

Institutional arrangements



DEPARTMENT of the
PRIME MINISTER and CABINET

Te Tari o Te Pirimia me Te Komiti Matua

Bringing the agencies further into the core public service

The Intelligence and Security Act 2017

FACT SHEET NO. 4

What the Act does

- Establishes the New Zealand Security Intelligence Service (NZSIS) as a government department and applies 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 (already available 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.
- Brings the leadership and governance of both agencies fully under the State Services Commissioner. The Directors-General 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.

New Zealand's intelligence agencies

NZSIS grew out of the post-World War II 'Police Special Branch' and operated without legislation until the New Zealand Security Intelligence Service 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.

Before the Intelligence and Security Act 2017 the Director of Security (the head of NZSIS) was 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 public service department. Parts of the State Sector Act 1988 and the Employment Relations Act 2000 apply to GCSB.

Before the Intelligence and Security Act 2017 the Director of GCSB was a statutory officer appointed by the Governor-General on the recommendation of the Prime Minister.

Why were these changes necessary?

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

The changes made by the Intelligence and Security Act 2017 will help ensure New Zealand's intelligence and security 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.