

## The Islamic Women's Council's annual conference speech

### Background

<b>Date</b>	Saturday 15 July 2017
<b>Address</b>	190 Church Street, Palmerston North
<b>Timing</b>	Speaking for 15 minutes as part of a panel, questions from the audience Followed by lunch
<b>Audience</b>	100-200 Islamic women
<b>Topic</b>	Introduction to the role of the NZSIS Your own background Accountability and transparency

### Speaking notes

- Thank you so much for inviting me to be part of your annual conference. It is a privilege to be here and I am grateful to Anjum for her kind invitation to be part of today's panel.
- This morning, I would like to spend a little bit of time talking about my own background and how I have come to the role of Director of Security.
- I would also like to talk about the work that the NZSIS does including how we work as part of the wider New Zealand Intelligence Community to help keep New Zealand and all New Zealanders safe.
- From time to time I see pretty weird and inaccurate things written about my organisation and our work. I very much appreciate the opportunity to come and talk about the work that we do, and how we ensure we are as accountable and transparent as possible.
- I'll start with a bit about myself. Like you, I am a daughter, a sister, an aunt, a wife, and a mother.

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- I have been the Director of Security for three years. It's a role that is both very challenging, and very rewarding.
- I started my career as a family lawyer in private practice. Over time I put my hand up to try other kinds of litigation, contract and commercial work. I eventually began drafting legislation and moved into the public sector – and I have never really looked back.
- In the public sector, I found a purpose and values that resonated deeply – those of public service, the rule of law, respect for human rights, and protecting New Zealand's democratic values. These are areas I feel really passionate about.
- The spirit of service continues to be the lens through which I see my work. And you are a really important part of the community that I serve.
- I feel very privileged to be in the role of Director at New Zealand Security Intelligence Service.
- The NZSIS focuses on keeping New Zealand and New Zealanders secure. Our work can be broadly split into three areas:
  - We provide protective security advice and vetting services:
    - The NZSIS provides advice and support to New Zealand government agencies and outlines how the Government expects them to keep themselves secure.
    - We carry out vetting checks on people who need security clearances to carry out their work in government. That includes gathering information from police records, travel information, interviews and other sources to determine whether a person is suitable to gain access to classified material.

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- We are a Security Intelligence Service:
  - We use a wide variety of sources and methods to identify threats, collect intelligence, and provide advice to counter threats to the national security of New Zealand and New Zealanders at home and abroad.
  - Threats include terrorism and violent extremism, espionage conducted by other states, the proliferation of weapons of mass destruction, and hostile cyber activities.
  - We work closely with other agencies such as the New Zealand Police, the New Zealand Customs Service, the Department of Internal Affairs, and Immigration New Zealand to prevent threats to security progressing to acts of violence or espionage.
- We provide Foreign Intelligence advice:
  - Our foreign intelligence work primarily relates to regional security in the Pacific and includes understanding what others are doing or intending to do in our region.
  - Foreign intelligence, and the assessment of it, is vital for knowing what is going on in the world, whether it is geostrategic shifts, political or economic instability, or international security issues.
  - In this role, the fundamental business of intelligence is about helping decision makers make informed decisions and manage risks to New Zealand's interests.

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- To deliver on our mission and keep New Zealand and New Zealanders safe, we work alongside other agencies in the New Zealand Intelligence Community, including the GCSB and the Department of the Prime Minister and Cabinet, and with our international partners.
- We all play a specific role in relation to National Security.
  - The NZSIS focuses on human intelligence. That is, gathering intelligence through people.
  - The Government Communications Security Bureau (GCSB) focuses on signals intelligence. They work in the electronic sphere.
  - The intelligence collection from both agencies helps the National Assessment Bureau within the Department of the Prime Minister and Cabinet (DPMC) to make assessments to inform Government decision-making.
- Given the particular nature of the work that we do, our legal framework is really important, especially in ensuring we are as accountable and transparent as possible.
- It is this legal framework that establishes the outcomes we need to deliver both as an agency and as an intelligence community, and the powers that we have to deliver these outcomes.
- Originally formed in 1956, the New Zealand Security Service was only placed on a legislative footing in 1969. That Act has been amended over time but, until recently, has never been comprehensively reviewed.
- And, as I'm sure you can appreciate, there have been significant changes in technology and capability since 1969!

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- On 28 March this year, the Intelligence and Security Act was passed with the first provisions coming into force on 1 April. Most of the Act, including the NZSIS becoming a government department, will come into force on 28 September.
- The new legislation was developed as a result of the first Independent review of Intelligence and Security carried out by Dame Patsy Reddy (who is now the Governor-General) and Sir Michael Cullen.
- A key objective of both the Intelligence and Security Review and the subsequent legislation was to ensure that the public would be better informed about the intelligence and security agencies' work and their legal parameters. Until now our legislation said almost nothing about what we actually do. That will change.
- From my perspective, greater clarity and transparency in the law can only be a good thing, both for NZSIS and the public.
- Another important element of the Act is that it enables closer working relationships across the New Zealand Intelligence Community and particularly between the NZSIS and the GCSB.
- For example, the new legislation creates a common set of purposes, objectives and functions for the NZSIS and GCSB.
- Ultimately, the purpose of the new Act is to protect New Zealand as a free, open, and democratic society. And the Act is very specific about how we must go about doing that:
  - in accordance with New Zealand law and human rights obligations recognised by New Zealand law,
  - independently and impartially,
  - with integrity and professionalism, and

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- in a manner that facilitates effective democratic oversight.
- The Act also states that we must take all reasonable steps to make sure our activities are politically neutral.
- Our activities also must not limit freedom of expression. The Act states: *“The exercise by any person in New Zealand or any class of persons in New Zealand of their right to freedom of expression under the law (including the right to advocate protest or dissent) does not of itself justify an intelligence and security agency taking any action in respect of that person or class of persons.”*
- The Act also makes it clear that we have no powers of law enforcement. There is a clear difference between us and Police.
- These principles are hugely important. They make it explicit that – by way of contrast with some intelligence agencies in other countries – we cannot be used as a tool of political oppression, we must observe human rights, and we are not above the law.
- But the question is for you and other New Zealanders, how are you going to know that? The problem is that most of our work, by necessity, is classified. That makes it difficult for you to judge how we are doing our work and whether we are complying with our legislation.
- What this means is that effective oversight of our activities is really important to provide New Zealanders and the Government with confidence that we adhere to the law and to democratic principles. So we have very strong oversight. That oversight includes:
  - The Inspector-General of Intelligence and Security and her office – the key oversight body of the NZIC. There are eight full-time staff in the Office of the Inspector-General, and they are

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- able to look at all our systems and all our information to ensure that our activities are lawful, proportionate and proper.
- The IGIS conducts reviews, investigates complaints from members of the Public and carries out investigations. She publishes all her reports on her website.
  - Next is the Intelligence and Security Committee, provides the parliamentary oversight for intelligence agencies. The Committee is more focused on how we are doing as an organisation, whether we are effective and efficient, how we are spending our government funding and so on. The Committee has three Government members and two Opposition members, and is chaired by the Prime Minister.
  - We are also subject to oversight by the Ombudsman and Privacy Commissioner. Like all government agencies, the NZSIS complies with the Official Information Act and Privacy Act – although we have some exemptions. If a member of the public is not satisfied with the NZSIS's response to an information request, they may ask the Ombudsman or the Privacy Commissioner to investigate.
- This oversight helps us to build public confidence and trust.
  - That is really important. We know that to be successful we need the support of the New Zealand public. Our work relies on people being happy to work with us and to help us, and mostly they are.
  - We also need the support of our domestic partners (like Customs, Immigration, and Police) and our international partners. We cannot succeed in our work if we operate in isolation. Our domestic and international partners also need to know that we are doing the right thing in the right way when they share sensitive information with us or conduct operational work with us.

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- Another important part of this picture of greater accountability and transparency is having a stronger public dialogue about security issues and the work of the intelligence agencies.
- The NZSIS has not always had a very visible public presence. While the NZSIS handles secret information, we need not be a secret organisation. New Zealanders rightly feel they have a stake in the discourse on national security. As I have already said, I believe greater clarity and transparency is a really good thing, both for NZSIS and the public.
- We aim to be as open as we can. In the past couple of years the NZSIS has actively increased our efforts to engage more with the public. I have made a real effort to get out and speak publicly, to answer questions freely, and to give periodic interviews with the media. And we have staff in various centres who spend time engaging with communities and community leaders.
- When we engage with you in your various communities, our goal is to understand your community and help you to be safe.
- Because, in the end, our interests are completely aligned. We serve you as part of New Zealand. The consequences of an attack would be terrible for all of us.
- We support New Zealand's democratic values. That includes freedom of expression, the right of assembly and freedom of faith. It also includes the right for everybody to feel safe and secure, and to live together peacefully.
- The better we can understand your communities, the more we are able to fulfil that role.
- We sincerely appreciate the fact that you do talk with us. The people who seek to harm our communities aim to hide their

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intentions and actions from us and from the people around them. In these cases we may need your help to find out what is going on. So engaging with each other can play an important part in protecting communities and keeping everyone safe.

- So that's us. This presentation and presentations like it are part of helping to tell the story of what we do and the positive contribution that we make to New Zealand.
- Thank you again for inviting me to be here with you today.

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