

Cross-party support for sweeping spy powers in New Zealand

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Legislation to allow New Zealand's foreign intelligence agency, the Government Communications Security Bureau (GCSB), to spy on New Zealand citizens passed its first reading in parliament on August 18, with overwhelming cross-party support.

The Labour Party, New Zealand First, Act and the Maori Party all backed the National Party government by voting for the Intelligence and Security Bill. Only the Greens and United Future's Peter Dunne voted against sending the bill to the foreign affairs select committee, the next stage in its passage.

The bill is the result of a review conducted by former Labour Deputy Prime Minister Michael Cullen and lawyer Patsy Reddy. Cullen had served on parliament's Intelligence and Security committee, which covers the spy services. Reddy has recently been named as the country's next governor-general.

The legislation will have been drawn up in close consultation with Washington. In March, US National Intelligence Director James Clapper visited Wellington for talks on intelligence matters, including the Cullen-Reddy review. Clapper held discussions with both Prime Minister John Key and Labour leader Andrew Little.

Along with a history of illegal spying on New Zealand citizens, the GCSB services the needs of US imperialism. Documents leaked by former US National Security Agency (NSA) contractor Edward Snowden revealed that the GCSB carries out mass surveillance on Pacific island nations and several Asian countries, including China. According to Snowden, Washington highly values the intelligence gathered by the GCSB on its behalf, including in "areas and countries ... difficult for the US to access."

The legislation breaks a longstanding separation between the domestic security agency, the Security

Intelligence Service (SIS), and the GCSB. Previously, the GCSB could only legally spy on foreigners. After revelations that the agency illegally spied on over 80 NZ citizens, including prominent Internet entrepreneur Kim Dotcom, a law was rushed through in 2013 to allow the GCSB to carry out surveillance on behalf of the SIS, police and the Defence Force.

The 2013 law triggered nationwide protests by thousands of people. According to Cullen-Reddy, however, the 2013 legislation did not go far enough. It only allowed the GCSB to spy on citizens and residents in exceptional, albeit broadly defined, circumstances. Cullen complained the GCSB became "extremely risk adverse" around interpretation of its powers.

The new law runs counter to assurances given by Key in 2013 that the GCSB would not target citizens. It was introduced the same week that fresh information from Snowden revealed the GCSB's monitoring of New Zealander Tony Fullman, who campaigned against the Fijian military regime following the 2006 coup.

The bill places the GCSB and the SIS under the same legislation and warranting regime. If the agencies operate under a joint warrant they will both be able to carry out all activities, including interception of communications, searches of premises, seizure and surveillance.

The minister in charge of the agencies, Christopher Finlayson, said citizens would be targeted by the GCSB only on "national security" grounds, unless a person was deemed an "agent" of a foreign power. In that instance, the GCSB already has the powers to spy on them.

The definition of "national security" is yet to be determined. Finlayson said the government wanted the select committee to have a "robust debate" on the definition, "rather than ministers make a decision."

Little thanked Finlayson for his “bipartisan approach” and for conducting himself with “considerable distinction.”

To further secure a parliamentary consensus on boosting the surveillance regime, Little said he wants membership of the Security and Intelligence committee expanded to include automatic representation from the Greens and NZ First. Labour previously gave one of its positions to former Green Party co-leader Russel Norman.

The Cullen-Reddy 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 workers and youth.

Under the rubric of the “war on terror,” the ruling elite is erecting the foundations for a police state in preparation to confront social and political opposition. The *New Zealand Herald* in March signalled media backing for unprecedented police and surveillance powers. 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.”

The bill gives the agencies increased flexibility in obtaining warrants, including for classes of people and “purpose-based” warrants. The government raised the example of the intelligence agencies being alerted to a group of unidentified New Zealanders in Syria. A group warrant would allow the spy organisations to target them without having exact information on their identities.

A purpose-based warrant will specify the type of information sought—for example, a warrant to intercept communications ostensibly to find out if New Zealanders are fighting with ISIS.

“Whistle blowers” who leak government information will be targeted. A new offence is created for people who hold a government security clearance, or have access to classified information, and communicate, retain or copy it. If intelligence agency employees provide evidence of wrongdoing to others or the media they face up to five years’ imprisonment.

Successive governments have expanded the spy agencies’ powers and resources. The 1999–2008

Labour government passed the GCSB Act in 2003, establishing the agency as a separate department. Labour and National have worked closely with Washington to integrate the GCSB into the global “Five Eyes” alliance, as part of the overall strengthening of US-led military and intelligence ties.

In 2013 and 2014, Labour and NZ First appeared alongside the Greens and Internet-Mana at public meetings, claiming to oppose the extension of the GCSB’s powers. Labour made vague promises of a “review” into National’s legislation if elected. This supposed opposition was a complete fraud. Both parties are now backing legislation that goes even further.

The Green Party has declared its opposition to the legislation, on the basis that it is “invasive.” However, the Greens are not opposed to the activities of spy agencies in principle, only saying the proposed oversight measures do not go “far enough” and there should be a “clear distinction” between the SIS and the GCSB.



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