**Key messages**

The New Zealand Government will soon host the Asia-Pacific Economic Cooperation (APEC) Forum. We want to ensure all attendees (including leaders and ministers) and the New Zealand public feel safe, secure and welcome throughout the year.

APEC 2021 will be the largest international event ever hosted by the New Zealand government, bringing with it complex security needs. Globally, security concerns have evolved significantly from when New Zealand last hosted APEC in 1999.

The APEC 2021 Bill is temporary legislation that is targeted to these key areas:

- Ensuring the NZ Police has the resources it needs – in terms of people and technology.
- During leaders’ event period of three weeks: temporary security and safety areas around key meeting locations and motorcades.

**Q & A**

**What is APEC?**

APEC is a group of 21 economies in the Asia-Pacific region that work together to improve the region’s prosperity through economic growth and free trade. Each year, the APEC Forum brings together officials and leaders from all APEC countries to discuss ways to facilitate trade and promote sustainable economic growth across the region.

While APEC includes some of the world’s largest and smallest economies, all members are equal; economies of all sizes work together to develop solutions to trade and investment barriers.

APEC includes 38% of the world population, 47% of all trade and 60% of global GDP.

APEC 2021 will be the largest international event ever hosted by the New Zealand government. Up to 20,000 people are expected to visit New Zealand throughout the year, with around half arriving for the Leaders’ Week in November.

**Why is it so important for NZ to host APEC in 2021?**

APEC 2021 will be the largest international event ever hosted by the New Zealand Government. Our year of hosting will involve meetings between world leaders, ministers, senior officials, business leaders, regional youth and media. We’re expecting up to 20,000 people to take part over the course of the year. It brings the leaders of 20 APEC economies to New Zealand for Leaders’ Week, to be held in Auckland.

APEC is the only international forum where New Zealand has the opportunity to host so many world and business leaders, visiting youth, officials and media at the same time.

Hosting APEC will deepen New Zealand business connections and showcase our leadership in the Asia-Pacific region. It is a key opportunity for New Zealand to influence trade and economic policy across our region.

A priority for the Government is to host an APEC that New Zealanders can be proud of. Through APEC, the Government will continue New Zealand’s tradition of standing up on the world stage and upholding our special values.

For New Zealand, APEC is of huge importance – APEC economies take 73% of our exports of goods and services, and most recent estimates of our two-way trade value it at $102 billion with NZ running a $4 billion surplus.

**Why do we need extra security for APEC21? / Why is this new legislation needed?**

As APEC host, New Zealand will host a high quality event where all world leaders and attendees feel safe, secure and welcome. Globally, security concerns have evolved significantly from when New Zealand last hosted APEC in 1999.

Analysis has shown our legislation needs to be enhanced to meet the unique security needs of APEC – it is an event of unprecedented scale and complexity. The temporary legislation has been introduced to ensure the NZ Government can safely and securely host all APEC Events.

Confidence in our ability to host a safe and secure APEC is not just important to our own sense of responsibility as hosts; it’s also of paramount importance to leaders and officials from across the region.

**Does the APEC Bill relate to other new Government legislation?**

There is no direct link between this Bill and other Government legislative programmes such as changes to the Arms Act or the Terrorism Suppression (Control Orders) Bill. They are designed to achieve different purposes.
What is the new and temporary legislation?

All legislative proposals are temporary – some will only be needed for the Leaders’ Event period of three weeks, and others will be needed throughout our host year. After New Zealand has finished hosting APEC, the legislation will expire.

During the Leaders’ Event period, plus periods of required training: a small number of members of the armed forces will be trained, and integrated into the NZ Police Force. They will provide specialist support and be given constabulary powers. They will be under police control at all times and have the same accountability as NZ Police Officers as well as remaining under the discipline of the New Zealand Defence Force.

If required, during the Leaders’ Event period and periods of required training: other government agency staff, private security guards and Australian Police officers may be given limited powers to fulfil their security roles. These will be lower level roles and include some interaction with the public – for example, screening APEC attendee passes and bags as they enter a secure venue.

During the Leaders’ Event period only: enable the Commissioner of Police to create security areas surrounding APEC Event venues to support safe and secure APEC 2021 events for all world leaders, attendees, and the general public. The Police will manage access to these areas and address any potential security risks.

During APEC meetings throughout the year: Subject to the Commissioner of Police approval, allow the use of wireless electronic countermeasure technology for limited durations (e.g. a few minutes to allow a motorcade to pass). This technology is typically used to jam, distort or confuse signals coming from technology used in a threatening way – such as a mobile phone operated bomb.

During APEC meetings throughout the year: provide increased powers for NZ Police to respond appropriately to risks posed by unmanned aerial vehicles (e.g. drones) and piloted aircraft.

During the Leaders’ Event period only: enable the Commissioner of Police to create security areas on the road and at sea for very short periods of time (e.g. a few minutes as a motorcade passes by). The Police will manage entry to these safe transport routes.

During the Leaders’ Event period: permit certain foreign protection officers to carry weapons, subject to approval by the Commissioner of Police, and subject to conditions the Commissioner may impose such as the type of weapon and the number that can be brought into NZ. These arms will only be carried while protecting a world leader and accompanying family members.

If the NZ Police are leading on the security, why is this legislation change being driven by MFAT?

The Ministry of Foreign Affairs and Trade is leading the APEC 2021 programme to plan and deliver the hosting of APEC. The NZ Police will lead delivery of the security operation. This legislation has been developed in partnership with multiple government bodies including the NZ Police, but is part of MFAT’s overall planning responsibilities.

Why do we need to use specialist members of the armed forces?

The NZ Police require extra support while New Zealand hosts APEC in 2021 because of the size and complexity of the event. Part of this support is a need for people with highly specialised security skillsets. Armed forces personnel have already undergone rigorous training, and have the specialist skills required by the NZ Police to safely host APEC. The New Zealand Government has invested considerable resource in training armed forces personnel, making their involvement in APEC security a practical but also cost effective approach.

NZ Defence personnel are sensitive to New Zealand culture and understand the NZ Police’s approaches to hosting and security.

Why will we be using Australian Police Officers?

Australian Police Officers have supported New Zealand in the past, and are able to provide the effective short-term solution we need to safely host APEC in 2021. This is a familiar arrangement, with the New Zealand Police also having provided support to the Australian Police for multiple major events such as APEC in 2007 and the G20 Summit in 2014 in Australia.

Some of these Australian Police Officers will act as APEC security staff with limited powers. Others will be sworn in as NZ Police Officers and will have the same powers as our own Police. They will be working alongside NZ Police Officers and the public will be able to see them as many of them will remain in their Australian Police uniforms.

Will New Zealanders be able to identify other Government agency staff /Australian Police/private security guards / members of the Armed Forces working alongside the Police?
Members of the Armed Forces will be temporarily fully integrated into the NZ Police Force, with constabulary powers. It will not be possible to distinguish on sight between NZ Police Officers and the small number of members of the Armed Forces in the Police.

Other Government agency staff, private security guards and any Australian police will carry identification that will be produced if needed.

**What controls are in place to manage Foreign Protection Officers and the weapons they may bring into New Zealand?**

The legislation does not give blanket approval for all foreign protection officers (bodyguards) to carry weapons. The legislation establishes a process for APEC economies to make a request to the NZ Police Commissioner.

A very small number of foreign security personnel, from a minority of attending economies, may receive permission from the Police Commissioner to carry a weapon to protect their Leader and accompanying family members.

Before they are able to carry a weapon, the Police Commissioner must receive assurance that they're fully qualified personal protection officers and trained to carry a weapon. They also must be drawn from an organisation that provides personal security (such as the protection services staff from NZ Police) for that economy. This would exclude, for example, persons working for foreign intelligence services.

A weapon used by a foreign protection officer to protect a world leader and accompanying family members will only be carried while the officer is on duty and only for the short period while the protected people are in New Zealand. When not carried, the weapon will be securely stored with NZ Police.

If an incident occurs the foreign security personnel are subject to NZ laws and would be treated the same as anyone else who uses a firearm. There will be no diplomatic immunity for foreign protection officers.

It is unlikely weapons banned in the recently amended Arms Act 1983 will be authorised.

People visiting New Zealand during this period, who are not connected to APEC and wish to bring a firearm into the country, will need to apply for a visitor firearms licence and import permit as usual through the New Zealand Police.

**What if weapons or ammunition go missing while in New Zealand?**

A small number of fully qualified foreign security personnel may receive the Police Commissioner’s approval to bring a very limited number of weapons into New Zealand. These weapons are only to be used for the protection of leaders and their family members. All weapons brought into NZ for this purpose during APEC must be approved by the Police Commissioner.

These weapons and ammunition will be recorded on entry, securely stored with NZ Police when foreign security personnel are not on duty, and must be declared as foreign security personnel are leaving New Zealand. The risk of any weapon or ammunition going missing is small. Should an incident arise the NZ Police will work with foreign security services to track down the weapon and/or ammunition.

**What will happen to the weapons after the APEC Events?**

All weapons approved by the Police Commissioner to be brought into NZ by foreign protection officers for Leaders’ Event period will be removed by those same officers at the conclusion of Leaders’ meetings or when any individual authority expires. While the Leaders’ Event period lasts three weeks, some foreign protection officers may only need access to their firearms for 2-3 days. After 21 November, 2021 the legislation will be repealed, and it will no longer be lawful to carry these weapons.

**How can we know the weapons have been removed from New Zealand at the conclusion of the Leaders Events?**

Every weapon and any ammunition entering New Zealand with foreign security personnel will be recorded. These weapons will only be in use by fully qualified foreign security personnel - with the permission of the NZ Police Commissioner - as they are protecting their leader and accompanying family members. Upon exit, weapons and ammunition will be declared and checked against entry list. Should there be any discrepancies the NZ Police will work with foreign security services to track down the weapon and/or ammunition.

**Will Foreign Bodyguards be able to carry weapons that now been have been banned in New Zealand?**

The number and types of weapons will be extremely limited and cannot be disclosed for operational reasons. It is highly unlikely they would include weapons that the government banned in 2019.
Auckland: How will road closures, maritime area closures etc. affect the running of the city / my commute / my kids’ school trip?

During Leaders’ Week in Auckland, we will work to ensure disruption is minimal. There will be some road closures and a limited number of security areas which will impact some members of the public. APEC New Zealand is working alongside partners in Auckland to ensure the city’s residents are aware of disruptions ahead of time and are able to plan their movements in advance.

We will release more information closer to the event.

What does this mean for protesters?

Peaceful protest is an important part of NZ’s democracy. The intention of the legislation is not to interfere more than necessary with the rights of freedom of expression and movement. The APEC 2021 Bill gives the NZ Police the ability to create security areas only where necessary, to ensure the safety and security of people attending APEC events. While this means there will be areas with no public access, these will be limited and demonstrators will still be able to gather in other open areas to exercise their right to peaceful protest.

What if my business is in a security area?

Security areas will be limited in size and communicated ahead of the Leaders’ meetings. APEC New Zealand will be in close communication with affected business owners and councils.

What if my home is in a safety and security area?

Security areas will be limited in size and communicated ahead of the Leaders’ meetings. Planning will attempt to ensure that as few homes as possible may be in security areas. APEC New Zealand and Police will be in close communication with affected owner/occupiers and councils.

If I need to leave my home will I be compensated?

Any security areas will be limited, it is our goal to minimise the number of home owners affected. Ideally no one will need to leave their home. The legislation does not provide for compensation.

If I need to close my business, will I be compensated?

Security areas will be limited; it is our intention to connect NZ businesses with the opportunities APEC will bring. Should safety regulations call for the closure of any businesses, the legislation does not provide for compensation.

If my home or business is damaged due to APEC-related events, will I be compensated?

While there is little likelihood of businesses or homes sustaining damage due to APEC, where physical damage occurs due to Police actions in closing a secure area or secure transport route, businesses will be compensated. The legislation does not provide for compensation for any loss of business owing to security areas.

If my home is inside a safety and security area, will it be searched?

Searches of private property can only be conducted with the owner/occupier’s consent or a warrant. The only exception to this rule is should a security breach or emergency unfold, in which case existing legislation would enable the NZ Police to deal with the issue.

Why are people being searched on entry to the venue?

All APEC events must take place in a safe, secure and welcome environment. X-ray scanners are a key protective measure for APEC as they can reveal dangerous equipment. All attendees and their belongings will need to undergo an x-ray scan – similar to luggage and person scans at the airport – on their entry to an APEC event location.

Why can’t I go to the APEC meetings?
The APEC meetings are only open to accredited attendees. Throughout APEC year, we will be working with the media and across our own communications networks to ensure the NZ public is aware of what is happening as a result of the meetings.

**What does the restriction to airspace mean for me?**

The airspace restrictions mean that you will not be able to fly an unmanned aircraft – e.g. a drone – or a manned aircraft into the restricted space unless authorised by the Civil Aviation Authority, during periods where APEC events are being held.

These restricted areas will be communicated to the public so that people are aware where they cannot fly their drones or personal aircraft. There will be exceptions in place, if necessary, for commercial and emergency aircraft.

If an unmanned aircraft enters restricted airspace, it may be seized or destroyed. If a pilot flies an aircraft into restricted airspace, it is likely they will be prosecuted.

**Have any new offenses been created / why have new offenses been created?**

Temporary new offenses have been created to support the enforcement of the legislation. These offences carry a maximum penalty of 3 month imprisonment or a $2000 fine which is based upon similar offences in the Trespass Act or the Summary Offences Act.

The intention of this legislation is to host a safe and secure APEC; the new offences reflect the complexity of securing this unique event.

**What are wireless electronic countermeasures and why are they needed?**

The use of wireless technology has grown rapidly over the past few years. While most wireless technology is used in a positive way, there is potential for negative or dangerous use. Wireless devices can be used, for example, to detonate an explosion or to fly a drone in a way that puts airplanes in danger.

Wireless electronic countermeasures are built to block, interrupt or disable the link between a radio transmitter (e.g. a mobile phone) and a receiver (e.g. an explosive device). They are continually evolving and give the Police a greater ability to respond to or prevent any risks associated with remote explosive devices and unknown drones.

This technology could be included in vehicles as part of a motorcade, used to ‘fence’ an area such as an airport to stop unknown drones entering an airport boundary, or be used as a response to the location of a suspect package or device.

It is important to note that the proposed use of wireless electronic countermeasures during APEC in 2021 does not include any continued form of surveillance or enable the routine tracking of where certain electronic devices are located. The use of wireless electronic countermeasures is focused on the prevention of high risk unlawful activity and the ability to respond should an incident occur.

**What will the wireless electronic countermeasure technology mean for me and my devices?**

The wireless electronic countermeasure technology will be used for limited durations (e.g. a few minutes to allow a motorcade to pass). This technology is typically used to jam, distort or confuse signals coming from technology used in a threatening way – such as a mobile phone operated bomb.

If you are near the motorcade there is a chance this technology will block your signal for a few minutes, after which it will return to normal.

**Will the wireless electronic countermeasure technology intercept or read private information?**

The main use will be to identify or counter any risk by scanning the radio spectrum to identify potential threats and to identify the devices that are controlling potential or actual threats / risks to security to be able to counter any risk. While scanning, W-ECMs may intercept the name of a device and location, but there will be no access to data in apps, emails etc.

As an analogy; the letterbox, its address and name may be able to be seen but not what is in it. This is no greater privacy intrusion than what a person does when they look for the Wi-Fi at a cafe or airport.

Jamming technology will be the main use outside scanning. This will either be short term area jamming to mitigate risks from explosive devices or drone incursions or a reaction to an incident such as jamming or distorting radio
communications between a triggering mechanism and a suspected bomb so the bomb does not detonate. No interception of data is required as this use automatically jams all signals without any requirement to see the contents of those signals.

Finally, in very rare circumstances when responding to an actual incident it may be necessary to locate the transmitter of a drone or the triggering device of a bomb by detecting and tracking the radio-communications between the transmitter and the threat. This may require interception of all signals being sent from devices in the immediate vicinity to that threat to identify and locate the person controlling the drone or attempting to detonate a bomb.

**Are the wireless electronic countermeasures a threat to privacy?**

The APEC 2021 Bill has been amended to specifically exclude the ability for the Commissioner of Police to authorise any interception of private communications by a wireless electronic countermeasure device.

Any intentional use of a wireless electronic device to intercept a private communication is an offence under the Crimes Act 1961 and this applies to all Economies attending APEC events.

The use of wireless electronic countermeasures is focused on the prevention of high-risk, unlawful activity and the ability to respond should an incident occur. The proposed use does not include any continued form of surveillance or enable the routine tracking of where certain electronic devices are located.