

INTELLIGENCE AND SECURITY COMMITTEE ACT REPEAL BILL

EXPLANATORY NOTE

GENERAL POLICY STATEMENT

THE purpose of this bill is to restore to its rightful place parliamentary scrutiny of the activities of intelligence and security agencies and of intelligence and security matters.

The effect of the Intelligence and Security Committee Act 1996 is to remove from select committee consideration or scrutiny certain items of business that normally have been referred to a select committee. A closed statutory committee, comprising the Prime Minister, the Leader of the Opposition and their nominees, has been substituted by the Act for a select committee forum. Highly inappropriate in a democracy, one person combines the offices of Prime Minister and Minister in Charge of the New Zealand Security Intelligence Service with chairing a body that ought to be more independently examining the activities of intelligence and security agencies, instead of being liable to capture by those agencies. It is remarkable that provision for such a statutory committee, to the denigration of Parliament, should have been made at the very time when, in view of the passing of the Cold War era, it can least be justified.

The bill aims to correct the aberration represented by the Intelligence and Security Committee Act 1996 and reassert, in relation to intelligence and security matters, the supremacy of Parliament and its proceedings at all stages.

The Standing Orders of the House of Representatives would require consequential amendment. Standing Order 193 sets out subject select committees and their subject areas. Paragraph (5) relates to the Government Administration Committee, whose subject area is—

“Central government advisory services, official information, statistics and services to Parliament.”

There could be inserted, after the words “official information”, the words, “intelligence and security”.

CLAUSE BY CLAUSE ANALYSIS

Clause 1 relates to the Short Title.

Clause 2 provides that the bill will bind the Crown.

Clause 3 provides for the dissolution of the Intelligence and Security Committee.

Clause 4 consequentially amends the Inspector-General of Intelligence and Security Act 1996.

Clause 5 relates to repeal of the Intelligence and Security Committee Act 1996.

Rod Donald

**INTELLIGENCE AND SECURITY COMMITTEE ACT
REPEAL**

ANALYSIS

Title	
1. Short Title	4. Consequential amendment to Inspector-General of Intelligence and Security Act 1996
2. Act to bind the Crown	
3. Dissolution of Intelligence and Security Committee	5. Repeal and savings

A BILL INTITULED

An Act to restore parliamentary scrutiny of intelligence and security agency activities, and to repeal the Intelligence and Security Committee Act 1996

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. **Short Title**—This Act may be cited as the Intelligence and Security Committee Act Repeal Act 1997.

2. **Act to bind the Crown**—This Act binds the Crown.

10 3. **Dissolution of Intelligence and Security Committee**—(1) The Intelligence and Security Committee established by the Intelligence and Security Committee Act 1996 is dissolved.

(2) On the coming into force of this section—

15 (a) Any bill, petition, or other matter that has been referred to the Intelligence and Security Committee by the House of Representatives is, unless the House of Representatives otherwise orders, deemed to be referred to the committee of the House of Representatives responsible for intelligence and security:

20 (b) Any document or other information having a security classification that has been provided to the

*Intelligence and Security Committee Act
Repeal*

Intelligence and Security Committee shall be returned forthwith to the originating intelligence and security agency.

4. Consequential amendment to Inspector-General of Intelligence and Security Act 1996—Subsection (7) of section 27 of the Inspector-General of Intelligence and Security Act 1996 is repealed, and the following subsection substituted: 5

“(7) The Inspector-General may at any time report either generally or in respect of any particular matter to the committee of the House of Representatives responsible for intelligence and security.” 10

5. Repeal and savings—(1) The Intelligence and Security Committee Act 1996 is repealed.

(2) The repeal by **subsection (1)** of the said Act does not affect any privilege or immunity conferred by section 15 or section 16 of that Act. 15