

# New Zealand spy agency illegally accessed immigration data

Tom Peters  
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On December 12, New Zealand's government-appointed Inspector-General of Intelligence and Security Cheryl Gwyn released a report on the Security Intelligence Service (SIS), revealing that for almost 20 years the internal spy agency illegally accessed personal information held by the Customs and Immigration departments.

This is the latest in a series of revelations of illegal activity by the intelligence agencies. In 2013 and 2014, whistle-blower Edward Snowden exposed that the Government Communications Security Bureau (GCSB)—NZ's external spy agency—carried out mass surveillance of New Zealanders. The agency also spied on the Pacific islands, China and other countries, as part of the US-led Five Eyes intelligence alliance.

According to Gwyn's report, between 1997 and 2016, under successive Labour Party and National Party governments, the SIS used a Customs computer terminal to routinely gather information on the movements of people entering and leaving the country. The number of people whose privacy was violated by this tracking has not been revealed. Gwyn states that "at the time there was no lawful basis under the Customs legislation, the New Zealand Security Intelligence Service Act, or any other legislation" for this type of monitoring.

The Labour Party-led government welcomed the report and used it to argue that there were now good "checks and balances" on the intelligence agencies.

Andrew Little, the Minister responsible for the GCSB and SIS, told Radio NZ on December 14: "I've made it clear to both the directors general of both the services, and the agency, that I expect them to be fully compliant with the law at all times. They are now, and the reason we have the Inspector-General is to make sure there is a good check and balance on those services complying

with the law."

Asked whether anyone would be held accountable for decades of law-breaking, Little brushed the question aside, repeating that the spy agencies were "now acting lawfully" with "good, strong oversight."

These sentiments were echoed by the corporate media. An editorial in the *Dominion Post* declared: "Democratic society owes Gwyn a debt of gratitude." It described her as "the public's only real watchdog over the spies." The *New Zealand Herald's* David Fisher wrote that the discovery of the illegal SIS conduct was "a signal of the extraordinary change our agencies have undergone in the past five years." The newspaper's liberal columnist Bryce Edwards gushed that Gwyn was "the brightest note in the spy sector [in 2017]."

The notion that New Zealand's spy agencies are behaving more democratically than in the past is ludicrous.

In 2013, in response to revelations of illegal spying by the GCSB, the National Party government changed the law to greatly broaden the agency's powers, making mass surveillance of New Zealand citizens legal. The move provoked large protests throughout the country.

In 2017, the National Party government, supported by the Labour Party, passed legislation that widened the powers of the SIS and the GCSB and allowed the two agencies to work more closely together.

In response to Gwyn's report, director-general of the SIS Rebecca Kitteridge stated that the Intelligence and Security Act 2017 "explicitly confirmed NZSIS's authority to access the [Customs and Immigration] databases."

In other words, the SIS is "now acting lawfully" only because the law was changed, with bipartisan support, to legalise anti-democratic surveillance methods that

were previously illegal.

Far from being an independent “watchdog”, as the media and political establishment portrays her, Gwyn was appointed to her role in 2014 by the then-National Party government. Having spent some years in an anti-Marxist Pabloite group in the 1980s, Gwyn later pursued a career in the state apparatus, working as Deputy Solicitor-General during the 1999–2008 Labour government (see: “The curious career of Cheryl Gwyn”).

Members of the Labour Party and its coalition partners the Greens and the right-wing populist New Zealand First attended rallies in 2013 and 2014, fraudulently presenting themselves as opponents of the National government’s moves to broaden the GCSB’s powers. Following the change of government in September 2017, however, the 2013 and 2017 legislation remains in place.

The Labour government has stressed its commitment to the Five Eyes alliance with the US, and its readiness to support a US war against North Korea. It has given NZ First, a xenophobic anti-Asian party, the positions of Foreign Minister and Defence Minister. New Zealand troops remain posted in both Iraq and Afghanistan.

A witch-hunt against Chinese “influence” is underway, driven by NZ First, the intelligence agencies and the media. NZ First leader and Deputy Prime Minister Winston Peters has demanded an investigation into Chinese-born National Party MP Jian Yang, based on unsubstantiated claims that he is a Chinese Communist Party agent.

The NATO-funded academic Anne-Marie Brady, widely promoted in the NZ media, has called for the SIS to be empowered to investigate anyone in business, politics and universities with links to China. The *Wall Street Journal* and the UK-based *Financial Times* reported last month that the GCSB and SIS had raised “concerns” about the supposed “threat” posed by China.

The anti-China campaign, which parallels similar moves by the intelligence agencies in Australia, is aimed at aligning New Zealand with the already far-advanced war preparations by Washington against China and North Korea.

At the same time, the strengthening of the GCSB and SIS, together with the recruitment of more police and

military personnel, is aimed at establishing the framework of a police state. New Zealand is experiencing immense social inequality, poverty and homelessness; the Labour government is preparing to confront and suppress the opposition to war and austerity that will inevitably emerge in the working class.



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