

# Analytical Essay

## RAISING NEW ZEALAND'S TERRORISM THREAT LEVEL: IS TRANSPARENCY IMPORTANT IN NATIONAL SECURITY?

Richard Shortt\*

In mid-October 2014, ten years after the New Zealand Government confirmed the establishment of a Combined Threat Assessment Group (CTAG) to advise it on a range of potential threats, the prime minister announced, for the first time, the raising of New Zealand's domestic terrorism threat level. Unfortunately, the assessment that gave rise to the threat level's change (or a version of it) was not made public. Therefore, how were New Zealanders or others expected to properly understand the environment giving rise to the threat changes, and to judge whether the assessors got the setting right. This paper argues increased public transparency is appropriate when additional security measures resulting from a change in threat perception impact citizens' lives and cost taxpayers more money. In presenting this argument, the paper briefly describes the role of threat assessments and how threat levels are set. In the absence of a public version of New Zealand's threat assessment giving a cohesive, concise and transparent outline of the threat environment, the paper presents publicly available information from well-informed high office holders to see if that provides alternative and suitable transparency. Finally, the paper compares New Zealand's terrorism threat assessment transparency processes with those of four countries with similar characteristics to New Zealand to see if alternative models of public transparency are available for consideration.

**Keywords:** New Zealand, threat assessment, risk analysis, counterterrorism, national security assessment

### INTRODUCTION

In mid-October 2014 the New Zealand prime minister confirmed that the country's terrorism threat level had been raised from Very Low to Low (Watkins, 2014). That change signalled that threat assessors and senior bureaucrats agreed that the potential for a terrorist attack in New Zealand had moved from being considered "unlikely" to "possible, but is not expected" (New

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\* Corresponding author: rshortt@csu.edu.au

Zealand Government, n.d.), a subtle change one might suggest.<sup>1</sup> Subsequent statements by both the New Zealand prime minister and the director of the New Zealand Security Intelligence Service (NZSIS) (Key, 2014; Young, 2014) in early November 2014 provided an opportunity—unusual in New Zealand’s case—to assess the newly confirmed level against the rhetoric of two well-informed high office holders. The opportunity for comparison was defined as unusual given New Zealand does not publish a public version of its threat assessments,<sup>2</sup> and because this was the first time the Government had publicly released the country’s threat level (IS sparks terror law tightening, 2014) in the decade since it instituted the Combined Threat Assessment Group (CTAG) to provide such advice (Clark, 2004).

Since the events of September 11, 2001 in the United States, and the subsequent wars fought in Afghanistan and Iraq, the world is a more security conscious place (Archer, 2005, p. 398; Pickering, McCulloch & Wright-Neville, 2008, p. 1). That consciousness permeates to countries that once considered themselves geographically remote from such issues, like New Zealand for example (Clark, H. 2002). Now, informed by a range of media sources—including social media—that present news from around the globe as events unfold, citizens are arguably more conscious of threats through this regular delivery of “focusing event” (Birkland, 2004, p. 181) linked stories. Alongside the increasingly well-informed citizenry, governments, including that of New Zealand, are claiming they are now amenable to their national security sectors being more transparent regarding the efforts they take on behalf of citizens (Bushnell & Wilson, 2014, p. 15; Fisher, 2014b).

In general terms, public agency transparency has been linked to increased trust in government, and trust in government has been linked to greater citizen satisfaction and economic prosperity (Ayres & Braithwaite 1992, Levi & Stoker 2000, Fukuyama 1995, Inglehart 1999, and Putnam 2000, as cited in Grimmelikhuijsen, 2009, p. 174). Taking the issue of transparency’s value further, O’Neill (in Moore, 2014, pp. 131–132) is quoted as saying that “[s]ome claim that it is the ‘key to better governance’, to stemming corruption and to accountability.” If O’Neill—and those she paraphrases—are correct, then New Zealand, having slipped from first equal to second place in the 2014 Corruption Perceptions Index (Transparency International, 2015) may well be interested in reclaiming its previous top ranking.<sup>3</sup>

In New Zealand's particular case, its intelligence institutions had suffered damage to their levels of public trust and confidence as a result of the leaking of intelligence by Chelsea Manning and Edward Snowden, and domestic revelations of the Government Communications Security Bureau exceeding its legal mandate while assisting New Zealand Police (Fisher 2014a; New Zealand Intelligence Community, 2015). The move towards greater national security transparency (Fisher, 2014b) was, unsurprisingly, confirmed as an attempt to build and strengthen public trust in the efforts of the security and intelligence communities (Bushnell & Wilson, 2014, p. 15; Fisher, 2014b).

Therefore, it was noticeable that when New Zealand lifted its terrorism threat level no publicly transparent rationale for the change was provided by the agencies responsible. Despite there being an apparent acceptance of the value of increased transparency (Bushnell & Wilson, 2014, p. 15; New Zealand Intelligence Community, 2015), when it came to an issue resulting in heightened security activity, law changes and additional expending of seven million dollars of tax-payer funds on the security intelligence service (Key, 2014), there was limited official explanation as to why.

In examining the issue of New Zealand's threat assessments and transparency, this paper discusses the role threat levels play in the security environment and describes how they are determined. The paper then presents the only publicly available commentary on what caused the changes to New Zealand's threat level and asks the rhetorical question: Are they a suitable replacement for publication of an official and transparent rationale for the threat level change? The paper discusses the publicly available information provided by four Scandinavian countries that share similar characteristics to New Zealand. In doing so the paper argues that the Norwegian policy of transparently providing such information is an alternative policy model that New Zealand could consider, particularly if it is serious about transparency and trust being important issues for the national security sector, which it appears to be (Fisher, 2014b; New Zealand Intelligence Community, 2015). The paper is not a detailed or methodical comparison of threat assessment techniques, decisions or security environments.

### THE THREAT ASSESSMENT PROCESS

Before considering the transparency of the change to New Zealand's threat level, it is useful to outline what a threat assessment is and how a level is determined.

Threat levels by themselves are blunt instruments, irrespective of how well nuanced they are or should be, and only ever provide one piece of a multi-piece “jigsaw.” The jigsaw, or to use its technical name “risk analysis” (Prunckun, 2015, p. 283), is a more complex process and requires additional inputs before it can advise on what protective security actions need to be taken in response to a change in threat perception (Prunckun, 2015, p. 300–301). A need for additional protective security action will, in all likelihood, result in tax-payer funded activities such as increased access controls to particular premises and places, a more visible security presence in public spaces and increased government agency planning and focus on events and people of concern (2015, p. 283). Therefore, heightened public interest (and associated accountability) can be expected when a decision is taken to change a threat level to a higher setting.

As an input to the risk analysis jigsaw, threat assessment seeks to determine the levels of intent and capability residing in those who may seek to cause harm (Prunckun, 2015, p. 284–285) and to report that through reference to a series of pre-defined level statements. Detected threats fall into one of two categories: general threats or specific threats. A general threat arises from events occurring in the wider environment—such as the rise of the Islamic State (IS—also referred to by various commentators in this paper as ISIL and ISIS) and its call to jihad—which have or are likely to have an impact on the environment being assessed (i.e. New Zealand’s domestic security environment).

Alternatively, a specific threat is where information is available identifying a particular person (or group) as having both the intent and capability to carry out an attack on a particular target (or targets), or where a particular event or person has been mentioned directly by someone seeking to cause them harm. It could be argued that general threats are, by their nature, more commonly encountered than specific threats. General threats, therefore, give rise to a range of prevention focused security activities (such as access controls to symbolic buildings and pre-boarding airport security screening procedures), while specific threats give rise to more focused actions, which can include visible acts by security and law enforcement agencies such as the execution of search warrants, the arrest of suspects or the provision (or increase) of personal protection measures that include deployment of protection officers and alternative travel security (e.g. motorcades).

In essence, threat assessment is, arguably, a combination of art and science. The art is the skill required of the threat assessors to process a wide

variety of information from various sources (sometimes referred to as intelligence) and to make analytical determinations about what it all means. While the science aspect is the threat formula used (Intent + Capability = Threat) combined with the assessment techniques and methods employed by the assessors to provide rigour to the process (Prunckun, 2015, pp. 283–302). The threat assessment process is designed to be devoid of political input in order to allow an unbiased and well-analysed product to emerge that can be factored into risk assessment processes by decision-makers—both bureaucratic and political (Department of the Prime Minister and Cabinet, 2014, p.12; Prunckun, 2015, p. 300–301).

#### WHAT NECESSITATED THE CHANGE IN NEW ZEALAND’S THREAT LEVEL?

The most recent iteration of the New Zealand terrorism threat assessment process (at the time of this writing) resulted in the upward movement of the threat level to the Low setting. Unfortunately, as mentioned earlier, New Zealand does not provide a public version of the contents of its threat assessment, therefore, it was not possible to understand the detailed context that led to that decision. Instead, as the *New Zealand Herald* editorial of 6 November 2014 (New Zealand Herald, 2014) stated “The public has to trust him [the prime minister] on this. ...only the Prime Minister and his closest advisers are able to assess the evidence collected by the intelligence agencies.” An accurate statement, up to a point. Subsequent to the public announcement of the threat level change the New Zealand prime minister and the director of the NZSIS (the organisation’s chief executive) made public statements which touched on the terrorist threat, therefore, it was possible to review those utterances to determine if they provided a cohesive, concise and transparent explanation for the adjusted threat level.

The first public comment on the threat level came from the prime minister on 13 October 2014, when he mentioned the level raising (IS sparks terror law tightening, 2014). Amongst other things, he was quoted as saying “We are also aware of people within New Zealand who have a desire to travel and fight for the Islamic State of Iraq and Levant [ISIL] ...” He was reported as having gone on to say “...there was a growing risk to New Zealand from foreign fighters looking to leave or to return ....” Subsequently in a speech about national security, delivered on 5 November 2014 (Key, 2014), Prime Minister Key stated “ISIL’s ability to motivate Islamist radicals, as well as its growth, ambition, resources

and methods, make it a brutal threat, not only to stability in the Middle East, but regionally and locally.”

The prime minister went on to outline how the ISIL threat was relevant to New Zealand. He confirmed that ISIL had been “successful in recruiting New Zealanders,” with between 30 and 40 people “of concern” being added to government security lists. He also confirmed ISIL supporters have had their passports cancelled and were, therefore, unable to leave New Zealand to pursue their extremist desires, and he stated that “it is important to note that there are individuals here who are attracted to carrying out domestic attacks of the type we have seen prevented in Australia and recently take place in Canada.” The prime minister acknowledged that those prevented from travelling “are a distinct threat to our safety and security. People who are prevented from performing terrorist acts abroad can turn their minds to terrorist acts at home ...” (Key, 2014).

The second commentaries of relevance came from of a media interview with the director of the NZSIS via the subsequent articles published on 1 November 2014 (Young, 2014; Watkins, 2014). In Young’s item the director was quoted as saying “What [ISIS] is doing is they are sending out this material which is awful, it’s all on the internet ... urges people to do small-scale attacks that are not complicated, that don’t require planning, that don’t require anything fancy, nothing more than a knife or a car or something you light a fire with ... All that that [sic] was needed was intent. Capability was not difficult to put together ...” (Young, 2014).

In a different media item following the same interview, also published on 1 November 2014, the director was reported to have said “the threat is real – and closer to home than any of us realise. This is actually what I think about, all of the time” (Watkins, 2014). Watkins—the journalist reporting the story—went on to describe how the director had a “thick pile of ISIS propaganda material” and how she (the director) read aloud from one manual published by ISIS. The passage stated “Every Muslim should get out of his house, find a crusader and kill him. It is important that the killing becomes attributed to patrons of the Islamic State who have obeyed its leadership ... One should not complicate the attacks by involving other parties, purchasing complex materials, or communicating with weak-hearted individuals” (Watkins, 2014). Watkins reported that when she questioned the director further about the material and its impact on New Zealander’s, the director advised, “There are people who we know are interested in these kinds of acts” (Watkins, 2014).

The Watkins story went on to provide some insight into who those “people” might be when it mentioned events in the city of Auckland where:

...the spotlight has fallen on a mosque in Avondale where there have been sensational claims that a former teacher, Sheikh Abu Abdullah, encouraged his followers to ‘jihad’ against infidels. Two men who attended his classes had their passports cancelled before they could board a plane to Syria. (Watkins, 2014)

To summarise the comments from the prime minister (from two separate sources) and the director of NZSIS (from a further two separate—but linked sources), clearly there was a general (possibly verging on a specific) threat in New Zealand arising from ISIS’s propaganda which had been effective in radicalising and/or motivating a small number of people to adopt ISIS’s ideology. Furthermore, the propaganda, spread via the internet, continued to influence the New Zealand adherents and contained a call to ‘jihad’ through the perpetration of small-scale, easily executed, attacks.

Unfortunately, the propaganda also warned the adherents to avoid some of the means by which—it can be assumed—security and law enforcement agencies come to learn of planned attacks, namely: communicating with others, forming groups, or purchasing equipment. The jihad call by ISIS was by its nature a general threat—albeit containing specific advice—recommending surprise and simplicity. Examples of its implementation elsewhere in the world (at the time of writing) included: the almost fatal knife attack on two Australian police officers, the fatal car and gun attacks on soldiers and civilians in Canada, and the almost fatal hatchet attack on four American police officers.

So, do the statements from two of New Zealand’s most well-informed commentators on the terrorist threat serve to provide the cohesive, concise and transparent rationale for the threat level raise? Furthermore, do the statements also provide the transparency of New Zealand’s national security community (Bushnell & Wilson, 2014, p. 15; Fisher, 2014b) that is sought in order to instil public trust? Those are clearly questions this paper cannot answer, they are questions that the New Zealand public and national security community need to consider and ultimately answer. However, it is argued that a political statement from the prime minister—about a review focusing on foreign fighters (Key, 2014)—which mentioned the threat level in conjunction with that context, and a media interview by the director of NZSIS about the role of the country’s security service—who touched on the terrorism threat in a general way during the

piece—do not equate to a cohesive, concise and transparent statement of the factors that caused threat assessors and senior bureaucrats to make the change they did.

It is further argued that to achieve a cohesive, concise and transparent statement an official public version of the New Zealand threat assessment was needed, released by one (or jointly by both) of the organisations with lead-agency responsibility for terrorism under New Zealand's National Security System (Department of the Prime Minister and Cabinet, 2011, p. 25). The agencies responsible are the New Zealand Security Intelligence Service and the New Zealand Police (2011, p. 25). The rationale for suggesting an official release, hosted on a government agency website (or multiple government agency websites), is that the information from the prime minister and director had to be gathered from four separate sources over a span of 24 days.

Clearly, the information provided by the prime minister and director was capable of being publicly released. Therefore, what prevented it from being released in the form of a public version of the New Zealand Threat Assessment? If it had, then that assessment would have originated from an authoritative source—potentially a terrorism lead-agency (or agencies), would have been linked to one date, and would no doubt have been preserved for future reference via a link (or links) on a government agency website. Such a release process, it is contended, would have gone a long way towards achieving a cohesive, concise and transparent presentation of New Zealand's threat environment and why it was necessary to raise the terrorism threat level. The transparency would have then contributed towards the development of trust in the government agencies concerned as desired (Bushnell & Wilson, 2014, p. 15; Fisher, 2014b), and as demonstrated by Grimmelikhuijsen (2009).

Some commentators or scholars may argue that such a release process is not possible as threat assessment documents often contain classified information (from domestic, and possibly foreign, intelligence and security agencies), and/or material that identified individuals or groups and thereby may breach their privacy, or which would provide a tactical advantage to those giving rise to the threat. Those arguments are essentially correct, however, it is possible to provide a “declassified” version of a threat assessment, or specific and precise commentary on the factors giving rise to a change in threat level, without reference to classified, private or tactically advantageous information.



## OTHER COUNTRIES APPROACHES TO THREAT AWARENESS

Elsewhere in the world, countries which share similar characteristics to New Zealand (size, population, GDP, and spend on security) (Shortt, n.d.) do provide public versions of, or commentary regarding, their threat assessments. In particular, Scandinavian countries—two with multi-agency threat assessment entities similar to New Zealand’s CTAG (Persson, 2013, p. 8)—provide the opportunity to view both their current threat level and the rationale behind them by either publishing a public version of the assessment, or specific comments on them, via security agency websites.

In Norway the threat level was set in 2010 at “likely” (that Norway will be threatened by or hit with an act of terror in the next 12 months) and has not shifted recently (Norway: Terror Threat or Attack on Nation 'Likely', 2014). The Norwegian authorities linked their threat level to the fact that Norway was going to send troops to help train Iraqi security forces. Incidentally, New Zealand made a similar decision in November 2014 (Trevett, 2014). The publicly available English language version of the 2014 Norwegian annual threat assessment (Norwegian Police Security Service, 2014) provided detailed background on the threat environment in Norway and outlined a number of different threats associated with the country. The assessment was accessible through the security service’s website. While no information could be located detailing the Norwegian threat levels and their definitions, it was interesting to note in the Norwegian assessment a statement about why the document was published and what relevance it had to risk management:

The threat assessment is intended for the Norwegian public, in order to provide information on expected developments in the threat picture. It is also intended for enterprises that need an up-to-date threat assessment for their long-term risk management. The value of the assessment therefore depends on the users’ knowledge of risk management and their ability to reduce their own vulnerability. (Norwegian Police Security Service, 2014, p. 1)

For Sweden, the threat level concerning terrorism was raised in 2010 from “Low” to “Elevated” (Swedish military raises terror threat level, 2012; Swedish Security Service, 2010.). The Swedes set and maintained that level based on a general threat situation and not because of any specific threat (Swedish military raises terror threat level, 2012; Swedish Security Service, 2010). The Swedish Security Service did not publish a public version of the threat assessment, but

provided an eight paragraph explanation of the shift on their website (Swedish Security Service, 2010). Sweden use a five level threat scale, consisting of: No threat, Low threat, Elevated threat, High threat and Extreme threat, which is also published on the security service's website (Swedish Security Service, 2010).

Denmark's threat level (as at January 2014) remained at "Significant" driven by a general threat given rise to by the country's "foreign and security policies ... along with the Cartoon Case ..." (Center for Terror Analysis, 2014). The Danish Center for Terror Analysis (CTA) not only published a public version of the national threat assessment via its website, but has also published other similar documents (in Danish and English language versions) including one titled: "The threat from solo terrorism and lone wolf terrorism" (Center for Terror Analysis, 2011) which appeared quite pertinent to the newly evident threat posed by IS's call to jihad using simple means. No information, however, could be located detailing the Danish threat levels.

And finally, in Finland the threat level was published on the security service's website as "Low", with the caveat that:

...the threat of violent acts perpetrated by radical Islamists without any external guidance has increased both in Finland and elsewhere in Europe. ... Because the threat has become more complex, assessing its level and targets has become more difficult. In Finland, there are targets representing other states and religious interests as well as international events under increased threat from terrorist organisations and radical individuals. (Finnish Security Intelligence Service, n.d.)

The threat level and caveat were contained in a three-paragraph statement on a webpage published by the Finnish Security Intelligence Service. No information could be located detailing the Finnish threat levels or definitions.

The brief overview above identifies that two of the Scandinavian countries (Norway and Denmark) published substantive documents containing the rationale for the setting of their terrorism (and other) threat levels, while the other two countries (Sweden and Finland) published short statements on their security service websites. Clearly, the Norwegian and Danish policy of publication sets them ahead of New Zealand in the transparency stakes with its non-publication policy. Sweden and Finland, with the short online statements about their levels and why they were set thus, could also be argued to be ahead

of New Zealand in transparency, given none of the official New Zealand government agency websites visited provided any information about the current terrorism threat level or the rationale for it.

### CONCLUSION

Despite New Zealand's acknowledged need for a more transparent, and therefore trusted, intelligence community the country has not adopted that approach when it comes to explaining why the country's threat level needed to rise. The role of explaining was instead left to a political actor and a chief executive through tangential commentaries. In a world that is arguably more threat conscious as a consequence of a decade of counter-terrorism action, warfare and media reporting, the lack of an authoritative source was quite noticeable.

While some commentators may argue that releasing such information will compromise rather than enhance security, Scandinavia's approach—Norway and Denmark's in particular—to the issue show that cohesive, concise and transparent awareness can be achieved. Furthermore, Norway provided a clear justification for their approach, seeing it as the appropriate means of informing the public and private sectors so both could adjust their risk management thinking. In these times of governmental fiscal constraint, heightened threat anxiety and expenditure of additional tax-payer funds on preventative security measures, it is argued New Zealand's non-transparent threat assessment publication policy needs reviewing, with the Scandinavian countries of Norway and Denmark providing useful alternative approaches for consideration.

### NOTES

1. New Zealand uses a set of six levels to assess the potential of a terrorist attack: Negligible (very unlikely), Very Low (unlikely), Low (possible, but not expected), Medium (feasible and could well occur), High (likely) and Extreme (activity is expected imminently). (New Zealand Government, n.d.)
2. On 11 November 2014, a search was completed of the following New Zealand Government websites looking for a public version of the New Zealand threat assessment: [www.nzsis.govt.nz](http://www.nzsis.govt.nz), [www.dpmc.govt.nz](http://www.dpmc.govt.nz), [www.police.govt.nz](http://www.police.govt.nz) and [www.intelligencecommunity.govt.nz](http://www.intelligencecommunity.govt.nz). A general Internet search was also undertaken using the *Google* search engine and the terms: New Zealand AND threat assessment/terrorism/threat. The New Zealand threat assessment document, or official commentary on it—beyond the commentary referred to in this paper—could not be found.

3. Interestingly, New Zealand was beaten for first place in the corruption index as least corrupt nation by a Scandinavian country—Denmark. Third, fourth and fifth places in the index were occupied by Finland, Sweden and Norway—three other Scandinavian countries.

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ABOUT THE AUTHOR

**Richard Shortt** is a former national security policy advisor in the Department of the Prime Minister and Cabinet, New Zealand (2003–2005). He was the manager of the Combined Threat Assessment Group (CTAG) in New Zealand between 2005 and 2008. Mr. Shortt holds a Master of Public Management degree from Victoria University, Wellington, New Zealand, and is currently a PhD candidate at Charles Sturt University studying the relationships between intelligence and law enforcement agencies.

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