



# **Activities of the Intelligence and Security Committee in 2022**

Report of the Intelligence and Security Committee

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Fifty-third Parliament  
Rt Hon Chris Hipkins, Prime Minister  
May 2023

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*Presented to the House of Representatives in accordance with section 223(1) of the Intelligence and Security Act 2017 and published under the authority of the House*

**Contents**

Recommendation.....	3
Introduction.....	3
Changes in membership of the committee.....	4
Activities.....	4
Appendix A: Committee membership.....	6
Appendix B: Committee rules.....	7

# Activities of the Intelligence and Security Committee in 2022

## Recommendation

The Intelligence and Security Committee recommends that the House take note of its report.

## Introduction

This report summarises the activities of the Intelligence and Security Committee from the time of the previous committee's report in March 2022 to March 2023.

The Intelligence and Security Committee is a statutory committee established in 1996 under the Intelligence and Security Committee Act 1996. In 2017 the Intelligence and Security Act 2017 (the Act) came into force. The Act confirms the committee's continuation and sets out its functions and obligations.

Under section 223(1) of the Act, the committee must report annually to the House of Representatives on its activities. In discharging this requirement, the committee must have regard to the restrictions about what it can disclose to the House as set out in section 224 of the Act.

## Functions of the committee

The functions of the committee, set out in section 193 of the Act, are to:

- examine the policy, administration, and expenditure of each intelligence and security agency
- receive and consider the annual report of each intelligence and security agency
- conduct an annual review of each intelligence and security agency for the immediately preceding financial year, following receipt of the agency's annual report
- consider any bill, petition, or other matter in relation to an intelligence and security agency referred to the committee by the House of Representatives
- request the Inspector-General of Intelligence and Security to conduct an inquiry into:
  - any matter relating to an intelligence and security agency's compliance with New Zealand law, including human rights law
  - the propriety of particular activities of an intelligence and security agency
- consider any matter (not being a matter relating directly to the activities of an intelligence and security agency) referred to the committee by the Prime Minister because of that matter's intelligence or security implications
- consider and discuss with the Inspector-General his or her annual report.

The House of Representatives enlists the committee into its parliamentary procedures by making sessional orders after the commencement of each Parliament. Subject to the Act,

the proceedings of the committee are therefore conducted in accordance with the rules and practices of the House.

## **Changes in membership of the committee**

On 25 January 2022, in accordance with section 194(2)(a) of the Act, Rt Hon Chris Hipkins became Chair of the committee on becoming Prime Minister.

## **Activities**

During the reporting period our committee met to conduct the Estimates examinations and annual reviews of the New Zealand Security Intelligence Service (NZSIS) and the Government Communications Security Bureau (GCSB). We also considered the annual report of the Inspector-General of Intelligence and Security.

We were briefed on national security issues on 13 April 2022, 27 July 2022 and 19 October 2022. We also considered issues relating to the response to the report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 19 October 2022, (Royal Commission of Inquiry). This is discussed further below.

The committee was briefed on the process for the report of the Intelligence and Security Act 2017 review on 23 November 2022.

## **Estimates examination**

We met in private on 21 June 2022 to examine the 2021/22 Supplementary Estimates and 2022/23 main Estimates for Vote Communications Security and Intelligence and Vote Security Intelligence. We heard evidence from senior personnel from the Government Communications Security Bureau and the New Zealand Security Intelligence Service. We were assisted in our examination by advice from the Office of the Auditor-General.

## **Annual report of the Inspector-General of Intelligence and Security**

We met in private with the Inspector-General of Intelligence and Security (the Inspector-General) on 23 November 2022 to discuss and consider the contents of his office's annual report.<sup>1</sup>

Some of the matters we discussed included the role of oversight, the agencies' culture and compliance standards, the (at that stage) forthcoming review of the Intelligence and Security Act 2017 and the Inspector-General's level of engagement with the review.

The Inspector-General provided us with a detailed and comprehensive account of the work performed by his office. This greatly assists our oversight and scrutiny of the intelligence and security agencies. We thank the Inspector-General for his assistance in this regard.

## **Annual reviews**

We met on 27 March 2023 to conduct the annual reviews of the New Zealand Security Intelligence Service and the Government Communications Security Bureau. We heard

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<sup>1</sup> Office of the Inspector-General of Intelligence and Security, Annual Report for the year ended 30 June 2022.

evidence from senior personnel from both agencies, and were assisted by advice on the performance of the agencies from the Office of the Auditor-General.

We held part of these examinations in open session to allow the public a better understanding of the work that these agencies carry out on their behalf. We believe this also strengthens the oversight role performed by our committee, and increases the accountability of the intelligence and security agencies. We appreciate the cooperation of the intelligence and security agencies in allowing this important act of parliamentary scrutiny to be performed in public.

### **Consideration of national security issues**

On 13 April 2022, we were briefed on the National Security Intelligence Priorities (Priorities) and mis/disinformation.

One of the recommendations of the Royal Commission of Inquiry into the terrorist attacks on Christchurch masjidain on 15 March 2019 (the Royal Commission) was that the Priorities should be referred to the ISC each parliamentary cycle (and receive public submissions on them). Officials gave us an overview of the Priorities, and we agreed to consider the draft report of the Priorities before it went to Cabinet later in the year.

Officials provided us with a systemic overview of issues associated with mis/disinformation in New Zealand and the tools and options we have to respond.

On 27 July 2022 we were briefed on regional security and foreign interference.

We were briefed by senior officials, as requested by ISC members, in order to improve our understanding of two significant national security issues, regional security and foreign interference. We also discussed the government work underway to respond to each issue.

On 19 October 2022 we were briefed on the National Security Intelligence Priorities.

At this meeting we discussed the NSIPs draft report back to Cabinet, as agreed at the April 2022 meeting. We also received information on the National Risk Register and discussed the linkages between this and the Priorities.

A further meeting, set to discuss the Christchurch Call, was cancelled due to the Queen's funeral.

## Appendix A: Committee membership

### Committee membership

Section 194 of the Act sets out the requirements for membership of the committee. The committee must comprise between 5 and 7 members, made up of:

- the Prime Minister
- the Leader of the Opposition
- members of the House of Representatives nominated by the Leader of the Opposition, with the agreement of the Prime Minister, after consultation with the leader of each party that is not in government or in coalition with a Government party
- members of the House of Representatives nominated by the Prime Minister after consultation with the leader of each party in government.

The names of the nominated members must be submitted to the House for its endorsement as members of the committee. The committee cannot transact business until members have been endorsed by the House.

In accordance with section 194(6) of the Act, all members who serve on the committee do so in their official capacity as a Member of Parliament. Section 198(1)(a) establishes the Prime Minister as the chairperson of the committee.

### Committee members (March 2022 to May 2023)

Rt Hon Chris Hipkins (Chairperson from 25 January 2023)

Rt Hon Jacinda Ardern (Chairperson, to 25 January 2023)

Christopher Luxon (Leader of the Opposition)

Hon Gerry Brownlee

Hon Andrew Little

Hon Nanaia Mahuta

Hon James Shaw

Nicola Willis

## Appendix B: Committee rules

### INTELLIGENCE AND SECURITY COMMITTEE

#### 1 Definitions

For the purposes of these rules,—

**Intelligence and Security Committee** means the Intelligence and Security Committee that is continued by the Intelligence and Security Act 2017

**intelligence and security agency** means—

- (a) the New Zealand Security Intelligence Service;
- (b) the Government Communications Security Bureau.

#### 2 Conduct of committee's proceedings

Subject to the Intelligence and Security Act 2017, the proceedings of the Intelligence and Security Committee are conducted in accordance with the rules and practice of the House.

#### 3 Referral of bill or other matter to committee

- (1) The House may refer to the Intelligence and Security Committee any bill or other matter relating to an intelligence and security agency.
- (2) Standing Orders 287 to 296, 298, 300, 318(3), and 329(1) apply and are to be read as if the Intelligence and Security Committee were a select committee.
- (3) The Clerk may allocate to the Intelligence and Security Committee a paper presented under Standing Order 265 concerning the New Zealand Bill of Rights Act 1990.

#### 4 Referral of petition to committee

Despite Standing Order 370, every petition relating to an intelligence and security agency stands referred to the Intelligence and Security Committee for consideration and report.

#### 5 Estimates and Supplementary Estimates for intelligence and security agencies

- (1) Despite Standing Orders 345(2) and 350(1), the Finance and Expenditure Committee must refer to the Intelligence and Security Committee the Votes or appropriations contained in the Estimates and Supplementary Estimates for each intelligence and security agency.
- (2) Standing Orders 338(1), 346, 348, 350(2), and 351(3)(b) apply and are to be read as if the Intelligence and Security Committee were a select committee.

#### 6 Annual reviews of intelligence and security agencies

- (1) Despite Standing Order 353, the Finance and Expenditure Committee must allocate to the Intelligence and Security Committee the annual review of each intelligence and security agency.
- (2) Standing Orders 354(2), 356(1)(b) and (3), and 357 apply and are to be read as if the Intelligence and Security Committee were a select committee.

#### 7 Examination of policy, administration, and expenditure of intelligence and security agency

In addition to its consideration of Estimates, Supplementary Estimates and annual reviews, the Intelligence and Security Committee may, at any time, examine the policy, administration, and expenditure of an intelligence and security agency, and may report to the House on such an examination.

## **8 Reports of Intelligence and Security Committee**

- (1) In addition to its reports on business considered under Rules 4 to 8, the Intelligence and Security Committee—
  - (a) presents an annual report to the House on the activities of the committee:
  - (b) may report at any time on a matter relating to intelligence and security that it wishes to draw to the attention of the House.
- (2) Subject to the Intelligence and Security Act 2017, Standing Orders 247 to 256 apply to reports of the Intelligence and Security Committee and are to be read as if they were reports of a select committee.

## **9 Confidential proceedings of Intelligence and Security Committee**

Standing Orders 114, 380(4), and 386(3), which relate to references to committee proceedings in debate, questions and replies, apply to proceedings of the Intelligence and Security Committee as if it were a select committee.

## **10 Restriction of select committee briefings and inquiries relating to intelligence and security matters**

Despite Standing Order 191, no select committee may receive a briefing on, or initiate an inquiry into, matters related to an intelligence and security agency, unless the House approves that briefing or inquiry.

## **11 Copies of records of Intelligence and Security Committee**

- (1) Subject to paragraph (2), the Intelligence and Security Committee must provide to the House a copy of all records held by the committee in relation to the performance of its functions under section 193(1)(a) to (d) of the Intelligence and Security Act 2017.
- (2) A copy of a record provided under paragraph (1) must be provided only after protected information is removed in accordance with the Intelligence and Security Act 2017.
- (3) A copy of a record provided under this rule is maintained in the custody of the Clerk as a record belonging to the House. Standing Orders 10 and 12 apply and are to be read accordingly.

*Sessional order adopted 8 December 2020*