

# CONTENTS

In session order

## **The OIA – not hide and seek?**

The OIA – not hide and seek? ..... 1

*Judge Peter Boshier*

## **Cyber Security and the Role of Lawyers – protecting organisations from the bad guys**

Breach Readiness ..... 11

*Graeme Neilson*

## **Cyber Security and the Role of Lawyers – protecting organisations from the bad guys**

Cyber – a policy perspective ..... 17

*Paul Ash and Richard Schmidt (author)*

## **Cyber Security and the Role of Lawyers – protecting organisations from the bad guys**

Legal Aspects of Cyber Security ..... 29

*Michael Wigley*

## **Procurement – the role of lawyers in the procurement life-cycle**

Procurement – the role of lawyers in the procurement life-cycle ..... 47

*Andrew McLean and John Richards*

## **Procurement – recent issues and case law**

Government Procurement – what are the rules and who enforces them? ..... 55

*John Buick-Constable and Jessica Gorman*

## **Parliamentary Counsel Office - ASIP**

Access to Subordinate Instruments Project (ASIP) ..... 67

*Richard Wallace*

**Pressures on Personal Information: the ever changing field of privacy**

Pressures on Personal Information: the ever-changing field of privacy ..... 79

*Katrine Evans*

# CONTENTS

Alphabetical by author/presenter

<b>Author</b>		<b>Title</b>	<b>Page</b>
<b>Ash</b>	Paul	Cyber – a policy perspective <i>Joint paper with Richard Schmidt (author)</i>	17
<b>Boshier</b>	Judge Peter	The OIA – not hide and seek?	1
<b>Buick-Constable</b>	John	Government Procurement – what are the rules and who enforces them? <i>Joint paper with Jessica Gordon</i>	55
<b>Evans</b>	Katrine	Pressures on Personal Information: the ever-changing field of privacy	79
<b>Gorman</b>	Jessica	Government Procurement – what are the rules and who enforces them? <i>Joint paper with John Buick-Constable</i>	55
<b>McLean</b>	Andrew	Procurement – the role of lawyers in the procurement life-cycle <i>Joint paper with John Richards</i>	47
<b>Neilson</b>	Graeme	Breach Readiness	11
<b>Richards</b>	John	Procurement – the role of lawyers in the procurement life-cycle <i>Joint paper with Andrew McLean</i>	47
<b>Wallace</b>	Richard	Parliamentary Counsel Office – ASIP	67
<b>Wigley</b>	Michael	Legal Aspects of Cyber Security	29



## CHAIR



### **Jane Meares, Clifton Chambers, Wellington**

Jane is a commercial barrister, with a wide range of public and commercial experience. Before joining the independent bar she was the chief legal adviser at the Treasury, the Treasury Solicitor. She currently advises public and private sector clients on a range of commercial and public law matters, including on the interpretation and application of public sector statutes, as well as assisting with the development of legislation and the negotiation of complex commercial transactions. She has undertaken a number of independent enquiries and reviews, and, along with a number of other governance roles, is currently the Chief Commissioner of the Transport Accident Investigation Commission.

## SPEAKERS



### **Paul Ash, National Cyber Policy Office, Wellington**

The National Cyber Policy Office (NCPO) leads and coordinates the development and implementation of New Zealand's cyber security policy. Paul has led the NCPO since it was established in July 2012.

Prior to his present role, Paul was a career diplomat, most recently serving as Deputy Head of Mission in Brussels from 2008 to 2012. Paul was previously Deputy Director of the International Security and Disarmament Division of the Ministry of Foreign Affairs and Trade. Paul also worked overseas in roles in Honiara, Beijing and Taipei. Paul has also worked in the Pacific, United Nations and Human Rights, and Development divisions of MFAT in Wellington.

Paul is a graduate of Victoria University of Wellington, where he received a B.A. Hons (1989), and the Chinese Language and Area Studies School of the Foreign Service Institute (1994).



### **Judge Peter Boshier, Chief Ombudsman, Wellington**

Judge Peter Boshier is Chief Ombudsman for New Zealand.

He was appointed as a District Court Judge with a specialist Family Court warrant in 1988 and appointed as the Principal Family Court Judge of New Zealand in 2004. He held that position until December 2012 when he was appointed a Law Commissioner, a position he held until being appointed as Chief Ombudsman.

Judge Boshier has served on the Government's Family Violence Taskforce. He is Patron of the White Ribbon Trust and Patron of the Dwell Community Housing Trust in Wellington. In 2009 Judge Boshier was made a distinguished alumnus of the Victoria University of Wellington for his contribution to the law.



### **John Buick-Constable, Ministry of Business, Innovation & Employment, Wellington**

John is an experienced corporate, commercial and public sector lawyer. Before joining the public sector, John worked for leading commercial law firms in New Zealand and London. John advises the New Zealand Government on its collaborative procurement and property activities and initiatives, and manages the legal function for New Zealand Government Procurement and the Government Property Group.

## SPEAKERS



### **Katrine Evans, Hayman Lawyers, Wellington**

Katrine started her law career as an academic with Victoria University of Wellington's Law Faculty, where she specialised in privacy, media and tort law. She currently co-teaches the LLM course in privacy law at Victoria University of Wellington.

In 2004 Katrine moved into the regulatory arena as Assistant Privacy Commissioner, and was the Commissioner's legal counsel until June 2015. She then went into private practice in July 2015, as a specialist privacy lawyer within the general practice firm of Hayman Lawyers in Wellington. Katrine is a member of the New Zealand Law Society's Human Rights and Privacy Committee, edits the "Privacy Interests" column of the IEEE's "Security and Privacy Journal", is a member of the Asian Privacy Scholars Network.



### **Jessica Gorman, Crown Law Office, Wellington**

Jessica Gorman is a Senior Crown Counsel (Public Law) at the Crown Law Office. Jessica joined Crown Law in 2008 from private practice and was the Team Manager of the Revenue team from July 2013 – August 2016. Jessica has an LLM from Harvard Law School and is co-author of McGechan on Procedure, with a particular focus on judicial review. In her role Jessica provides professional leadership, representation and advice to Ministers, government departments and some Crown agencies.



### **Andrew McLean, Expert Procurement Solutions Limited, Wellington**

Andrew is a procurement specialist with over 20 years' experience, primarily in the public sector. He has worked in a range of specialist categories and roles, including procurement and contract management in large capital acquisition projects, outsourcing projects, contracting for services with NGOs, ICT procurement, and procurement capability development across the public sector.



### **Graeme Neilson, RedShield Security Ltd, Wellington**

Graeme is Chief Research Officer at RedShield Security, a global, cloud based website security service. His career has ranged from street performer to software developer to ethical hacker. For the last 15 years he has provided security testing for government and corporate clients around the globe is a regular speaker at information security conferences around the world.

## SPEAKERS



### **John Richards, Expert Procurement Solutions Limited, Wellington**

From early beginnings as an in-house government lawyer, John has spent the later part of his career as a procurement specialist in the private and public sector.

He has worked on large ICT, outsourcing, and logistics projects, and particularly enjoys engaging with suppliers, negotiating, and capability development. John has worked in industries as diverse as Forestry, Banking, Logistics, and Education, and continues to thrive on all the opportunities that procurement has to offer.



### **Richard Wallace, Parliamentary Counsel Office, Wellington**

Richard has worked at the Parliamentary Counsel Office since 2003, first as a legislative drafter, and then as a Drafting Team Manager. He is currently leading the Access to Subordinate Instruments Project which aims to collect and publish New Zealand's tertiary legislation on the NZ Legislation website. Before working at the Parliamentary Counsel Office, Richard practised commercial law for 7 years; first at Chapman Tripp in Wellington, and then at DJ Freeman in London, England.



### **Michael Wigley, Wigley and Company, Wellington**

Michael's clients include many IT companies, telcos and ICT customers. He has a focus on complex disputed issues, risk, regulation including competition, and public law. He has considerable experience over 15 years in advising on cybersecurity and privacy issues faced by companies and the public sector, as well as extensive involvement in advising on directors' liabilities and duties, a major consideration in relation to cybersecurity, ICT and disruptive technologies. Michael is based in Auckland and Wellington, and he often advises clients as part of a multi-disciplinary team, such as technical, media, and economics.