers in two areas. The first would enable the domestic spy agency, in an undefined "emergency," to conduct surveillance, seize documents and undertake electronic tracking and secret video filming, including inside private properties, for up to 48 hours without a warrant.

These provisions override the present legal requirement that a state agency can only spy on citizens if a judicial officer agrees. The new powers could be issued against any person "not previously identified as a risk" who, according to "new information," is "about to travel to a conflict zone." Information collected without a warrant can be kept indefinitely.

The second extends the internal affairs minister's powers, acting on the SIS's advice, to suspend or cancel passports for up to three years. Under an amendment to the Passports Act, introduced by the former Labour government in 2005, the minister

already has the right to unilaterally cancel someone's passport for up to 12 months if the minister believes they intend to engage in a "terrorist act." In addition to extending the time period, the new provision gives the SIS direct access to Customs and Excise's databases, including information on passengers, crew, or craft and their movements.

The bill passed its first reading in parliament by 107 votes to 14. The Green Party voiced reservations, on the limited grounds that the government had "not made the case for the changes," but did not oppose the legislation outright.

When the bill was reported back from the parliamentary committee last Tuesday, the newly-installed Labour Party leader Andrew Little claimed Labour secured certain concessions; a reduction in warrantless monitoring from 48 to 24 hours, a narrower focus on "anti-terror" activities and a promise of "stricter oversight" by the official Inspector General of Intelligence and Security. The committee also recommended that the legislation expire in 2017, a year earlier than originally proposed, but this is still within the timeframe set by the government, which plans permanent legislation before the sunset clause kicks in. The passport cancellation measures remain intact, contrary to Section 18 of the Bill of Rights which grants every citizen "the right to leave New Zealand."

Little promised Labour would support the bill, declaring the changes "balanced what was previously a very unbalanced piece of legislation." While Little boasted this was a victory, the government welcomed the changes. Earlier comments by Prime Minister John Key, that he wanted to work cooperatively with Labour, urging them to "take their national security interests responsibly," established the framework for the bipartisan collaboration.

Before the modifications, conscious of widespread popular opposition, sections of the ruling elite had warned that the government was in danger of going too far too fast. These concerns were purely tactical. Former Labour Prime Minister Geoffrey Palmer, submitting on behalf of the Law Society, cautioned that laws pushed through under urgency often ended up “missing their target or having unintended consequences.”

Likewise, the *New Zealand Herald* called on the government to “put the brakes on” the “drastic terrorism bill,” saying it could backfire. It did not oppose the bill, but warned that “suspending or cancelling passports is extremely restrictive. The citizen becomes a captive, and perhaps more likely to turn to targets here.”

Under the guise of the “war against terror,” the state is assuming ever more authoritarian powers, including the ability to render citizens effectively stateless by revoking their passports. Previous governments, including Labour, introduced a succession of laws boosting the powers of the political spy agencies. In 2013, the government legalised surveillance of citizens by the external spy agency, the Government Communications Security Bureau, despite protests across the country by thousands of people.

The government claims the latest measures are needed to stop people travelling overseas to join groups such as ISIS. In February, Key announced the cancellation of the passports of a group of people who were allegedly planning to join “rebel groups” in Syria. He is now talking up the threat of so-called domestic terrorism, saying there are up to 80 individuals on a security “watch list.”

No evidence has been presented to verify his claims about these people or the threat they are meant to pose. The real target is any citizen the SIS declares as a “suspect,” which could include political dissidents. Measures announced last month to purportedly combat terrorism included a budget increase of \$NZ7 million for the SIS to scale up its activities across the board.

To lay the basis for these measures, Key announced on October 13 that the intelligence agencies had raised New Zealand’s terror threat level from “very low” to “low,” indicating that the threat of a terrorist attack is now “possible but not expected.” This immediately followed the government’s decision to join the US-led

war in Iraq and Syria, through which Washington seeks to reassert its hegemony over the resource-rich Middle East. Key announced on November 5 that NZ will send military personnel to help train the Iraqi army and be involved in intelligence gathering.

There was no discussion of the war and security measures by the corporate media, the government or anyone in the political establishment during the campaign for the national election in September. The bill is being enacted in defiance of the wishes of working people. In the short time permitted, more than 600 submissions were made on the bill by individuals and organisations, the majority of them critical.

Key has warned that the bill is “just the beginning.” A full review of “security settings” next year will, he declared, consider broader, permanent changes to intelligence-gathering and counter-terrorism. “[B]y definition the review is much deeper and wider than what we are currently looking at,” Key insisted.



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