

New Zealand government plans further expansion of spy powers

Tom Peters
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A government-commissioned review of New Zealand's spy agencies, released this month, recommended the removal of restrictions on their ability to spy on citizens and residents.

The review, by former Labour government Deputy Prime Minister Michael Cullen and lawyer Dame Patsy Reddy, called for a de facto merger of the domestic agency, the Security Intelligence Service (SIS), with the external agency, the Government Communications Security Bureau (GCSB). It proposed that the organisations, which together employ approximately 500 staff, be covered by the same legislation and operate out of the same building.

The integration of the spy agencies would enable the GCSB's advanced technology, which includes the interception of communications via satellite and the tapping of undersea Internet cables, to be routinely used by both agencies to spy on New Zealanders for vaguely-defined "national security" purposes.

Cullen downplayed the recommendations, telling the media on March 9: "We are not proposing a vast extension of power." It was "a clarification" of the existing law. Prime Minister John Key, however, admitted that the proposals would increase the GCSB's powers. He flatly declared this was needed because "we live in a world of changing national security requirements, a world that presents a few more risks to New Zealanders."

A *New Zealand Herald* editorial backed the plans, seizing on the bogus "war on terror" used by governments internationally to introduce unprecedented police and surveillance measures. It asserted that since the end of 2014, "the spectre of Isis terrorism [has prompted] all Western states to adopt stronger measures of surveillance and passport control."

In reality, the proposals have nothing to do with

combating terrorism. The review was released under conditions of soaring social inequality, the collaboration of New Zealand in the US-led war in Iraq and escalating threats of a US war against Russia and China. As in America, Europe and Asia, there are signs that the turn to austerity and militarism is producing a shift to the left among sections of workers and youth, including the large turnout at last month's protests against the US-led Trans-Pacific Partnership. The ruling elite is preparing to confront social and political opposition by erecting the foundations for a police state.

Claims by Cullen and Reddy that their proposals would strengthen "oversight" of the spy agencies are a sham. The GCSB and SIS would be permitted to spy on anyone if they obtained a warrant from the attorney-general and a judicial commissioner. When agencies decided that an operation must be conducted "urgently," they would be able to conduct warrantless surveillance for 48 hours.

Spies would also be given "immunities from civil and criminal liability" if they broke the law during undercover operations. The GCSB currently has immunity when acting under authorisation and for "any act done in good faith to obtain a warrant or authorisation." This would be extended to cover SIS agents. Immunity would also be given to "anyone required to assist the agencies, such as telecommunications companies" and "human sources."

Until a law change in 2013, the GCSB was prohibited from carrying out any surveillance on New Zealanders. This expansion of powers triggered nationwide protests by thousands of people. It followed an admission that the GCSB had illegally spied on at least 88 people, including businessman and Internet Party founder Kim Dotcom.

The 2013 provisions allowed the GCSB to conduct surveillance of New Zealanders for the purposes of “cyber security” and to assist the police, the Defence Force and the SIS. It also allowed surveillance of anyone working for “a foreign person ... government, body or organisation.”

According to Cullen and Reddy, however, the 2013 legislation did not go far enough because it only allowed the GCSB to spy on citizens and residents in exceptional, albeit very broadly defined, circumstances.

Key’s National Party government aims to legalise the indiscriminate spying, which already takes place. Whistleblower Edward Snowden revealed in 2014 that there is routine surveillance of New Zealanders by the GCSB. The information gathered can be accessed by the US National Security Agency (NSA) and other members of the Five Eyes alliance—the intelligence agencies of Australia, Britain and Canada.

Opposition Labour Party leader Andrew Little immediately indicated bipartisan support. He told the March 9 *Herald* that the Cullen-Reddy review contained “sensible recommendations in terms of having consistency in legislation and avoiding contradictions between the agencies’ powers.” Labour had told the government “we will cooperate on trying to get the best possible legislation.”

This underscores the fraud of Labour’s opposition to the 2013 legislation, which it voted against while making vague calls for a “review” of the GCSB’s operations. As soon as the 2014 election was out of the way, Labour backed legislation allowing the SIS to conduct warrantless spying for 24 hours in “emergency” situations. Now it is supporting even greater powers.

Successive Labour and National governments have overseen a vast expansion of the spy agencies’ powers and resources. They have also worked closely with Washington to integrate the GCSB into the Five Eyes alliance, as part of the overall strengthening of military and intelligence ties. Documents released by Snowden last year revealed that the agency spies on countries throughout Asia and the Pacific, including China, and shares the intelligence with the NSA. This represents a significant contribution to US imperialism’s preparations for war against China.

New Zealand’s ruling elite relies on its alliance with the US to protect its own neo-colonial interests in the

Pacific and elsewhere. The Cullen-Reddy review declined to comment on the “accuracy of Snowden’s allegations in relation to New Zealand.” At the same time, it praised the Five Eyes as “by far New Zealand’s most valuable intelligence arrangement, giving us knowledge and capability far beyond what we could afford on our own.”

New legislation will be drawn up in close consultation with Washington. Key revealed that on March 14 that US National Intelligence Director James Clapper had just visited New Zealand for talks on intelligence matters, including the Cullen-Reddy review. Clapper held private discussions with both Key and Labour leader Little, who described his meeting as “very friendly.”

Key said General Clapper was in New Zealand on his way to a Five Eyes meeting in Australia. Clapper oversees 16 US intelligence agencies, including the CIA and NSA. His visit underlines the incorporation of New Zealand’s spying operations into the global network operated by the US.



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