

Telecommunications (Interception Capability and Security) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill amends the Telecommunications (Interception Capability and Security) Act 2013. That Act failed to provide sufficient oversight or checks and balances on the new powers granted to Ministers. This Bill establishes a Technical Advisory Board to which matters must be referred in instances where the Minister will be required to exercise his or her discretion or prescribe an additional area of specified security interest. This will provide expertise to assist the Minister and, in doing so, assure New Zealanders that relevant information is being considered.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause, and provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 states that the Bill amends the Telecommunications (Interception Capability and Security) Act 2013 (the **principal Act**).

Clause 4 inserts *new section 35A*, which requires the Minister to establish a Technical Advisory Board.

Clare Curran

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Telecommunications (Interception Capability and Security) Amendment Act **2015**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act** 10
This Act amends the Telecommunications (Interception Capability and Security) Act 2013 (the **principal Act**).
- 4 New section 35A inserted (Technical Advisory Board)**
After section 35, insert:

35A Technical Advisory Board

- (1) Within 6 months of the commencement of the **Telecommunications (Interception Capability and Security) Amendment Act 2015** the Minister must establish a Technical Advisory Board with the purpose of increasing expertise in network security and consideration of proposed mitigations. 5
- (2) Any matter to be referred to the Minister requesting the Minister to exercise his or her discretion or recommend the prescribing of an additional area of specified security interest must first be referred to the Technical Advisory Board for analysis and recommendations.
- (3) The Technical Advisory Board must comprise equal representatives from government and the industry, with an independent chair. 10
- (4) The Minister may only appoint members of the Technical Advisory Board after consulting with representatives from the telecommunications industry.