

Intelligence and Security Committee Amendment Bill

Government Bill

As reported from the committee of the whole
House

This bill was formerly part of the Government Communications Security Bureau and Related Legislation Amendment Bill as reported from the Intelligence and Security Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- Government Communications Security Bureau Amendment Bill comprising clauses 1 and 2, Part 1, and Schedules 1 and 2
 - Inspector-General of Intelligence and Security Amendment Bill comprising Part 2
 - This bill comprising Part 3.
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Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

text inserted

Rt Hon John Key

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Intelligence and Security Committee Amendment Act **2013**.

2 Commencement

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This Act comes into force on the day that is 1 month after the date on which it receives the Royal assent.

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37 Principal Act

This **Part** amends the Intelligence and Security Committee Act 1996 (the **principal Act**).

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38 Section 6 amended (Functions of Committee)

(1) After section 6(1)(a), insert:

“(ab) without limiting paragraph (a), to conduct an annual financial review of the performance of an intelligence and security agency in the previous financial year after the responsible Minister has submitted a copy of the agency’s annual report to the Committee:”.

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(2) Replace section 6(1)(e) with:

“(e) subject to section 18,—

“(i) to present an annual report to the House of Representatives on the activities of the Committee; and

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“(ii) to make an annual report publicly available on the Internet site of the New Zealand Parliament:

“(f) to consider and discuss with the Inspector-General of Intelligence and Security his or her annual report as presented to the House of Representatives under section

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27(3) of the Inspector-General of Intelligence and Security Act 1996.”

39 New section 7A inserted (Further provisions relating to chairperson and Leader of the Opposition)

After section 7, insert:

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“7A Further provisions relating to chairperson and Leader of the Opposition

“(1) Subsection (2) applies if—

“(a) the Committee is, in the course of conducting a financial review of an intelligence and security agency, discussing any matter relating to the performance of the intelligence and security agency; and

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“(b) the Prime Minister is the responsible Minister under the legislation governing the intelligence security agency.

“(2) If the Prime Minister is chairing the meeting of the Committee at which the matter is discussed,—

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“(a) the Prime Minister must not act as chairperson of the Committee; and

“(b) another member of the Committee nominated by the Prime Minister, being one of the 2 members appointed under section 7(1)(c), must act as chairperson.

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“(3) The chairperson of the Committee may appoint either of the following (if not already a member of the Committee) to be an alternate chairperson to act as chairperson at the discretion of the chairperson in the absence of the chairperson at a meeting of the Committee:

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“(a) the Deputy Prime Minister:

“(b) the Attorney-General.

“(4) The Leader of the Opposition may appoint the person who acts as his or her deputy in the House of Representatives to act in place of the Leader of the Opposition in the absence of the Leader of the Opposition at a meeting of the Committee.”

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39AA Section 12 amended (Conduct of proceedings)

After section 12(2), insert:

“(2A) However, subsection (2) does not apply when the Committee is performing its function specified in **section 6(1)(ab).”**

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39A Section 13 amended (Meetings of Committee)

After section 13(6), insert:

“(6A) Subsection (6) applies subject to **section 7A.**”

40 Section 18 amended (Restrictions on reports to House of Representatives)

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In section 18(1), replace “reporting” with “presenting an annual report or other report”.

41 New sections 21 to 27 and cross-heading inserted

After section 20, insert:

“Periodic reviews

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“21 Requirement to hold periodic reviews

A review of the intelligence and security agencies, the legislation governing them, and their oversight legislation must, in accordance with the terms of reference specified under **section 22(3)(a)**, be—

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“(a) commenced before 30 June 2015; and

“(b) afterwards, held at intervals not shorter than 5 years and not longer than 7 years.

“22 Appointment of reviewers and related matters

“(1) A review under **section 21 must be conducted by 2 persons (reviewers) appointed by the Attorney-General.**

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“(2) The reviewers appointed under **subsection (1) must have an appropriate security clearance.**

“(3) The Attorney-General must also specify—

“(a) the terms of reference for the review, which may include any matter relevant to the functions, effectiveness, and efficiency of the intelligence and security agencies and their contribution to national security; and

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“(b) any matters that he or she considers that the reviewers should take into account in determining how to conduct the review; and

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“(c) the date by which the review is to be concluded.

“(4) Before doing anything under this section, the Attorney-General must consult the Committee.

“(5) The persons appointed as reviewers, the terms of reference of the review, any matters specified in relation to the conduct of the review, and the date by which the review must be concluded must be notified in the *Gazette* as soon as practicable after the appointment of the reviewers.

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“23 Provision of information

To assist the reviewers to conduct their review,—

“(a) the reviewers may ask the chief executive of an intelligence and security agency and the Inspector-General of Intelligence and Security to provide information; and

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“(b) the chief executive of an intelligence and security agency or the Inspector-General of Intelligence and Security may provide information to the reviewers, whether in response to a request under **paragraph (a)** or on his or her own initiative.

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“24 Report of reviewers

“(1) After completing a review, the reviewers must prepare a report containing the results of their review.

“(2) The report must be provided to the Committee by the date specified for the completion of the review.

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“(3) After the Committee has considered the report, the Committee must present the report to the House of Representatives.

“(4) For the purposes of **subsection (3)**, section 18 applies, with all necessary modifications, as if the report had been prepared by the Committee.

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“25 Remuneration of reviewers

“(1) A reviewer is entitled—

“(a) to receive remuneration not within **paragraph (b)** for services as a reviewer at a rate and of a kind determined by the Attorney-General in accordance with the fees framework; and

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“(b) in accordance with the fees framework, to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out his or her office as a reviewer.

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“(2) For the purposes of **subsection (1)**, **fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

“26 **Provision of administrative and other support** 5

“(1) The Ministry of Justice is responsible for providing to the reviewers the administrative, secretarial, and other support necessary for the reviewers to conduct their review effectively and efficiently.

“(2) A person providing administrative, secretarial, or other support under **subsection (1)** must have an appropriate security clearance. 10

“27 **Reviewers to determine own procedure**

The reviewers may determine their own procedure subject to any matters specified under **section 22(3)(b)**.” 15

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Legislative history

20 August 2013

Divided from Government Communications Security Bureau and Related Legislation Amendment Bill (Bill 109–2) by the committee of the whole House as Bill 109–3C
