

ANNEX 1: Foreign Terrorist Fighters: Targeted Review Capability, Capacity and Legislation

Terms of reference

A review of the GCSB, NZSIS, their legislation and oversight arrangements must be commenced before 30 June 2015 under the Intelligence and Security Committee Act 1996. The domestic threat from foreign terrorist fighters is evolving rapidly, especially in light of the rise of the Islamic State of Iraq and Levant. Consequently, there are potentially immediate gaps emerging in New Zealand's capability, capacity and legislation to respond to this threat.

The purpose of this review is to ensure that the capability, capacity and legislation to counter the evolving domestic threat posed by foreign terrorist fighters and other violent extremists are adequate to meet that threat. It is an interim measure pending the completion of the 2015 statutory review. The review will consider, in particular, the following matters:

- Whether the capacity and capabilities of the NZSIS and other government agencies are sufficient to undertake effective and efficient investigations of suspected and returning foreign terrorist fighters, and other violent extremists.
- The statutory powers available to agencies to investigate and monitor suspected and returning foreign terrorist fighters and other violent extremists.
- The statutory powers available to restrict and disrupt the ability of suspected foreign terrorist fighters to travel to conflict zones.
- Whether specific criminal offences should be introduced to address the behaviour of suspected and returning foreign terrorist fighters, and other violent extremists.

The review will take into account the experience of other similar jurisdictions, especially Australia and the United Kingdom, and the recent United Nations Security Council resolution relating to foreign terrorist fighters.

The review will make targeted recommendations on how to strengthen New Zealand's statutory framework, capacity and capability to meet the evolving threat posed by foreign terrorist fighters and other violent extremists. As these will be interim measures the review will consider whether any proposed powers and offences should be subject to a sunset clause so they will expire if not carried forward by the 2015 review.

The review and development of any recommendations will be underpinned by:

- Respect for human rights, individual privacy and traditions of free speech in New Zealand.
- Compliance with any international obligations and agreements.
- The need to ensure public confidence in the work of the security and intelligence agencies.

The review will be led by the Department of the Prime Minister and Cabinet supported by the NZSIS, GCSB and other relevant government agencies.