

30 April 2021

Hon David Parker, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Intelligence and Security (Review) Amendment Bill**

**Purpose**

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1. We have considered whether the Intelligence and Security (Review) Amendment Bill (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO 23550/1.1). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.

**The Bill**

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3. The Bill amends s 235 of the Intelligence and Security Act 2017 (the principal Act) to bring forward a statutorily required review of the intelligence and security agencies and the principal Act.
4. The current requirement is that the review be commenced as soon as practicable after 28 September 2022. Instead of the current review timing, the amendment requires the review to be commenced as soon as practicable on or after 1 July 2021.
5. This will allow the issues with the principal Act that were raised in the Report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain to be addressed as soon as possible in a review of the principal Act and relevant agencies.
6. The Prime Minister is required to consult with the Intelligence and Security Committee, then set the terms of reference and deadline for the review and appoint 2 reviewers with appropriate security clearance. The reviewers must report back to the Intelligence and Security Committee, which must then report back to Parliament.

**Conclusion**

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7. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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