

Institutional arrangements

Bringing the agencies further into the core public service

The New Zealand Intelligence and Security Bill 2016

FACTSHEET NO. 4

What the Bill proposes

- Establishing the New Zealand Security Intelligence Service (NZSIS) as a government department and applying relevant provisions of the State Sector Act 1988. The Government Communications Security Bureau (GCSB) became part of the public service in 2003.
- NZSIS staff gain the rights, protections, and access to the procedures of the Employment Relations Act 2000 (it already applies to GCSB employees). These include the freedom of association and collective bargaining rights other state sector employees have and access to dispute resolution services, including mediation services and the Employment Relations Authority.
- Bringing the leadership and governance of both agencies under the State Services Commissioner. The Directors of both NZSIS and GCSB will be appointed, may be dismissed and have their performance reviewed by the State Services Commissioner in the same way as other state sector Chief Executives.

Who are the intelligence agencies?

NZSIS grew out of the post-World War II 'Police Special Branch' and operated without legislation until the New Zealand Security and Intelligence Act passed in 1969. At that time it was not thought to be in the public interest to disclose the terms and conditions for NZSIS employees. This led to NZSIS being left out of legislation other government departments must follow, including the State Sector Act 1988 and the Employment Relations Act 2000.

The Director of Security (the head of NZSIS) is a statutory officer appointed by the Governor-General on the recommendation of the Prime Minister.

GCSB was originally part of the New Zealand Defence Force but became a non-public service department in 1989. In 2003, GCSB was established as a department of state (a public service department). Parts of the State Sector Act 1988 and the Employment Relations Act 2000 apply to GCSB.

The Director of GCSB is a statutory officer appointed by the Governor-General on the recommendation of the Prime Minister.

Why are these changes happening?

The First Independent Review of Intelligence and Security recommended treating NZSIS and GCSB more like normal government departments.

The changes proposed will help ensure New Zealand's intelligence agencies operate as modern public sector organisations.

The overall effect is that the agencies will be treated, and act, as regular government departments (with appropriate exceptions), adopting more of the public sector standards and norms, increasing transparency and accountability.