

New Zealand Security Intelligence Service

The **New Zealand Security Intelligence Service** (**NZSIS** or **SIS**) (Māori: *Te Pā Whakamarumarū*) is New Zealand's main domestic and counter-intelligence intelligence agency.

1 History

The New Zealand Security Intelligence Service was first established by the **First National Government** on 28 November 1956 as the **New Zealand Security Service**. The New Zealand Security Service was created to counter increased **Soviet** intelligence operations in Australia and New Zealand in the wake of the **Petrov Affair**, which damaged Soviet-Australian relations. The New Zealand Security Service was modelled on the British domestic intelligence agency **MI5** and its first Director of Security was **Brigadier William Gilbert**, a former **New Zealand Army** officer. The organization's existence was treated as a state secret until 1960.^{[2][3]}

According to the journalist and author **Graeme Hunt**, domestic intelligence and counter-subversion prior to the establishment of the New Zealand Security Intelligence Service was the primary responsibility of the **New Zealand Police Force** (1919–1941; 1945–1949) and the **New Zealand Police Force Special Branch** (1949–1956). Another predecessor to the NZSIS during the **Second World War** was the short-lived **New Zealand Security Intelligence Bureau** (**SIB**).^[4] The SIB was modeled after the British **MI5** and was headed by a junior **MI5** officer named **Major Kenneth Folkes**. Major Folkes was duped into believing that there was a “Nazi plot” in New Zealand by the conman **Syd Ross**. Due to this embarrassment, Folkes was dismissed by **Prime Minister Peter Fraser** in February 1943 and the SIB was merged into the **New Zealand Police**. Following the end of **World War II**, the **Police Force** resumed responsibility for domestic intelligence.^[5]

In 1969, the **New Zealand Security Service** was formally renamed the **New Zealand Security Intelligence Service**.^[6] That same year, an **Act of Parliament** covering the agency's functions and responsibilities known as the *New Zealand Security Intelligence Service Act* was passed.^[7] Various amendments have since been made to the **Security Intelligence Act** – the most controversial probably **Rob Muldoon's** 1977 amendment, which expanded the **SIS's** powers of monitoring considerably. The 1977 amendment saw sizeable protests outside **Parliament**.

2 Purpose

As a civilian organisation, the **Security Intelligence Service** takes no part in the enforcement of security (although it has limited powers to intercept communications and search residences). Its role is intended to be advisory, providing the government with information on threats to national security or national interests. It also advises other government agencies about their own internal security measures, and is responsible for performing checks on government employees who require security clearance. The **SIS** is responsible for most of the government's counter-intelligence work.

The **NZSIS** is a civilian intelligence and security organisation. Its threefold roles are:

- to investigate threats to security and to work with other agencies within Government, so that the intelligence it collects is actioned and threats which have been identified are disrupted
- to collect foreign intelligence
- to provide a range of protective security advice and services to Government.^[8]

In 2007, it was reported that the **SIS** wished to expand its role into fighting organised crime.^[9]

3 Organisation

The **SIS** is based in **Wellington**, the capital of **New Zealand**. It also has branches in **Auckland** and **Christchurch**. It has over 200 permanent staff,^[10] somewhat less than the **Government Communications Security Bureau** (**GCSB**) – **New Zealand's** other significant intelligence agency. With a 2015 budget of 50.6 million **New Zealand dollars**,^[11] its budget is lower^[12] than that of the **GCSB**. The **SIS** cooperates with several other Western intelligence agencies in the **UKUSA Agreement** including the **Australian Security Intelligence Organisation**, the **British MI5**, the **Canadian Security Intelligence Service**, and the **United States' Central Intelligence Agency**.^[13]

The **SIS** is headed by the **Director of Security**, and is watched over by the **Inspector-General of Intelligence and Security** and the **Intelligence and Security Committee**. The **SIS** itself reports to a **Cabinet minister** with responsibility for intelligence (traditionally the **Prime Minister**).

Many claim that extensive political and judicial oversight are necessary to keep agencies on task, and to ensure that limited intelligence-gathering resources are not wasted. Members of the public can report information of security concern to the NZSIS by telephone by calling 0800-SIS-224 (0800-747-224). Note that the *New Zealand Police* is responsible for the *operational response to terrorism in New Zealand*, and is the most appropriate government agency for the public to contact in the instance of an imminent threat to life or property.

3.1 Directors

As of 2014 the NZSIS has had seven directors:

4 Public profile

The SIS has become involved in a number of public incidents and controversies since its creation in 1956:

- In 1974, the SIS was the source of information that led to the arrest of *Bill Sutch*, an economist and former civil servant, on charges of spying for the *Soviet Union*. Sutch was acquitted, and the SIS was criticised for having accused him in the first place, although it has been alleged that the SIS was correct in its accusation.
- In 1981, the SIS was criticised for drawing up a list of 20 “subversives” who participated in protests against the 1981 *Springbok Tour*, a visit by South Africa’s apartheid rugby team. That singling out of individuals as “subversives” was deemed by many to be a violation of the right to protest government decisions.
- Also in 1981, an SIS operative inadvertently left a briefcase, containing a copy of *Penthouse*, three cold meat pies, and notes of a dinner party hosted by a German diplomat, on a journalist’s fence in *Wellington*, where it was found by the son of another journalist, *Fran O’Sullivan*.
- In 1985, the SIS failed to detect the French operation in which DGSE operatives bombed the *Greenpeace* vessel, the *Rainbow Warrior*, killing a photographer. This was probably the most significant case of espionage or terrorism in New Zealand.
- In 1996, two SIS agents were discovered breaking into the home of *Aziz Choudry*, an organiser with GATT Watchdog, which was holding a public forum and rally against an APEC (Asia-Pacific Economic Cooperation) Trade Ministers meeting hosted in *Christchurch*, prompting charges that the SIS had violated his rights, and had acted illegally. After the Court of Appeal ruled that the SIS had indeed illegally entered his property, exceeding their legislated powers of interception, Parliament moved swiftly to amend the NZSIS Act once again to explicitly give the SIS powers of entry into private property, although public submissions on the proposed amendment were weighted heavily against any such expansion of their powers. In 1999, Choudry was awarded an out-of-court settlement and an apology from the Crown.
- In 2002, the SIS reported that *Ahmed Zaoui*, an *Algerian* seeking asylum in New Zealand, was a security risk and recommended his deportation. However, this recommendation was challenged. The SIS issued a security risk certificate pursuant to section 114 of the *Immigration Act 1987* and Zaoui was detained in a penal institution under a warrant of commitment. The SIS refused to release some highly classified information which it used to determine Zaoui’s status as a security risk. Alleged comments made by the Inspector-General of Intelligence and Security, who monitors the SIS, were considered by some to be openly biased against Zaoui. As a result of the resulting controversy, the Inspector General, *Laurie Greig*, resigned in March 2004. Former Solicitor General, *Paul Neazor*, was appointed to replace Greig. The security risk certificate on Zaoui has since been lifted by the SIS, and he has been allowed to stay in New Zealand.^[15]
- In 2004, allegations surfaced that the SIS was spying on *Māori* individuals and organisations, including those associated with the new *Māori Party*, for political purposes under the codename “Operation Leaf.” A government inquiry led by the Inspector-General of Intelligence and Security later rejected these claims in April 2005, however. As a result, the prime minister, *Helen Clark* said the allegations were a hoax and asked the *Sunday Star Times* newspaper that printed them to apologise to their readers. A full apology and retraction was subsequently printed on the front page of the paper.
- In July 2004, the SIS was criticised for not knowing that Israeli “intelligence contract assets” had been in New Zealand purchasing New Zealand passports. Apparently the SIS only became aware after the New Zealand Police found out, mainstream New Zealand news publications reported. The case became world news and an embarrassment for SIS and Mossad intelligence agencies. Two of the Israelis involved (*Uriel Kelman* and *Eli Cara* who had been based in Australia) were deported to Israel, while two other contractors believed to be purchasing passports (*American Ze’ev Barkan* and *New Zealander David Reznic*) left New Zealand before they were caught – and have presumably roamed free ever since.^{[16][17]}
- In December 2008, it was revealed that a man in *Christchurch*, *Rob Gilchrist*, had been spying

on peace organisations and individuals including Greenpeace, Iraq war protestors, animal rights and climate change campaigners. Rob Gilchrist confessed to the allegations after his then partner, Rochelle Rees, found emails sent between him and Special Investigation Group (SIG) officers (SIG has a connection with the SIS). Rees found the emails while fixing Gilchrist's computer. Gilchrist was said to have passed on information via an anonymous email address to SIG officers. Gilchrist had been paid up to \$600 a week by police for spying on New Zealand citizens. His SIG contacts were Detective Peter Gilroy and Detective Senior Sergeant John Sjoberg. Gilchrist was reported to have been spying for the police for at least 10 years. Gilchrist also said he was offered money by Thomson Clark Investigations to spy on the Save Happy Valley Coalition, an environmental group. The incident implied members of New Zealand political parties were spied on as part of a 'focus on terrorism threats to national security'. Rochelle Rees was a Labour party activist as well as an animal rights campaigner.^[18]

- In November 2009, the SIS came under criticism for asking university staff to report their colleagues or students if they were behaving suspiciously. The SIS said it was part of an effort to prevent the spread of 'weapons of mass destruction'.^[19]
- In July 2011, the SIS was involved in an investigation of Israeli backpackers who were in New Zealand at the time of the 2011 Christchurch earthquake, in which one of the Israelis was killed. The Israelis were alleged to have been Mossad agents attempting to infiltrate the New Zealand government's computer databases and steal sensitive information. The investigation concluded that there was no evidence of a Mossad operation.^[20]

5 Access to records

Until a few years ago the NZSIS was very reluctant to release information either under the Privacy Act or the Official Information Act. However it has now adopted a much more open policy: individuals who apply for their files will be given extensive information, with only certain sensitive details (such as details of sources or information provided by overseas agencies) removed. In certain respects the SIS still fails to meet its obligations under the Privacy Act but in these cases there is a right of appeal to the Privacy Commissioner. The Privacy Act does not cover dead people but their files are available under the Official Information Act. The service is also required to release other information such as files on organisations but the service is reluctant to do so, citing the extensive research it allegedly has to carry out in order to provide this information. A simple letter to the Director is all that is required in order to obtain information.

6 See also

- New Zealand intelligence agencies
- Foreign espionage in New Zealand
- Canadian Security Intelligence Service

7 Further reading

- Hager, Nicky (1996). *Secret Power: New Zealand's Role in the International Spy Network*. Nelson, New Zealand: Craig Potton Publishing. ISBN 0-908802-35-8.
- Hunt, Graeme (2007). *Spies and Revolutionaries: A History of New Zealand Subversion*. Auckland: Reed Publishing.
- King, Michael (2003). *The Penguin History of New Zealand*. Auckland: Penguin Books.

8 References

- [1] Michael King, *Penguin History of New Zealand*, p.429.
- [2] Michael King, *Penguin History of New Zealand*, pp. 429, 431.
- [3] Graeme Hunt, *Spies and Revolutionaries*, pp.231-32.
- [4] Graeme Hunt, *Spies and Revolutionaries*, pp. 291-2.
- [5] Graeme Hunt, *Spies and Revolutionaries*, pp.140-44.
- [6] Graeme Hunt, *Spies and Revolutionaries*, pp. 242, 292.
- [7] "New Zealand Security Intelligence Service Act 1969 No 24 (as at 13 July 2011), Public Act – New Zealand Legislation". *legislation.govt.nz*. 2011. Retrieved 16 September 2011. The New Zealand Security Intelligence Service to which this Act applies is hereby declared to be the same Service as the Service known as the New Zealand Security Service which was established on 28 November 1956.
- [8] NZSIS Official Website About Us, Index
- [9] 'SIS head wants to tackle organised crime', Radio New Zealand news item.
- [10] <http://nzsis.govt.nz/about-us/>
- [11] <http://www.budget.govt.nz/budget/pdfs/estimates/v5/est15-v5-secint.pdf>
- [12] <http://www.nzic.govt.nz/about-us/gcsb/>
- [13] Graeme Hunt, *Spies and Revolutionaries*, pp.289-90.
- [14] "The trailblazing women who guard our security", 08 MAY 2015, ADLSI

- [15] "Statement by director of the SIS concerning Mr Ahmed Zaoui". *The New Zealand Herald*. 13 September 2007. Retrieved 30 October 2011.
- [16] 'A Word From Afar: The Curious Case of Mr. Tucker', Scoop, Paul G. Buchanan, 11 February 2009, retrieved 30 December 2009.
- [17] Hallel, Amir (2 October 2004). "At home with the Mossad men". *The New Zealand Herald*. Retrieved 30 October 2011.
- [18] Tan, Lincoln (15 December 2008). "Chief of police called in over spies". *The New Zealand Herald*. Retrieved 30 October 2011.
- [19] "Uni staff asked to spy on students". *3 News*. Retrieved 17 November 2009.
- [20] <http://www.stuff.co.nz/national/politics/5311491/Investigation-cleared-Israelis-of-spy-claims-PM>

9 External links

- Official website
- New Zealand Security Intelligence Service Act

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10.1 Text

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