

New Zealand to fine travellers who refuse to unlock electronic devices at border

By Tom Peters
15 October 2018

A law passed by New Zealand's Labour Party-led coalition government, which came into effect this month, significantly strengthens the anti-democratic powers of Customs officials to search people entering the country.

The amended Customs and Excise Act allows border agents to fine travellers \$NZ5,000 (\$US3,300) if they refuse to hand over electronic devices and provide passwords and "other information or assistance," such as encryption keys, to access private data.

Customs officials do not need to get a warrant or provide any justification to search smartphones, computers and other devices. The law change also allows them to copy and retain data found on such devices.

People entering the United States, Australia, Britain, and many other countries can be subjected to similar invasive searches. US border officials reportedly searched 23,877 electronic devices in 2016.

New Zealand's amendments, however, go further than other countries in strengthening the power of the state to spy on travellers. A spokesperson for the Customs Service told the *New York Times*: "We're not aware of any other country that has legislated for the potential of a penalty to be applied if people do not divulge their passwords."

The new law further demonstrates the right-wing character of the Labour Party-New Zealand First-Green Party coalition government, which is falsely portrayed in the media as progressive. As it prepares to confront working-class opposition to austerity and war, Prime Minister Jacinda Ardern's government is boosting the police state apparatus put in place over the past two decades by Labour and National Party governments.

Most significantly, the previous National government vastly expanded the powers of the Government

Communications Security Bureau (GCSB), the country's external intelligence agency, to spy on New Zealand citizens. This followed revelations that the agency had illegally spied on several people. The exposures provoked mass protests throughout the country in 2013.

Before the 2014 election, Labour, NZ First and the Greens claimed to oppose the National government's law change. In office, however, they have maintained all of GCSB's expanded powers.

Edward Snowden, the US National Security Agency (NSA) whistleblower, revealed in 2014 that, as part of the US-led Five Eyes intelligence alliance, the GCSB carries out mass surveillance of New Zealanders' electronic communications. Further leaks in 2015 revealed that the GCSB spies on China and other countries in Asia such as Bangladesh, and several Pacific Island countries, which New Zealand's ruling class considers its neo-colonial sphere.

Search and surveillance powers for the police and the Security Intelligence Service, NZ's domestic-focused spy agency, were also expanded under the Nationals, with Labour's support.

Customs Minister Kris Faafoi said his agency's new powers were necessary because "organised crime groups are becoming a lot more sophisticated in the ways they're trying to get things across the border."

In fact, the legislative change will target many travellers, including independent journalists and political activists, who are unlikely to be able to afford a \$5,000 fine to protect their privacy.

There is widespread opposition to the amendment, which was made with complete disregard for the sentiments of the population. An online poll of 11,800 people by the news website *Stuff* showed that only 33 percent agreed with Customs' new powers and 64

percent viewed them as “a gross invasion of privacy.”

New Zealand Council for Civil Liberties spokesman Thomas Beagle said in a statement that the law was “a grave invasion of personal privacy,” giving Customs access to “highly sensitive private information including emails, letters, medical records, personal photos.”

The government is expanding state surveillance as part of its preparations to deal with growing working class opposition. This year, for the first time in decades, nurses and teachers have held nationwide strikes against gross underfunding and low wages. Many other workers are looking for ways to fight back against austerity measures imposed since the financial crash of 2008.

The ruling elite is also deeply concerned about rising anti-war sentiment, as New Zealand and Australia become more closely integrated into the US build-up to war against North Korea, China and Russia. Last month, New Zealand extended troop deployments to Iraq and Afghanistan and sent troops to Japan to join the encirclement of North Korea.

In addition to spying on the population, the Labour-led government is recruiting 1,800 more police officers and expanding the military. Since 2012, soldiers have undergone training, in the biennial Southern Katipo exercise, to “restore order” in the event of a popular uprising or civil war in a Pacific island country. Such skills could also be used to suppress unrest in New Zealand.

Internationally, the US and other governments are preparing to defend their economic position through war abroad and class war at home. This cannot be carried out democratically. Free speech is under attack, most notably through the censorship of anti-war, left-wing and socialist websites, including the *World Socialist Web Site*, by Google and Facebook.

The NZ Customs legislation was undoubtedly drawn up in consultation with Washington. In August, New Zealand ministers attended a Five Eyes meeting in Australia which discussed how the spy agencies could get around encryption software to access private communications. Australia’s government is seeking to pass legislation to force technology companies to provide “back doors” for the state to bypass encryption.

The other Five Eyes members—the US, the UK and

Canada—see Australia and New Zealand as a testing ground for measures they intend to deploy against their own populations.

In the New Zealand parliament every party is complicit in the attacks on democratic rights. This includes Labour’s ally, the Green Party, which sometimes presents itself as anti-surveillance.

Green MP Golriz Ghahraman told parliament in March it was “a pleasure to support” the Customs and Excise Act amendments. She stated that concerns about Customs being allowed to “go through your phone and look at your pictures” had been “addressed through the select committee process and through changes to drafting in this bill.” These assurances were a whitewash. Clearly such powers are part of the legislation.

Privacy, free speech and freedom of information are under attack because basic democratic rights are no longer compatible with capitalism, which is plunging the world towards war and economic disaster. The defence of these rights must therefore be taken up by the international working class, mobilised in opposition to the entire political establishment on the basis of a socialist program.

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