

House of Representatives

Supplementary Order Paper

Tuesday, 6 March 2012

Search and Surveillance Bill

Proposed amendments

Hon Judith Collins, in Committee, to move the following amendments:

Clause 2

Replace *clause 2* (lines 3 to 10 on page 20) with:

2 Commencement

- (1) **Part 1** and **subpart 1 of Part 3** (other than **section 45(3) and (4)**), and **sections 130, 134, 134A, 141, 155, 158, 159, 160, 161, 162, 162A, 163, 164, 167, 171, 172, 173, 227, 228, 230(3), 297** (other than **section 297(3A) and (5)**), **305(1) and (4A), 309(4), 313, 314, 314C, 314D, 315A, 315B, 315D, 315E, 315F, 315FA, and 315G** come into force on 18 April 2012.
- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made bringing different provisions into force on different dates.
- (3) To the extent that it is not previously brought into force under **subsection (2)**, the rest of this Act comes into force on 1 April 2014.
- (4) In this section, **provision** includes any item, or any part of an item, in the **Schedule**.

Clause 3

In *clause 3*, before the definition of **arms** (before line 15 on page 20), insert:

access, in relation to any computer system, means instruct, communicate with, store data in, receive data from, or otherwise make use of any of the resources of the computer system

access information includes codes, passwords, and encryption keys, and any related information that enables access to a computer system or any other data storage device

In *clause 3*, after the definition of **business context** (after line 28 on page 20), insert:

category 3 offence has the same meaning as in section 6 of the Criminal Procedure Act 2011

category 4 offence has the same meaning as in section 6 of the Criminal Procedure Act 2011

In *clause 3*, after the definition of **Commissioner** (after line 7 on page 21), insert:

computer system—

(a) means—

(i) a computer; or

(ii) 2 or more interconnected computers; or

(iii) any communication links between computers or to remote terminals or another device; or

(iv) 2 or more interconnected computers combined with any communication links between computers or to remote terminals or any other device; and

(b) includes any part of the items described in **paragraph (a)** and all related input, output, processing, storage, software, or communication facilities, and stored data

In *clause 3*, replace the definition of **enforcement officer** (lines 18 to 31 on page 21) with:

enforcement officer means—

(a) a constable; or

(b) any person authorised by an enactment specified in **column 2 of the Schedule**, or by any other enactment that expressly applies any provision in **Part 4**, to exercise a power of entry, search, inspection, examination, or seizure

In *clause 3*, replace the definition of **evidential material** (lines 34 to 36 on page 21) with

evidential material in relation to an offence or a suspected offence, means evidence of the offence, or any other item, tangible or intangible, of relevance to the investigation of the offence

In *clause 3*, after the definition of **raw surveillance data** (after line 7 on page 24), insert:

remote access search means a search of a thing such as an Internet data storage facility that does not have a physical address that a person can enter and search

In *clause 3*, after the definition of **rub-down search** (after line 2 on page 25), insert:

search power, in relation to any provision in this Act, means—

- (a) every search warrant issued under this Act or an enactment set out in **column 2 of the Schedule** to which that provision is applied; and
- (b) every power, conferred under this Act or an enactment set out in **column 2 of the Schedule** to which that provision is applied, to enter and search, or enter and inspect or examine (without warrant) any place, vehicle, or other thing, or to search a person

In *clause 3*, replace the definition of **tracking device** (lines 24 to 30 on page 25) with

tracking device—

- (a) means a device that may be used to help ascertain, by electronic or other means, either or both of the following:
 - (i) the location of a thing or a person:
 - (ii) whether a thing has been opened, tampered with, or in some other way dealt with; but
- (b) does not include a vehicle or other means of transport, such as a boat or helicopter

In *clause 3*, definition of **trespass surveillance**, replace “onto private property” (line 32 on page 25) with “to land or trespass to goods”

In *clause 3*, definition of **unlawfully at large**, replace *paragraph (a)* (lines 5 to 8 on page 26) with:

- (a) a person for whose arrest a warrant (other than a warrant issued under Part 3 of the Summary Proceedings Act 1957) is in force:

In *clause 3*, insert as *subclause (2)* (after line 5 on page 27):

- (2) For the purposes of the definition of computer system, a computer is interconnected with another computer if it can be lawfully used to provide access to that other computer—
 - (a) with or without access information; and
 - (b) whether or not either or both computers are currently turned on; and
 - (c) whether or not access is currently occurring.

Subpart 1 of Part 2 heading

In the *subpart 1 heading in Part 2*, delete “internal searches and” (lines 24 and 25 on page 27).

Clause 5

Delete *clause 5* (line 27 on page 27 to line 4 on page 28).

Clause 6

In *clause 6(b)*, replace “in the place” (line 14 on page 28) with “in or on the place”.

Clause 8

In *clause 8(1)(b)*, before “arrest” (line 30 on page 28), insert “search for and”

In *clause 8(2)(c)*, replace “suspect” (line 5 on page 29) with “believe”.

Clause 10

In *clause 10(1)(aa)*, after “suspect” (line 25 on page 29), insert “is unlawfully at large or”.

Clause 11

In the heading to *clause 11*, replace “**who are to be**” (line 9 on page 30) with “**who are, or are to be,**”.

In *clause 11(1)(b)(ii)*, replace “or about to be placed in” (line 15 on page 30) with “or is in, or about to be placed in,”.

In *clause 11(1)(c)*, replace “is to be locked up” (line 17 on page 30) with “is, or is to be, locked up”.

In *clause 11(2)*, after “applies” (line 22 on page 30), insert “before that person is locked up”.

After *clause 11(2)* (after line 22 on page 30), insert:

- (2A) A constable, or a searcher used in accordance with **section 12**, may conduct a search of a person after the person is locked up if—
- (a) the person has not been searched under **subsection (2)**; or
 - (b) the person, since any search was conducted under **subsection (2)**, has been in close proximity, or is reasonably suspected of having been in close proximity, to a person who was not locked up in Police custody (other than an enforcement officer or a searcher); or
 - (c) the person, since any search was conducted under **subsection (2)**, has been in close proximity, or is reasonably suspected of having been in close proximity, to another person who was eligible to be searched under this subsection but was not searched; or
 - (d) there are reasonable grounds to believe that the person is in possession of anything that may be used to harm himself or herself or others.

Replace *clause 11(3)* (lines 23 and 24 on page 30) with:

- (3) A constable or searcher may take from the person subject to a search under this section any money or other property found during the search.

Clause 13

Replace *clause 13(3)(b)* (line 28 on page 31) with:

- (b) section 377 of the Criminal Procedure Act 2011.

Clause 15

Replace *clause 15* (lines 14 to 26 on page 32) with:

15 Entry without warrant to find and avoid loss of evidential material relating to certain offences

A constable may enter and search a place without a warrant if he or she has reasonable grounds—

- (a) to suspect that an offence punishable by imprisonment for a term of 14 years or more has been committed, or is being committed, or is about to be committed; and
- (b) to believe—
 - (i) that evidential material relating to the offence is in that place; and
 - (ii) that, if entry is delayed in order to obtain a search warrant, the evidential material will be destroyed, concealed, altered, or damaged.

Clause 17

In *clause 17*, replace “in the vehicle” (lines 6 and 7 on page 33) with “in or on the vehicle”.

Clause 18

After *clause 18(1)(d)* (after line 20 on page 33), insert:

- (e) seize and detain any licence under the Arms Act 1983 that is found.

In *clause 18(2)(c)(i)*, after “protection order” (line 31 on page 33), insert “or a police safety order”.

In *clause 18(3)*, replace “seize any arms found there, and detain the arms” (line 36 on page 33) with “seize any arms or any licence under the Arms Act 1983 found there, and detain the arms or licence”.

In *clause 18(3)(a)*, replace “an indictable offence” (line 3 on page 34) with “a category 3 offence, a category 4 offence,”.

In *clause 18(3)(b)*, replace “an indictable offence” (lines 6 and 7 on page 34) with “a category 3 offence, a category 4 offence,”.

Clause 21

In the heading to *clause 21*, replace “**and detain person, and seize**” (line 13 on page 35) with “**for**”.

Replace *clause 21(1)* (lines 16 to 21 on page 35) with:

- (1) A constable may, in the circumstances set out in **subsection (2)**, search a person without a warrant.

Clause 23

Replace *clause 23(4)(c)* (line 22 on page 37) with:

- (c) the Criminal Procedure Act 2011.

New subpart 7A of Part 2

After *subpart 7 of Part 2* (after line 22 on page 37), insert:

Subpart 7A—Warrantless powers in relation to offences against section 78 of Crimes Act 1961

23A Warrantless searches if offence against section 78 of Crimes Act 1961 suspected

- (1) A constable may, without a warrant, carry out a search in the circumstances set out in **subsection (2)**.
- (2) The circumstances are that there are reasonable grounds—
- (a) to suspect that an offence against section 78 of the Crimes Act 1961 has been, is being, or will be committed and that the case is one of great urgency and requires immediate action; and
- (b) to believe that there is evidence in any place, or in or on any vehicle or other thing, as to the commission of that offence or evidence of a thing that is intended to be used for the purpose of committing that offence.

Compare: 1961 No 43 s 78D

Clause 25

Replace *clause 25* (lines 1 to 16 on page 38) with:

25 Searching people in public places without search warrant if offence against section 202A(4)(a) of Crimes Act 1961 suspected

A constable who has reasonable grounds to suspect that a person is committing an offence against section 202A(4)(a) of the Crimes Act 1961 (which relates to possession of knives, offensive weapons, and disabling substances) may, without a warrant, search the person.

Clause 26

Replace *clause 26(1)* (lines 19 to 26 on page 38) with:

- (1) A constable who has reasonable grounds to suspect that the circumstances in **subsection (2)** exist in relation to a vehicle may search the vehicle.

Clause 30

Delete *clause 30(e)* (lines 16 to 21 on page 41).

Clause 37

In *clause 37(1)*, replace “form” (line 3 on page 46) with “form, if any”.

Clause 42

Replace *clause 42(b)* (line 34 on page 48) with:

- (b) use of a tracking device, except where a tracking device is installed solely for the purpose of ascertaining whether a thing has been opened, tampered with, or in some other way dealt with, and the installation of the device does not involve trespass to land or trespass to goods:

Replace *clause 42(ca)* (lines 4 and 5 on page 49) with:

- (ca) use of a surveillance device that involves trespass to land or trespass to goods:

In *clause 42*, insert as subsection (2) (after line 13 on page 49):

- (2) This section is subject to **section 42AA**.

Clause 43

In *clause 43(1)* (line 17 on page 49), replace “in any 1 or more of the following circumstances” with “for any 1 or more of the following activities”

Replace *clause 43(1)(a)* (lines 18 to 20 on page 49) with:

- (a) the enforcement officer—
 - (i) being lawfully in private premises; and
 - (ii) recording what he or she observes or hears there (provided that the enforcement officer records only those matters that he or she could see or hear without the use of a surveillance device):

Delete *clause 43(1)(c)* (lines 24 to 28 on page 49).

Delete *clause 43(1)(d)* (lines 28 to 31 on page 49).

Delete *clause 43(2)* (lines 9 to 15 on page 50).

Delete *clause 43(3)* (line 16 on page 50).

Clause 44

In *clause 44(2)(d)(i)*, replace “an indictable offence” (line 14 on page 51) with “a category 3 or 4 offence”.

In *clause 44(2)(f)(i)*, replace “suspect” (line 36 on page 51) with “believe”.

After *clause 44(2)* (after line 37 on page 51), insert:

- (2A) An enforcement officer using, or intending to use, a surveillance device in accordance with **subsection (1)** may do any or all of the following, using any force that is reasonable in the circumstances to do so, in order to install, maintain, or remove the surveillance device, or to access and use electricity to power the surveillance device:
 - (a) enter any premises, area, or vehicle:
 - (b) break open or interfere with any vehicle or other thing:
 - (c) temporarily remove any vehicle or other thing from any place where it is found and return it to that place.

Clause 50

In *clause 50(1)(a)*, replace “form” (line 5 on page 56) with “form, if any”.

Clause 59

Replace *clause 59* (line 24 on page 71 to line 8 on page 72) with:

59 Application for declaratory order

An application for a declaratory order may be made only by an enforcement officer, and must contain, in reasonable detail, the following particulars:

- (a) the name of the applicant:
- (b) a description of the device, technique, procedure, or activity, with enough detail to enable the Judge to understand what is proposed to be used or undertaken:
- (c) the name, address, or other description of the person, place, vehicle, or other thing that is the object of the proposed use of the device, technique, or procedure, or of the proposed activity:
- (d) the circumstances in which the device, technique, or procedure is proposed to be used, or in which the activity is proposed to be undertaken:
- (e) the purpose for which the device, technique, or procedure is to be used, or for which the activity is to be undertaken.

Clause 61

In *clause 61(1)*, replace “form” (line 16 on page 72) with “form, if any”.

Replace *clause 61(2)* (lines 17 to 31 on page 72) with:

- (2) Every declaratory order must also contain, in reasonable detail, the following particulars:
 - (a) the name of the Judge making the order and the date the order is made:
 - (b) a description of the device, technique, procedure, or activity that the order relates to, with enough detail to enable the enforcement officer using the device, technique, or procedure, or undertaking the activity, to understand what is covered by the order:
 - (c) the name, address, or other description of the person, place, vehicle, or other thing that is the object of the use of the device, technique, or procedure, or of the activity:
 - (d) the circumstances in which the device, technique, or procedure is to be used, or in which the activity is to be undertaken:
 - (e) the purpose for which the device, technique, procedure, or activity is to be used, or for which the activity is to be undertaken.

Delete *clause 61(3)* (line 32 on page 72 to line 4 on page 73).

Clause 73

In *clause 73(1)*, replace “form” (line 2 on page 76) with “form, if any,”.

Clause 81

Replace *clause 81* (lines 1 to 13 on page 79) with:

81 Entry without warrant after arrest

- (1) This section applies if a person—
 - (a) arrests a person for an offence; and
 - (b) has reasonable grounds to believe that evidential material relating to the offence is at a place and that the evidential material will be destroyed, concealed, altered, or damaged if entry to that place is delayed to obtain a warrant.
- (2) The person may enter the place without a warrant to search for the evidential material relating to the offence (whether or not the person was arrested there).

Clause 82

In *clause 82*, replace “in a vehicle” (line 18 on page 79) with “in or on a vehicle”.

Part 4 heading

In the Part 4 heading, replace “**search and inspection**” (lines 10 and 11 on page 81) with “**search, surveillance, and inspection**”.

Clauses 87AA to 87AD

Replace *clauses 87AA to 87AD* (line 15 on page 81 to line 15 on page 84) with:

87AA Application of this Part

- (1) This Part, so far as applicable and subject to any contrary provisions, applies in respect of matters provided in **Parts 2 and 3**, in respect of each of the following:
 - (a) powers conferred on the Police by **Part 2**;
 - (b) search warrants and examination orders applied for, issued, or made under **Part 2**;
 - (c) powers conferred on enforcement officers by **Part 3**;
 - (d) surveillance device warrants, declaratory orders, and production orders applied for, issued, or made under **Part 3**;
 - (e) any other matter provided for in **Part 2** or **Part 3**.
- (2) This Part also applies in respect of powers conferred by—
 - (a) the enactments listed in **column 2 of the Schedule**, to the extent identified in **column 4 of the Schedule**;
 - (b) any other enactment, to the extent that the other enactment expressly applies any provisions in this Part.
- (3) To the extent of any inconsistency between **the Schedule** and any other enactment, the other enactment prevails.

- (4) **Column 3 of the Schedule** does not limit, or affect the interpretation of, any enactment described in that column.
- (5) If any provision in this Part applies (because of **subsection (2)**) in respect of any warrant or any power that authorises entry and inspection, or entry and examination, every reference in that provision to a search must, in relation to that warrant and its execution, or in relation to that power and its exercise, be read instead, as the case requires, as a reference to an inspection, or a power of inspection, or an examination, or a power of examination.
- (6) If any provision in this Part applies (because of **subsection (2)**) in respect of any warrant that may be issued, or any power of entry, search, inspection, or examination that may be exercised, by reason of a contravention other than an offence, every reference in that provision to an offence must, in relation to the warrant and its execution, or to the power and its exercise, be read instead as a reference to such a contravention.

Cross-heading above clause 88

Replace the cross-heading above *clause 88* (line 1 on page 85) with:

Subpart 1A—Consent searches

Clause 94

Delete *clause 94* (lines 23 to 30 on page 86).

Clause 96

In *clause 96(1)(e)* delete “or part of” (line 27 on page 87).

Clause 99

Replace *clause 99(2)* (lines 9 to 21 on page 90) with:

- (2) An applicant to whom a search warrant is issued must retain (whether in electronic form or otherwise) the warrant, a copy of the application (if made in written form), copies of all documents tendered by the applicant in support of the application, and a copy of any search warrant report referred to in **section 102** that is required to be prepared, until the later of the following dates:
 - (a) the date of completion of any proceedings in respect of which the validity of the warrant may be in issue:
 - (b) the date of destruction or transfer of the warrant and other documents under the Public Records Act 2005 or any other enactment or rule of law.

Clause 101

In *clause 101(1)*, replace “form” (line 34 on page 90) with “form, if any”.

In *clause 101(4)(l)*, after “claimed” (line 22 on page 92), insert “(where applicable)”.

In *clause 101(4)(m)(ii)*, replace “this section” (line 30 on page 92) with “**section 115**”.

Clause 105

In *clause 105(2)*, replace “section 204 of the Summary Proceedings Act 1957 does not apply” (lines 22 and 23 on page 94) with “neither section 204 of the Summary Proceedings Act 1957 nor section 379 of the Criminal Procedure Act 2011 applies”.

Clause 108

In *clause 108(c)*, delete “entry and” (line 12 on page 96).

Delete *clause 108(d)* (lines 15 to 22 on page 96).

Replace *clause 108(e)* (lines 23 and 24 on page 96) with:

- (e) to seize anything that is the subject of the search or anything else that may be lawfully seized:

Replace *clause 108(i) and (j)* (lines 38 and 39 on page 96 and lines 1 to 14 on page 97) with:

- (i) to use any reasonable measures to access a computer system or other data storage device located (in whole or in part) at the place, vehicle, or other thing if any intangible material that is the subject of the search may be in that computer system or other device:
- (j) if any intangible material accessed under **paragraph (i)** is the subject of the search or may otherwise be lawfully seized, to copy that material (including by means of previewing, cloning, or other forensic methods either before or after removal for examination):

In *clause 108(k)*, replace “found in” (line 17 on page 97) with “found in or on”.

Clause 108A

Replace *clause 108A(a) and (b)* (lines 25 to 30 on page 97) with:

- (a) use reasonable measures to gain access to the thing to be searched; and
- (b) if any intangible material in the thing is the subject of the search or may otherwise be lawfully seized, copy that material (including by means of previewing, cloning, or other forensic methods).

Clause 110

Delete *clause 110(2)(d)* (lines 17 to 23 on page 98).

Replace *clause 110(2)(e)* (line 24 on page 98) with:

- (e) seize anything that is the subject of the search or anything else that may be lawfully seized:

In *clause 110(2)(f)*, replace “found in” (line 27 on page 98) with “found in or on”.

In *clause 110(2)(g)*, replace “found on” (line 32 on page 98) with “found in or on”.

Replace *clause 110(2)(h)* (lines 3 to 9 on page 99) with:

- (h) use any reasonable measures to access a computer system or other data storage device located (in whole or in part) at the place, vehicle, or other thing if any intangible material that is the subject of the search may be in that computer system or other device:
- (ha) if any intangible material accessed under **paragraph (h)** is the subject of the search or may otherwise be lawfully seized, to copy that material (including by means of previewing, cloning, or other forensic methods either before or after removal for examination):

Delete *clause 110(2)(j)* (lines 13 to 21 on page 99).

Clause 110A

Replace *clause 110A(a) and (b)* (lines 36 to 38 on page 99 and lines 1 to 3 on page 100) with:

- (a) use reasonable measures to gain access to the thing to be searched; and
- (b) if any intangible material in the thing is the subject of the search or may otherwise be lawfully seized, copy that material (including by means of previewing, cloning, or other forensic methods).

Clause 111

In *clause 111(2)*, replace “**sections 108(d), 110(2)(d), and**” (line 11 on page 100) with “**section**”.

Clause 112

In *clause 112(1)(a)*, replace “within” with “in or on” in each place (line 26 on page 100 and line 27 on page 100).

Replace *clause 112(2)(a) and (b)* (lines 4 to 6 on page 101) with:

- (a) identify himself or herself either by name or by unique identifier; and
- (b) state the name of the enactment under which the search is taking place and the reason for the search under that enactment unless it is impracticable to do so in the circumstances; and
- (c) if not in Police uniform, produce evidence of his or her identity.

Clause 113

In *clause 113(1)(a)*, replace “in that” (line 18 on page 101) with “in or on that”.

Replace *clause 113(3)(a) and (b)* (lines 4 to 6 on page 102) with:

- (a) identify himself or herself either by name or by unique identifier; and
- (b) state the name of the enactment under which the search is taking place and the reason for the search under that enactment unless it is impracticable to do so in the circumstances; and
- (c) if not in Police uniform, produce evidence of his or her identity.

Clause 114

Replace *clause 114(1)* (lines 10 to 19 on page 102) with:

- (1) If any constable or other person, or a person assisting any constable or other person, exercises a search power in relation to a place or vehicle, that constable or other person may, for the purposes of determining whether there is any connection between a person at the place or in or on the vehicle and the object of the search, detain any person—
 - (a) who is at the place or in or on the vehicle at the commencement of the search; or
 - (b) who arrives at the place or stops at, or enters, or tries to enter, the vehicle while the search is being carried out.

In *clause 114(3)*, replace “in the vehicle” (lines 25 and 26 on page 102) with “in or on the vehicle”.

In *clause 114(3)*, replace “other person” (line 27 on page 102) with “other person, or a person assisting the constable or other person.”.

Replace *clause 114(5)* (lines 31 and 32 on page 102) with:

- (5) For the purposes of **subsection (1)**, **other person** means a person to whom **section 111(2)** applies.

Clause 115

In the heading to *clause 115*, replace “**incidental to**” (line 34 on page 102) with “**by person who has**”.

In *clause 115(1)*, replace “in the vehicle,” (line 1 on page 103) with “in or on the vehicle,”.

In *clause 115(1)*, replace “enter the vehicle,” (line 2 on page 103) with “enter or get onto the vehicle,”.

In *clause 115(2)*, replace “in the vehicle,” (line 7 on page 103) with “in or on the vehicle,”.

In *clause 115(2)*, replace “enter the vehicle,” (line 8 on page 103) with “enter or get into or onto the vehicle,”.

Clause 116

In *clause 116(1)(b)*, replace “private property” (line 28 on page 103) with “any place”.

In *clause 116(2)(b)*, replace “in the vehicle” (lines 37 and 38 on page 103) with “in or on the vehicle”.

Clause 117

In *clause 117*, after *subclause (2)* (after line 14 on page 104), insert:

- (3) A person who exercises a power under this section must, on the request of any person affected by the exercise of the power,—
 - (a) identify himself or herself either by name or by unique identifier; and
 - (b) state the name of the enactment under which the search is taking place and the reason for the search under that enactment unless it is impracticable to do so in the circumstances; and
 - (c) if not in Police uniform, produce evidence of his or her identity.

Clause 118

Replace *clause 118* (lines 17 to 25 on page 104) with:

118 Moving vehicles for purpose of search or safekeeping

- (1) An enforcement officer may move a vehicle to another place if he or she finds or stops the vehicle and has lawful authority to search the vehicle, but it is impracticable to do so at that place.
- (2) An enforcement officer who has the power to arrest persons may move a vehicle to another place if he or she finds or stops the vehicle and has reasonable grounds to believe that it is necessary to move the vehicle for safekeeping.

Clause 119

Replace *clause 119(1)* (line 28 on page 104 to line 2 on page 105) with:

- (1) This section applies to an enforcement officer who, as part of his or her duties,—
 - (a) exercises a search power; or
 - (b) is lawfully in any place or in or on a vehicle; or
 - (c) is conducting a lawful search of a person.
- (1A) An enforcement officer to whom this section applies may seize any item or items that he or she, or any person assisting him or her, finds in the course of carrying out the search or as a result of observations at the place or in or on the vehicle, if the enforcement officer has reasonable grounds to believe that he or she could have seized the item or items under—
 - (a) any search warrant that could have been obtained by him or her under this Act or any other enactment; or
 - (b) any other search power exercisable by him or her under this Act or any other enactment.

In *clause 119(2)*, replace “**subsection (1)**” (lines 3 and 4 on page 105) with “**subsection (1A)**”.

New clause 119A

Before *clause 120* (above line 9 on page 105), insert:

119A Internal searches generally prohibited

- (1) Unless authorised by another enactment, an enforcement officer must not conduct an internal search of any part of the body of any person, except for, with the person’s consent, searching the person’s mouth.
- (2) A constable must not require any other person to conduct an internal search of any part of the body of any person, except as provided in **section 22** (which relates to internal searches in some circumstances of people under arrest for offences against the Misuse of Drugs Act 1975).
- (3) This section does not limit or affect sections 13A to 13M of the Misuse of Drugs Amendment Act 1978.

Clause 120

Replace *clause 120(1)(b)* (lines 14 to 16 on page 105) with:

- (b) must state the name of the enactment under which the search is taking place and the reason for the search under that enactment unless it is impracticable to do so in the circumstances; and
- (ba) if not in Police uniform, must produce evidence of his or her identity; and

In *clause 120(1)(h)(ii)*, replace “control.” (line 7 on page 106) with “control; and”.

After *clause 120(1)(h)* (after line 7 on page 106), insert:

- (i) may seize any thing carried by the person or in the physical possession or immediate control of the person being searched if that thing is the subject of the search or may otherwise be lawfully seized; and
- (j) may copy any document, or part of a document, carried by the person or in the physical possession or immediate control of the person being searched if that document is the subject of the search or may otherwise be lawfully seized; and
- (k) may use any reasonable measures to access a computer system or other data storage device, that the person being searched is carrying or that is in the person’s physical possession or immediate control, if any intangible material that is the subject of the search may be in that computer system or other device; and
- (l) if any intangible material accessed under **paragraph (k)** is the subject of the search or may otherwise be

lawfully seized, may copy that material (including by means of previewing, cloning, or other forensic methods either before or after removal for examination); and

- (m) may take photographs, sound and video recordings, and drawings of any thing carried or in the physical possession or immediate control of the person if the person exercising the power has reasonable grounds to believe that the photographs or sound or video recordings or drawings may be relevant to the purposes of the search.

After *clause 120(1)* (after line 7 on page 106), insert:

- (1AA) **Subsection (1)(a), (b), and (ba)** do not apply in respect of a search conducted under **section 11(2A)**.

Delete *clause 120(3)* (lines 18 and 19 on page 106).

Clause 123

Replace *clause 123* (lines 20 to 24 on page 107) with:

123 Duty to remain stopped

If an enforcement officer exercises a power to stop or search a vehicle, the enforcement officer may require the vehicle to remain stopped for as long as is reasonably necessary for the exercise of any powers in respect of—

- (a) the vehicle; or
- (b) the occupants of the vehicle.

Clause 124

Replace *clause 124(b)* (lines 32 and 33 on page 107) with:

- (b) state the name of the enactment under which the search is taking place and the reason for the search under that enactment unless it is impracticable to do so in the circumstances.

Clause 125

Replace *clause 125* (lines 4 to 37 on page 108 and lines 1 to 34 on page 109) with:

125 Duty of persons with knowledge of computer system or other data storage devices or Internet site to assist access

- (1) A person exercising a search power in respect of any data held in a computer system or other data storage device may require a specified person to provide access information and other information or assistance that is reasonable and necessary to allow the person exercising the search power to access that data.
- (2) A specified person may not be required under **subsection (1)** to give any information tending to incriminate the person.
- (3) **Subsection (2)** does not prevent a person exercising a search power from requiring a specified person to provide informa-

tion or providing assistance that is reasonable and necessary to allow the person exercising the search power to access data held in, or accessible from, a computer system or other data storage device that contains or may contain information tending to incriminate the specified person.

(4) **Subsections (2) and (3)** are subject to **subpart 4** of this Part (which relates to privilege and confidentiality).

(5) In this section,—

specified person means—

(a) a user of a computer system or other data storage device or an Internet site who has relevant knowledge of that system, device, or site; or

(b) a person who provides an Internet service or maintains an Internet site and who holds access information

user, in relation to a computer system or other data storage device or an Internet site, means a person who—

(a) owns, leases, possesses, or controls the system, device, or site; or

(b) is entitled, by reason of an account or other arrangement, to access data on an Internet site; or

(c) is an employee of a person described in **paragraph (a) or (b)**.

Clause 126

Replace *clause 126(1)(a)(ii)* (line 11 on page 110) with:

(ii) identify himself or herself either by name or by unique identifier; and

(iii) if not in Police uniform, produce evidence of his or her identity; and

Replace *clause 126(1)(b)* (lines 12 to 22 on page 110) with:

(b) before or on initial entry into or onto the place or vehicle, or other thing to be searched, provide the occupier of the place or the person in charge of the vehicle or other thing with—

(i) a copy of the search warrant; or

(ii) if the power is exercised without a warrant, the name of the enactment under which the search is taking place and the reason for the search under that enactment unless it is impracticable to do so in the circumstances.

Delete *clause 126(1)(b)(ii)* (lines 19 to 22 on page 110).

Replace *clause 126(4)(a)* (lines 4 to 7 on page 111) with:

(a) on completion of the search, leave a copy of the notice referred to in **subsection (5)** and a copy of the search

warrant (if applicable), in a prominent position at the place, or in or on the vehicle or other thing; or

Replace *clause 126(4)(b)* (lines 8 to 12 on page 111) with:

- (b) if this is not reasonably practicable, provide a copy of the notice referred to in **subsection (5)** and a copy of the search warrant (if applicable), to the occupier of the place or the owner of the vehicle or other thing no later than 7 days after the exercising of the power.

After *clause 126(5)(b)* (after line 18 on page 111), insert:

- (ba) where the power is exercised without a warrant, the name of the enactment under which the search is taking place and the reason for the search under that enactment:

In *clause 126*, after *subclause (8)* (after line 5 on page 112), insert:

- (9) For the purposes of this section, **search** includes an entry under **section 7** or **8**.

Clause 128

In *clause 128(1)* and *(3)*, delete “District Court” (lines 28 and 29 on page 113 and line 3 on page 114).

Clause 130

After *subclause (2)* (after line 36 on page 115), insert:

- (3) For the purposes of this subpart, the **appropriate court** is,
 - (a) in any case that involves the applicability of the rights of journalists recognised by **subsection (1)(i)**, the High Court;
 - (b) in any other case, the District Court.

Clause 133

In *clause 133(2)*, *(3)* and *(4)*, replace “District Court Judge” (lines 23 and 24, 26 and 27, and 29 on page 117) with “Judge of the appropriate court”.

Clause 134

In *clause 134(1)*, replace “has a privilege recognised by this subpart” (line 4 on page 118) with “makes a claim of privilege (being a privilege recognised by this subpart) in respect of any surveillance”.

In *clause 134(1)(a)*, replace “proceeding” (line 9 on page 118) with “proceeding, pending determination of the claim to privilege, and subsequently if the claim to privilege is upheld”.

In *clause 134(1)(b)*, before “to require”, insert “if the claim to privilege is upheld,”.

In *clause 134(4)*, replace “District Court Judge” (lines 1 and 2 on page 119) with “Judge of the appropriate court”.

New clause 134A

After *clause 134* (after line 10 on page 119), insert:

134A Claims for privilege in respect of surveillance

Any person who wishes to claim privilege in respect of any surveillance under this Act—

- (a) must provide the person responsible for the surveillance with a particularised list of the matters in respect of which the privilege is claimed, as soon as practicable after the person claiming privilege becomes aware of the surveillance of the matters in respect of which privilege is claimed; and
- (b) if the matters in respect of which the privilege is claimed cannot be adequately particularised in accordance with **paragraph (a)**, may apply to a Judge of the appropriate court for directions or relief.

Clause 138

In *clause 138(2)(b)(i)*, replace “the District Court” (line 23 on page 121) with “a Judge of the appropriate court”.

Clause 139

In *clause 139(a)(iii)*, replace “District Court, to enable the determination of a claim to privilege” (lines 4 to 6 on page 122) with “appropriate court, to enable the determination of a claim to privilege by a Judge of that court”.

Clause 140

In *clause 140(b)*, replace “District Court” (line 28 on page 122) with “Judge of the appropriate court”.

Clause 141

In *clause 141(1)*, replace “District Court” (line 33 on page 122) with “Judge of the appropriate court”.

Clause 147

In *clause 147(1)* (line 35 on page 125), delete “, or it is perishable,”.

Clause 160

In *clause 160*, insert as *subclause (2)* (after line 24 on page 133):

- (2) For the purposes of this section, **the Crown** includes Crown entities and the Reserve Bank of New Zealand.

Clause 162

In *clause 162(3)(a)*, after “a person” (line 24 on page 134), insert “under **section 83 or 86**”.

Clause 162A

In *clause 162A(2)(a)*, after “a person” (line 28 on page 135), insert “under **section 83 or 86**”.

Clause 165

In *clause 165(2)*, replace “indictment” (line 28 on page 139) with “conviction”.

Clause 166

In *clause 166(2)*, replace “indictment” (line 2 on page 140) with “conviction”.

Clause 167

In *clause 167*, delete “summary” (line 10 on page 140).

Clause 168

In *clause 168*, delete “summary” (line 17 on page 140).

Clause 169

In *clause 169(1)*, delete “summary” (line 26 on page 140).

In *clause 169(1A)*, delete “summary” (line 34 on page 140).

In *clause 169(1A)(a)*, replace “**section 10(1)(aa)**” (line 2 on page 141) with “**section 10(1)(aa) or 30(c)**”.

In *clause 169(2)*, delete “summary” (line 5 on page 141).

In *clause 169(2)(a)*, replace “**section 123**” (line 9 on page 141) with “**section 30(e) or 123**”.

Clause 170

In *clause 170*, delete “summary” (line 17 on page 141).

Clause 171

In *clause 171(1)*, replace “duty” (line 31 on page 141) with “duties, functions, or powers”.

In *clause 171(2)*, delete “summary” (line 5 on page 142).

Clause 176

Delete *clause 176(1)* (lines 16 to 19 on page 145).

In *clause 176(2)*, *new section 64(3)*, replace “(except **sections 108(d), 110(2)(d), 114, and 115**)” (line 23 on page 145) with “(except **subparts 1A and 2, sections 114 and 115, and subpart 7**)”.

Clause 177

Replace *clause 177(4)* (lines 8 to 11 on page 146) with:

- (4) Section 69 is amended by repealing subsections (2) to (4) and substituting the following subsections:
 - “(2) Subject to **subsection (3)** and section 70, the provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
 - “(3) Despite **subsection (2), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a warrant issued to a named constable or to every constable.”

Clause 179

Replace *clause 179(1)* (lines 31 to 35 on page 146) with:

- (1) Section 71(1) is repealed and the following subsection substituted:
 - “(1) Subject to subsection (3), **subparts 1, 4, 5, 6, and 9 of Part 4** of the Search and Surveillance Act **2009** apply in respect of any property seized by any constable under a search warrant issued under section 69 and, with the necessary modifications, in respect of any property seized by any ACVM officer under such a warrant.”

New clauses 179A and 179B

After *clause 179* (after line 9 on page 147), insert:

179A Section 84 repealed

Section 84 is repealed.

179B Schedule 1 repealed

Schedule 1 is repealed.

Clause 181

In *clause 181*, before *subclause (1)* (before line 14 on page 147), insert:

- (1AA) Section 87(1) is amended by omitting “at any reasonable time”.

In *clause 181(4)*, replace *new section 87(5)* (lines 21 to 23 on page 147) with:

- (5) The provisions of **subparts 1, 3, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** (except for **sections 114 and 115**) apply.

Clause 182

In *clause 182(1)*, replace *new section 88(2)* (lines 27 to 30 on page 147) with:

- (2) The provisions of **Part 4** of the Search and Surveillance Act **2009** (other than **subparts 1A, 2, and 7, and sections 114 and 115**) apply in respect of the exercise of powers under subsection (1)(a) or (b).

Clause 184

In *clause 184(2)(b)*, replace “products” (line 13 on page 150) with “product”.

Replace *clause 184(3)* (lines 15 to 18 on page 150) with:

- (3) Section 94 is amended by repealing subsections (2) and (3) and substituting the following subsections:
 - “(2) Subject to section 95, the provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
 - “(3) Despite **subsection (2), sections 114 and 115** apply only in respect of a warrant issued to a named constable or to every constable.”

In *clause 184(4)*, *new section 95(1)*, replace “products” (line 23 on page 150) with “product”.

Replace *clause 184(6)(a)* (lines 36 to 38 on page 150) with:

- (a) omitting “Section 199 of the Summary Proceedings Act 1957 applies to any property seized by a constable under a search warrant and, with any necessary modifications, to property seized under a search warrant by an animal product officer” and substituting “**Subparts 1, 4, 5, 6, 8, and 9 of Part 4 of the Search and Surveillance Act 2009** apply in respect of any property seized under a search warrant”; and

Clause 186

In *clause 186(4)*, *new section 131(4)*, replace “**108(d), 110(2)(d), 114,**” (line 25 on page 151) with “**114**”.

Replace *clause 186(6)* (line 33 on page 151 to line 2 on page 152) with:

- (6) Section 136 is amended by repealing subsection (1) and substituting the following subsection:
 - “(1) Subject to subsections (2) and (3) and **section 136A, subparts 1, 4, 5, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** apply in respect of—
 - “(a) any thing seized by a constable (including any animal seized by a constable under the authority of a search warrant issued under section 131 and any animal of which a constable takes possession under section 137(1)); and
 - “(b) with the necessary modifications, any thing seized by an inspector (including any animal seized by an inspector under the authority of a search warrant issued under section 131 and any animal of which an inspector takes possession under section 127(5)).”

Clause 189

Replace *clause 189* (lines 1 to 14 on page 155) with:

189 Power of court to order that certain animals be forfeited to the Crown or approved organisation

Section 172 is amended by repealing subsections (1) and (1A) and substituting the following subsection:

- “(1) The court convicting a person (the **offender**) of an offence against this Act in respect of an animal or animals may (in addition to or in substitution for any other penalty),—
 - “(a) if it thinks it desirable for the protection of the animal or animals in question, order that any or all of the following animals be forfeited to the Crown or to an approved organisation:

- “(i) the animal or animals to which the charge relates and of which the offender is the owner:
- “(ii) any other animals at the date of conviction owned by the offender:
- “(b) if it thinks it desirable, order that any proceeds of sale of the animal retained under **section 136A** be forfeited to the Crown.”

Clause 190

Replace *clause 190(2)* (lines 21 to 24 on page 155) with:

- (2) Section 9 is amended by repealing subsection (3).
- (3) Section 9 is amended by adding the following subsection:
- “(6) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **subparts 2 and 7**) apply.”

Clause 191

In *clause 191(4)*, replace *new section 43(1A)* (lines 15 and 16 on page 156) with:

- “(1A) Subject to subsection (2), the provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **subparts 1A and 2**) apply.”

New clause 191A

After *clause 191* (after line 18 on page 156), insert:

*Amendments to Anti-Money Laundering and Countering
Financing of Terrorism Act 2009*

**191A Amendments to Anti-Money Laundering and Countering
Financing of Terrorism Act 2009**

- (1) This section amends the Anti-Money Laundering and Countering Financing of Terrorism Act 2009.
- (2) Section 114(4)(c) is amended by omitting “149C(1) and (2), and 149D” and substituting “and 149C(1)”.
- (3) Section 117 is amended by repealing subsection (2) and substituting the following subsection:
 - “(2) The application must be made by an enforcement officer in the manner provided in **subpart 2 of Part 4** of the Search and Surveillance Act **2009**.”
- (4) Section 117(3) is amended by omitting “A District Court Judge, Justice of the Peace, Community Magistrate, or Registrar” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**)”.
- (5) Section 117 is amended by repealing subsections (4), (5), and (6) and substituting the following subsection:
 - “(4) The provisions of **subparts 1, 2, and 8 of Part 4** of the Search and Surveillance Act **2009** apply.”

- (6) Section 118(1) is amended by repealing paragraphs (a), (b), and (e).
- (7) Section 118(1)(c) is amended by omitting “and seize”.
- (8) Section 118(3) is repealed and the following subsection substituted:
 - “(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subpart 2 and sections 114, 115, and 125**) apply.”
- (9) Sections 119 to 122, 125 to 128, and 129 are repealed.

Clause 192

In *clause 192*, replace *new section 13(4)* (lines 27 and 28 on page 156) with:

- “(4) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **subpart 2**) apply.”

Clause 193

Replace *clause 193(2)* (lines 32 on page 156 to line 4 on page 157) with:

- (2) Section 110 is amended by repealing subsection (1) and substituting the following subsection:
 - “(1) An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) may, on an application made in the manner provided by **subpart 2 of Part 4** of that Act by an inspector or authorised person, issue a warrant authorising the inspector or authorised person to enter and inspect the dwellinghouse, marae, or building associated with a marae specified in the application.”

In *clause 193*, after *subclause (3)* (after line 7 on page 157), insert:

- (3A) Section 110 is amended by adding the following subsection:
 - “(4) The provisions of **subparts 1, 2, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply. ”

In *clause 193*, after *subclause (4)* (after line 14 on page 157), insert:

- (4A) Section 111 is amended by adding the following subsection:
 - “(6) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **sections 114 and 115**) apply. ”

In *clause 193*, after *subclause (6)* (after line 19 on page 157), insert:

- (7) Section 118 is amended by adding the following subsection:
 - “(3) The provisions of **subparts 1, 4, 5, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply.”

Clause 195

In *clause 195*, replace *new section 9(2)* (lines 33 and 34 on page 157) with:

- “(2) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **subparts 1A, 4, 5, and 7**) apply.”

Clause 197A

Replace *clause 197A(2)* (lines 1 to 3 on page 159) with:

- (2) Section 445B(2) is amended by omitting “section 39, 40, 122, 157(2), 205(2)(b), 296C, or 386” and substituting “section 122, 157(2), 205(2)(b), or 296C”.

Clause 199

Replace *clause 199(3)* (lines 29 to 33 on page 159) with:

- (3) Section 24 is amended by repealing subsection (5) and substituting the following subsections:
- “(5) Subject to subsections **(5A)**, (6), and (7), **subparts 1, 2, 3, 4, 6, 8, and 9** of the Search and Surveillance Act **2009** apply in relation to the issue of a warrant under subsection (4) and its execution.
- “(5A) Despite **subsection (5)**, **sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a warrant issued to a named constable or to every constable.”

Clause 200

Replace *clause 200(3)* (lines 14 to 18 on page 160) with:

- (3) Section 19 is amended by repealing subsection (2) and substituting the following subsections:
- “(2) Subject to **subsection (2A)**, the provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
- “(2A) Despite **subsection (2)**, **sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a warrant issued to a named constable or to every constable.”

In *clause 200(4)*, after “Sections 20 to 22” (line 19 on page 160), insert “and the Schedule”.

Clause 201

In *clause 201(3)*, replace *new section 40(7)* (lines 25 and 26 on page 160) with:

- “(7) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **subpart 2**) apply.”

In *clause 201(4)*, after “(2),” (line 27 on page 160), insert “(3),”.

New clauses 201A to 201F

After *clause 201* (after line 28 on page 160), insert:

Amendments to Criminal Proceeds (Recovery) Act 2009

201A Amendments to Criminal Proceeds (Recovery) Act 2009

Sections 201B to 201F amend the Criminal Proceeds (Recovery) Act 2009.

201B Amendments to sections 59 and 71 of Criminal Proceeds (Recovery) Act 2009

- (1) Section 59(3) is amended by omitting “Sections 115 to 122, so far as applicable and with all necessary modifications, apply” and substituting “**Part 4** of the Search and Surveillance Act **2009** (except **subpart 5**), so far as applicable and with all necessary modifications, applies”.
- (2) Section 71(3) is amended by omitting “Sections 115 to 122, so far as applicable and with all necessary modifications, apply” and substituting “**Part 4** of the Search and Surveillance Act **2009** (except **subpart 5**), so far as applicable and with all necessary modifications, applies”.

201C Amendments to sections 101 to 110 of Criminal Proceeds (Recovery) Act 2009

- (1) Section 101(1) is amended by omitting “on an application in writing made on oath” and substituting “on an application made in the manner provided in **subpart 2 of Part 4** of the Search and Surveillance Act **2009**”.
- (2) Section 102(1) is amended by omitting “on an application in writing made on oath” and substituting “on an application made in the manner provided in **subpart 2 of Part 4** of the Search and Surveillance Act **2009**”.
- (3) Section 104(2) is amended by omitting “in writing and on oath” and substituting “in the manner provided in relation to a search warrant in **sections 97 and 98** of the Search and Surveillance Act **2009**”.
- (4) Section 104 is amended by adding the following subsections:
“(3) Every person commits an offence who makes an application for a production order that contains any assertion or other statement known by the person to be false.
“(4) Every person who commits an offence against subsection (3) is liable on conviction to imprisonment for a term not exceeding 1 year.”
- (5) Section 106(2) is amended by omitting “in writing and on oath” and substituting “in the manner provided in relation to a search warrant in **sections 97 and 98** of the Search and Surveillance Act **2009**”.
- (6) Section 106 is amended by adding the following subsections:
“(3) Every person commits an offence who makes an application for an examination order that contains any assertion or other statement known by the person to be false.
“(4) Every person who commits an offence against subsection (3) is liable on conviction to imprisonment for a term not exceeding 1 year.”

- (7) Section 108(1) is amended by omitting “on application in writing made on oath” and substituting “on an application made in the manner provided in **subpart 2 of Part 4** of the Search and Surveillance Act **2009**”.
- (8) Section 108(2) is amended by omitting “in the prescribed form”.
- (9) Section 110(1) is amended by omitting “on an application in writing made on oath” and substituting “on an application made in the manner provided in **subpart 2 of Part 4** of the Search and Surveillance Act **2009**”.

201D New section 114 substituted

Section 114 is repealed and the following section substituted:

“114 Application of Part 4 of Search and Surveillance Act 2009

- “(1) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subpart 5**) apply in respect of every search warrant applied for, or issued, under this Act.
- “(2) The provisions of **subpart 5 of Part 4** of that Act apply to evidence seized under sections 101(2)(a), and 102(2)(b) and (c).”

201DA Sections 115 to 122 repealed

Sections 115 to 122 are repealed.

201E New section 127 substituted

Section 127 is repealed and the following section substituted:

- “127 Provisions associated with foreign restraining orders and foreign forfeiture orders**
- Part 4** of the Search and Surveillance Act **2009** (except **subpart 5**) applies, with any necessary modifications, to an application for a warrant made under any of sections 124 to 126.”

201F Additional matters in respect of registering foreign forfeiture order

Section 146(3) is amended by omitting “Sections 115 to 122, so far as applicable and with all necessary modifications, apply” and substituting “**Part 4** of the Search and Surveillance Act **2009** (except **subpart 5**), so far as applicable and with all necessary modifications, applies”.

Clause 203

In *clause 203(1)*, *new section 139(5)*, after “**2009**” (line 5 on page 161), insert “(except **subpart 2**)”.

In *clause 203(3)*, *new section 140(3)*, after “**2009**” (line 15 on page 161), insert “(except **subpart 2**)”.

Clause 204

In *clause 204*, new section 144(6), after “**2009**” (line 27 on page 161), insert “(except **subparts 1A and 2**)”.

Clause 205

In *clause 205(3)*, new section 149B(8), after “**2009**” (line 4 on page 162), insert “(except **subpart 2**)”.

In *clause 205(6)*, new section 149BA(5), after “**2009**” (line 15 on page 162), insert “(except **subpart 2**)”.

In *clause 205(7)*, new section 149C(2), before “**Part 4**” (line 22 on page 162), insert “**subparts 1, 4, 5, 6, 8, and 9** of”.

In *clause 205(7)*, new section 149C(3), replace “**and subparts 5 and 7**” with “**and subpart 5**”.

Clause 206

In *clause 206*, new section 152(3A), after “**2009**” (line 34 on page 162), insert “(except **subpart 2**)”.

Clause 209

In *clause 209(3)*, replace new section 175C(5) (lines 12 to 14 on page 164) with:

“(5) **Part 4** of the Search and Surveillance Act **2009** (except **subparts 1A and 2**) applies with any necessary modifications.

Clause 210

In *clause 210*, new section 175D(5), before “**Part 4**” (line 13 on page 165), insert “**subparts 1, 4, 5, 6, 8, and 9** of”.

In *clause 210*, replace new section 175D(6) (lines 15 to 18 on page 165) with:

“(6) Despite **subsection (5), sections 120(2), 126(5)(e), and 127, and subpart 5** of **Part 4** of the Search and Surveillance Act **2009** do not apply to any forfeited goods (within the meaning of this Act).”

Clause 212

Delete *clause 212(3)* (lines 30 and 31 on page 165).

In *clause 212(5)*, new section 29I(2), replace “The” (line 9 on page 166) with “Subject to section 29L and **subsection (3)**, the”.

In *clause 212(5)*, new section 29I(3), replace “**108(d), 110(2)(d), 114,**” (line 11 on page 166) with “**114**”.

In *clause 212(6)* (line 15 on page 166), replace “29L” with “29K”.

In *clause 212* (before line 16 on page 166), insert:

- (6A) Section 29L is amended by—
- (a) omitting “Section 199 of the Summary Proceedings Act 1957” and substituting “**Subpart 5 of Part 4** of the Search and Surveillance Act **2009**”; and
 - (b) repealing paragraphs (a) to (c).

After *clause 212(7)* (after line 17 on page 166), insert:

- (8) Schedule 5D is repealed.

Clause 214

Replace *clause 214(2)* (lines 28 to 30 on page 166) with:

- (2) Section 14 is amended by adding the following subsections:
“(5) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subparts 2, 4, and 5**) apply.
“(6) Despite **subsection (5), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.”

Clause 215

After *clause 215(2)* (after line 16 on page 167), insert:

- (2A) Section 56 is amended by adding the following subsection:
“(5) The provisions of **subparts 1, 2, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply in respect of an authority applied for or issued under subsection (3).”

Replace *clause 215(4)* (lines 27 to 35 on page 167) with:

- (4) Section 57 is amended by inserting the following subsections after subsection (6):
“(6A) None of the following persons may act as an issuing officer under this section:
“(a) the mayor or any elected member of the local authority that employs or engages the dog ranger or dog control officer; or
“(b) any employee of the local authority that employs or engages the dog ranger or dog control officer.
“(6B) The provisions of **subparts 1, 2, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply in respect of an authority applied for or issued under **subsection (6)**. ”

Clause 217

In *clause 217*, replace *new section 13(3A)* (lines 8 to 10 on page 168) with:

- (3A) The provisions of **subparts 1, 3, 4, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply.

Clause 218

Replace *clause 218* (lines 11 to 16 on page 168) with:

218 Powers of seizure

Section 15 is amended by adding the following subsection as subsection (2):

- “(2) Subject to section 18, **subparts 1, 4, 5, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply in respect of any property seized under this section.”

Clause 219

Replace *clause 219* (lines 17 and 18 on page 168) with:

- 219 Sections 16, 17, and 19 to 22 repealed**
Sections 16, 17, and 19 to 22 are repealed.

Clause 221

Replace *clause 221* and the cross-heading above that clause (line 21 on page 168 to line 2 on page 169) with:

*Amendments to Electricity Industry Act 2010***221 Amendments to Electricity Industry Act 2010**

- (1) This section amends the Electricity Industry Act 2010.
- (2) Section 47(2) is amended by omitting “A District Court Judge, Justice, or Community Magistrate, or a Court Registrar (not being a constable)” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**), on an application made in the manner provided in **subpart 2 of Part 4** of that Act.”
- (3) Section 47 is amended by repealing subsection (3) and substituting the following subsection:
“(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **sections 114 and 115**) apply, with any necessary modifications.”

Clause 224

Replace *clause 224(2)* (lines 1 to 6 on page 170) with:

- (2) Section 109A(1) is amended by omitting “A District Court Judge may, on an application in writing made on oath” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) may, on an application made in the manner provided in **subpart 2 of Part 4** of that Act”.

Clause 225

In *clause 225*, *new section 110(1)*, after “**2009**” (line 20 on page 170), insert “(except **sections 114 and 115**)”.

New clause 225AA

After *clause 225A* (after line 24 on page 170), insert:

*Amendments to Financial Markets Authority Act 2011***225AA Amendments to Financial Markets Authority Act 2011**

- (1) This section amends the Financial Markets Authority Act 2011.
- (2) Section 22(6) is amended by omitting “clauses 39 and 40 of Schedule 2 (which provide for immunities in respect of entry or search powers)” and substituting “**sections 158 to 161** of

the Search and Surveillance Act **2009** (which provide for immunities in relation to orders and warrants, and entry, search, and surveillance powers)”.

- (3) Section 29(3) is amended by—
 - (a) omitting “A Judge of the High Court or a District Court Judge may issue a search warrant in relation to a place, vehicle, or other thing, on application” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) may issue a search warrant in relation to a place, vehicle, or thing, on an application made in the manner provided by **sub-part 2 of Part 4** of that Act”; and
 - (b) omitting “the Judge” and substituting “the issuing officer”.
- (4) Section 29(3)(b) is amended by omitting “specified in the application”.
- (5) Section 29(4) is amended by omitting “and Schedule 2”.
- (6) The definitions of **evidential material**, **thing** and **vehicle** in section 29(4) are repealed.
- (7) Section 29 is amended by repealing subsection (5) and substituting the following subsection:
“(5) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **sections 114 and 115**) apply, with any necessary modifications.”
- (8) Schedule 2 is repealed.

Clause 226

Delete *clause 226(2)* (lines 31 to 34 on page 170).

Clause 227

In *clause 227*, replace “**230**” (line 15 on page 171) with “**230A**”.

Clause 228

Replace *clause 228* (line 16 on page 171 to line 28 on page 173) with:

228 New sections 199 and 199A substituted

Section 199 is repealed and the following sections are substituted:

“199 Powers of entry and examination for regulatory purposes

“(1) In the course of the enforcement and administration of this Act, a fishery officer may, at any reasonable time,—

“(a) examine any vessel, vehicle, premises, or other place (by stopping or opening the thing or place, as the case requires, where necessary) and—

“(i) examine any fish, aquatic life, or seaweed in that thing or at that place; or

- “(ii) examine any accounts, records, returns, or other documents in that thing or at that place that may be relevant to monitoring compliance with this Act or any regulations made under this Act; or
- “(iii) examine any record, authority, approval, permission, licence, or authority in that thing or at that place that may be relevant to monitoring compliance with this Act or any regulations made under this Act; or
- “(iv) examine any article, gear, container, apparatus, device, or thing relating to the taking, sale, purchase, farming, or possession of any fish, aquatic life, or seaweed that is in that thing or at that place:
- “(b) enter, pass across, or remain upon any land for the purpose of observing any public place, including by the use of a visual surveillance device:
- “(c) stop any person and examine any thing referred to in **paragraph (a)(i) to (iv)** that is in the possession of that person:
- “(d) for the purposes of any examination under **paragraph (a) or (c)**,—
 - “(i) open, or direct any person to open, any thing that may be examined; and
 - “(ii) take any sample of a thing that may be examined, for forensic or other scientific testing:
- “(e) for the purposes of exercising any power conferred by **paragraph (a)**, enter or pass across any land.
- “(2) A fishery officer may detain any vessel, vehicle, conveyance of any kind, parcel, package, record, document, article, gear, apparatus, device, container, fish, aquatic life, seaweed, or thing for any period that is reasonably necessary to enable the fishery officer to carry out an examination under this section.
- “(3) In this section and in **section 199A**, **visual surveillance device** means any electronic, mechanical, electromagnetic, optical, or electro-optical instrument, apparatus, equipment, or other device that is used or is capable of being used to observe, or to observe and record, any object or activity.

“199A Powers of entry and search for law enforcement purposes

- “(1) **Subsection (2)** applies to a fishery officer if he or she believes, on reasonable grounds, that—
 - “(a) an offence is being or has been committed against this Act; and

- “(b) there may be concealed or located or held in any vessel, vehicle, conveyance of any kind, premises, place, parcel, package, record, or thing—
 - “(i) any fish, aquatic life, or seaweed taken or thing used or intended to be used in contravention of this Act; or
 - “(ii) any article, record, document, or thing that will be evidence as to the commission of an offence against this Act.
- “(2) If this subsection applies to a fishery officer, then, for the purpose of enforcing this Act, that officer may—
 - “(a) enter, examine, and search any such premises or place, or any such vessel, vehicle, or conveyance of any kind (by stopping or opening the thing or place, as the case requires, where necessary); and
 - “(b) enter, pass across, or remain upon any land for the purpose of observing any public place, including by the use of a visual surveillance device; and
 - “(c) examine and search (by opening the thing where necessary) any such parcel, package, record, or thing; and
 - “(d) for the purposes of exercising any power conferred by paragraph (a), enter or pass across any land.
- “(3) A fishery officer may detain any vessel, vehicle, conveyance of any kind, parcel, package, record, document, article, gear, apparatus, device, container, fish, aquatic life, seaweed, or thing for such period as is reasonably necessary to enable the fishery officer to carry out an examination or a search under this section.”

228A New section 199B inserted

The following section is inserted after **section 199A**:

“199B Application of Part 4 of Search and Surveillance Act 2009

- “(1) The provisions of **Part 4** of the Search and Surveillance Act **2009** (other than **subparts 1A and 2, section 115, and subpart 7**) apply in respect of the powers conferred by **section 199(1)**.
- “(2) The provisions of **Part 4** of the Search and Surveillance Act **2009** (other than **subparts 2 and 7**) apply in respect of the powers conferred by **section 199A**.”

Clause 229

Replace *clause 229(4)* (line 6 on page 174) with:

- (4) Section 200 is amended by repealing subsection (4) and substituting the following subsection:

“(4) The provisions of **subparts 1, 2, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply.”

Replace *clause 229(7) to (9)* (lines 15 to 26 on page 174) with:

(7) Section 207 is amended by repealing subsections (2) to (4) and substituting the following subsection:

“(2) **Subparts 1, 4, 5, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply.”

Clause 230

Delete *clause 230(4) and (5)* (lines 33 and 34 on page 174 and lines 1 to 8 on page 175).

New clause 230A

After *clause 230* (after line 12 on page 175), insert:

230A Schedule 7 repealed

Schedule 7 is repealed.

Clause 231

In *clause 231(2), new section 12(2A)*, replace “(other than **sections 108(d), 110(2), 114, 115, 120(2), 126(5)(e), and 127**, and **subparts 5 and 7**)” (lines 19 to 21 on page 175) with “(except **subparts 1A and 2, sections 114, 115, 120(2), 126(5)(e), and 127** and **subparts 5 and 7**)”.

In *clause 231(3), new section 13(1A)*, replace “(other than **sections 108(d), 110(2), 114, 115, 120(2), 126(5)(e), and 127**, and **subparts 5 and 7**)” (lines 26 to 28 on page 175) with “(except **subparts 1A and 2, sections 114, 115, 120(2), 126(5)(e), and 127** and **subparts 5 and 7**)”.

Replace *clause 231(6)* (line 35 on page 175 to line 7 on page 176) with:

(6) Section 15A is amended by adding the following subsection as subsection (2):

“(2) An officer who is authorised in writing by the Director-General to apply for search warrants in relation to the offences referred to in subsection (1) may apply for such a warrant under **section 6** of the Search and Surveillance Act **2009** as if that officer were a constable.”

Clause 232

In *clause 232(2), new section 335(3)*, after “**2009**” (line 14 on page 176), insert “(except **subpart 2**)”.

In *clause 232(4), new section 336(3)*, after “**2009**” (line 19 on page 176), insert “(except **subpart 2**)”.

Replace *clause 232(9)* (lines 31 to 34 on page 176) with:

(9) Section 340 is amended by inserting the following subsections after subsection (3):

“(3A) Subject to **subsection (3B)**, the provisions of **Part 4** of the Search and Surveillance Act **2009** apply.

“(3B) Despite **subsection (3A)**, **sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a warrant issued to a named constable or every constable.”

Clause 233

Replace *clause 233(2)* (lines 10 to 16 on page 177) with:

- (2) Section 119(1) is amended by—
- (a) omitting “District Court Judge or Justice of the Peace or Community Magistrate or any Registrar who is satisfied, on application in writing made on oath” and substituting “issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) who is satisfied, on an application made in the manner provided in **subpart 2 of Part 4** of that Act”; and
 - (b) omitting “in the prescribed form”.

Replace *clause 233(3)* (lines 17 to 20 on page 177) with:

- (3) Section 119 is amended by repealing subsections (3) to (8) and substituting the following subsections:
- “(3) Subject to **subsection (4)**, the provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
- “(4) Despite **subsection (3)**, **sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a warrant issued to a named constable or to every constable.”

Clause 234

Delete *clause 234* and the cross-heading above *clause 234* (lines 22 to 33 on page 177).

Clause 235

After *clause 235(2)* (after line 9 on page 178), insert:

- (2A) Section 10 is amended by inserting the following subsection after subsection (1):
- “(1A) A person who is authorised in writing by the Director-General of Health to apply for search warrants in relation to the offences referred to in subsection (1) may apply for such a warrant under **section 6** of the Search and Surveillance Act **2009** as if that person were a constable.”

In *clause 235(3)*, *new section 10(2)*, after “**2009**” (line 13 on page 178), insert “(except **sections 114 and 115**)”.

Clause 236

After *clause 236(1)* (after line 25 on page 178), insert:

- (1A) Section 68(1) is amended by repealing paragraphs (c), and (f) to (h).

In *clause 236(2)*, *new section 68(2)*, replace “(except **sections 108(d), 110(2)(d), 114, and 115**)” (line 29 on page 178) with “(except **subpart 2 and sections 114 and 115**)”.

Replace *clause 236(4)* (lines 3 to 6 on page 179) with:

- (4) Section 69 is amended by repealing subsections (4) and (5) and substituting the following subsection:
 - “(4) Subject to section 72, the provisions of **Part 4** of the Search and Surveillance Act **2009** (except **sections 114 and 115**) apply. ”

Replace *clause 236(5)* (line 7 on page 179) with:

- (5) Sections 70 and 71, and Schedule 2 are repealed.
- (6) Section 72 is amended by—
 - (a) omitting “Section 199 of the Summary Proceedings Act 1957” and substituting “**Subpart 5 of Part 4** of the Search and Surveillance Act **2009**”; and
 - (b) repealing paragraphs (a) to (c).

Clause 237

After *clause 237(1)* (after line 10 on page 179), insert:

- (1A) Section 68(1) is amended by repealing paragraphs (c), and (f) to (h).

In *clause 237(2)*, *new section 68(2)*, replace “(except **sections 108(d), 110(2)(d), 114, and 115**)” (line 14 on page 179) with “(except **subpart 2 and sections 114 and 115**)”.

Replace *clause 237(4)* (lines 25 to 29 on page 179) with:

- (4) Section 69 is amended by repealing subsection (3).
- (4A) Section 69 is amended by repealing subsection (5) and substituting the following subsection:
 - “(5) Subject to subsection (6) and section 72, the provisions of **Part 4** of the Search and Surveillance Act **2009** (except **sections 114 and 115**) apply.”

Replace *clause 237(5)* (line 30 on page 179) with:

- (5) Sections 70 and 71 are repealed.
- (6) Section 72 is amended by—
 - (a) omitting “Section 199 of the Summary Proceedings Act 1957” and substituting “**Subpart 5 of Part 4** of the Search and Surveillance Act **2009**”; and
 - (b) repealing paragraphs (a) to (c).
- (7) Section 79 is repealed.

New clause 237A

After *clause 237* (after line 30 on page 179), insert:

Amendment to Immigration Act 2009

237A Amendment to Immigration Act 2009

- (1) This section amends the Immigration Act 2009.

(2) The following section is inserted after section 293:

“239A Immigration officer may apply for search warrant

An immigration officer may, in carrying out the immigration officer’s functions under this Act, apply for a search warrant under section 198 of the Summary Proceedings Act 1957.”

Clause 238

In *clause 238* replace “**and 240**” (line 34 on page 179) with “**to 240B**”.

Clause 239

In *clause 239*, *new section 57 heading*, replace “**Interpretation**” (line 14 on page 180) with “**Inspection**”.

In *clause 239*, replace *new section 57(3)* (lines 3 and 4 on page 181) with:

(3) The provisions of **subparts 1, 4, 5, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply.

Clause 240

Replace the heading to *clause 240* (lines 5 and 6 on page 181) with “**Amendments to sections 58 to 61 of Immigration Advisers Licensing Act 2007**”.

In *clause 240(5)*, *new section 61(2)* replace “**subpart 2**” (line 18 on page 181) with “**subparts 1, 2, and 8**”.

Delete *clause 240(6) and (7)* (lines 20 to 22 on page 181).

New clauses 240A to 240C

After *clause 240* (after line 22 on page 181), insert:

240A New section 61A inserted

The following section is inserted after section 61:

“61A Search warrant

“(1) For the purposes of **section 95** of the Search and Surveillance Act **2009**, the Registrar is a person authorised to apply for a search warrant.

“(2) The Registrar may exercise the powers of a constable to apply for a search warrant under **section 6** of the Search and Surveillance Act **2009** in relation to an offence under this Act.”

240B Other amendments to Immigration Advisers Licensing Act 2007

(1) Section 62(3)(c) is amended by omitting “or 58”.

(2) Section 69(1) is amended by omitting “or 58” in each place where it appears.

*Amendments to Insurance (Prudential Supervision) Act
2010*

**240C Amendments to Insurance (Prudential Supervision) Act
2010**

- (1) This section amends the Insurance (Prudential Supervision) Act 2010.
- (2) Section 132(2) is amended by omitting “A Judge of the High Court or a District Court Judge who is satisfied, on the application of the investigator,” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) who, on an application made by an investigator in the manner provided in **subpart 2 of Part 4** of that Act, is satisfied”.
- (3) Section 132 is amended by repealing subsection (3) and substituting the following subsection:
“(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **sections 114 and 115**) apply.”
- (4) Section 230 is amended by repealing subsection (3) and substituting the following subsection:
“(3) This section and section 231 are subject to **subpart 6 of Part 4** of the Search and Surveillance Act **2009**.”
- (5) Schedule 2 is repealed.

Clause 241

In *clause 241(4)*, new *section 102(2)*, replace “**6 to 9**” (line 15 on page 183) with “**6, 8, and 9**”.

Clause 243

After *clause 243(1)* (after line 34 on page 183), insert:

- (1A) Section 119 is amended by inserting the following subsection after subsection (2):
“(2A) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subpart 2**) apply in respect of the power in subsection (2).”

In *clause 243(4)*, new *section 119(6)*, after “apply” (line 25 on page 184), insert “in respect of the powers in subsections **(3)** and **(5)** (except for **subpart 2** of that **Part** in relation to **subsection (3)**).”.

Clause 245

In *clause 245(4)*, new *section 165(4)*, after “**2009**” (line 12 on page 185) insert “(except **sections 114 and 115**)”.

Clause 246

In *clause 246(6)*, replace new *section 172(4)* (lines 32 to 34 on page 185) with:

- “(4) Subject to subsections (3)(b) and **(5)**, the provisions of **Part 4** of the Search and Surveillance Act **2009** apply.

- “(5) Despite **subsection (4), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.

In *clause 246(7), new section 173(2)*, after “**2009**” (line 2 on page 186), insert “(except **subparts 1A and 2** and **sections 114 and 115**)”.

Clause 247

Replace *clause 247(4)* (lines 34 to 37 on page 186) with:

- (4) Section 67 is amended by repealing subsection (2) and substituting the following subsections:
- “(2) Subject to section 68 and **subsection (3)**, the provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
- “(3) Despite **subsection (2), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.”

Clause 249

Replace *clause 249* (lines 28 to 33 on page 187) with:

249 Powers of search

- (1) Section 13 is amended by repealing subsection (2) and substituting the following subsection:
- “(2) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **subpart 2**) apply in respect of the powers in subsection (1).”
- (2) Section 13 is amended by inserting the following subsection after subsection (5):
- “(5A) The provisions of **subparts 1, 4, 5, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply in respect of the powers in subsection (5).”

Clause 251

In *clause 251(2), new section 18(3)*, after “**2009**” (line 22 on page 188), insert “(except **subpart 2**)”.

In *clause 251(3), replace new section 18A(3)* (lines 26 and 27 on page 188), with:

- “(3) Subject to subsection (2), the provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subpart 2**) apply.”

Clause 252

Replace *clause 252(3)* (lines 3 to 7 on page 189) with:

- (3) Section 51 is amended by inserting the following subsections after subsection (6):
- “(6A) Subject to subsections (5), (6), and **(6B)**, the provisions of **Part 4** of the Search and Surveillance Act **2009** apply in respect of a warrant issued under subsection (4).

“(6B) Despite **subsection (6A), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.”

Clause 254

Delete *clause 254(1)* (lines 23 to 26 on page 189).

Replace *clause 254(3)* (line 28 on page 189) with:

- (3) Section 456 is repealed.
- (4) Section 457(1) is amended by omitting “or section 455”.
- (5) Section 457(2) is repealed.

Clause 255

In *clause 255*, replace *new section 454(2)* (line 7 on page 190) with:

“(2) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subpart 1A**) apply.

“(2A) Despite **subsection (2), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.

In *clause 255*, after *new section 455(2)* (after line 26 on page 190), insert:

“(3) Despite **subsection (2), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable. ”

Clause 257

In *clause 257*, before *subclause (1)* (before line 31 on page 190), insert:

(1A) Section 42 is amended by inserting the following subsection after subsection (4):

“(4A) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subparts 1A and 2, sections 114 and 115, and subpart 7**) apply to entry and inspection under subsection (2).”

In *clause 257(2), new section 42(7)*, after “apply” (line 9 on page 191), insert “in respect of the exercise of any power under subsection (5)”.

In *clause 257(2), new section 42(8)*, replace “**108(d), 110(2)(d), 114,**” (line 10 on page 191) with “**114**”.

Clause 258

In *clause 258(1)(b)*, replace “of” (line 24 on page 191) with “in”.

Replace *clause 258(3)* (line 35 on page 191 to line 6 on page 192) with:

(3) Section 62 is amended by repealing subsections (3) and (4) and substituting the following subsection:

“(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** apply.

“(4) Despite **subsection (3), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a warrant issued to a named constable or to every constable.”

- (4) Sections 63 and 64 are repealed.

Clause 259

Replace *clause 259(3)* (lines 20 to 23 on page 192) with:

- (3) Section 130 is amended by repealing subsection (2) and substituting the following subsections:
- “(2) The provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
- “(3) Despite **subsection (2), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.”

Clause 260

In *clause 260(5), new section 61(7)*, after “**2009**” (line 11 on page 193), insert “(except **subpart 2**)”.

In *clause 260(6), new section 65(2)*, after “**2009**” (line 15 on page 193) insert “(except **subpart 2** and **sections 114 and 115**)”.

In *clause 260(7), new section 66(2)*, after “**2009**” (line 19 on page 193), insert “(except **subpart 2**)”.

Clause 261

In *clause 261(5), new section 56(5)*, after “**2009**” (line 33 on page 193), insert: “(except **sections 114 and 115**)”.

Clause 263

In *clause 263(2), new section 23(3)*, after “**2009**” (line 17 on page 194), insert: “(except **sections 114 and 115**)”.

Clause 264

In *clause 264, new section 25*, replace “**subpart 5** of **Part 4** of the Search and Surveillance Act **2009** applies to” (lines 22 and 23 on page 194) with “**subparts 1, 5, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply in respect of the seizure of”.

Clause 266

Replace *clause 266(2)* (lines 1 to 4 on page 195) with:

- (2) Section 17 is amended by repealing subsection (4) and substituting the following subsection:
- “(4) Petroleum demand restraint regulations may provide for the following matters in respect of suspected offences against this Act or against any petroleum demand restraint regulations, regardless of whether any such suspected offences (**relevant offences**) are imprisonable or not:
- “(a) authorising persons, designated by the Minister in writing for the purpose (**designated persons**), to search places, vehicles, or other things under a warrant in relation to any relevant offence:

- “(b) providing for the application of provisions of the Search and Surveillance Act **2009** to the powers conferred under **paragraph (a)** and, in particular and without limitation,—
- “(i) deeming all designated persons, or any designated persons of a specified class, to be enforcement officers for the purposes of that Act:
- “(ii) authorising all designated persons, or any designated persons of a specified class, to apply for a warrant under **section 6** of that Act as if such designated persons were constables.”

Clause 267

In *clause 267(2)*, new *section 44(2A)*, replace “**sections 108(d), 110(2)(d), 114, and 115**” (line 11 on page 195) with “**subpart 1A, sections 114 and 115, and subpart 7**”.

Replace *clause 267(3)* (lines 13 to 16 on page 195) with:

- (3) Section 45(1) is amended by omitting “A District Court Judge or a court Registrar (not being a constable), who on an application in writing made on oath” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**), who on an application made in the manner provided in **subpart 2** of that Act”.

Replace *clause 267(4)* (lines 17 to 20 on page 195) with:

- (4) Section 45(2) is amended by omitting “A District Court Judge or a court Registrar (not being a constable), who on an application in writing made on oath” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**), who on an application made in the manner provided in **subpart 2** of that Act”.

In *clause 267(5)*, new *section 45(3)*, replace “**108(d), 110(2)(d), 114,**” (line 24 on page 195) with “**114**”.

Clause 269

Replace *clause 269(2)* (lines 10 to 18 on page 196) with:

- (2) Section 24(2) is amended by—
- (a) omitting “If a Justice of the Peace or Community Magistrate is satisfied on oath” and substituting “If an issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) is satisfied on an application made in the manner provided in **subpart 2 of Part 4** of that Act”; and
- (b) omitting “Justice or Community Magistrate” and substituting “issuing officer”; and
- (c) omitting “, if necessary by force”.

Replace *clause 269(3)* (lines 19 to 22 on page 196) with:

- (3) Section 24 is amended by repealing subsection (3) and substituting the following subsections:
 - “(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
 - “(4) Despite **subsection (3), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.”

Clause 270

In *clause 270(3), new section 120(4)*, after “**2009**” (line 6 on page 197) insert “(except **sections 114 and 115**)”.

Clause 272

In *clause 272(2), new section 66I(2)*, after “**2009**” (line 26 on page 197) insert “(except **sections 114 and 115**)”.

Replace *clause 272(4)* (lines 5 to 12 on page 198) with:

- (4) Section 106(1) is amended by omitting “A Judge of the High Court who is satisfied, on application in writing made on oath” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) who is satisfied, on application made in the manner provided in **subpart 2 of Part 4** of that Act”.

Replace *clause 272(5)* (lines 13 to 20 on page 198) with:

- (5) Section 106(2) is amended by omitting “A Judge of the High Court who is satisfied, on application in writing made on oath” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) who is satisfied, on an application made in the manner provided in **subpart 2 of Part 4** of that Act”.

In *clause 272(6), new section 106(3)*, after “**2009**” (line 23 on page 198), insert “(except **sections 114 and 115**)”.

Delete *clause 272(7)* (line 24 on page 198).

Clause 273

In *clause 273(2), new section 157ZM(2)*, after “**2009**” (line 2 on page 199), insert “(except **sections 114 and 115**)”.

Clause 274

In *clause 274(5), new section 95(6A)*, after “**2009**” (line 2 on page 200), insert “(except **subpart 2**)”.

In *clause 274(6), new section 100(2)*, after “**2009**” (line 7 on page 200), insert “(except **subpart 2**)”.

Clause 275

Delete *clause 275(1A) and (1B)* (lines 12 to 15 on page 200).

Replace *clause 275(3)* (lines 27 to 30 on page 200) with:

- (3) Section 334 is amended by repealing subsections (2) and (3) and substituting the following subsections:
 - “(2) The provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
 - “(3) Despite **subsection (2), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.”

In *clause 275(5)*, delete “subsection (1)(a) to (c), and” (lines 34 and 35 on page 200).

Clauses 277 and 278

Delete the heading above *clause 277* and *clauses 277 and 278* (lines 21 to 34 on page 201).

Clause 279

After *clause 279(1)* (after line 3 on page 202), insert:

- (1A) Section 3(1) is amended by repealing the definition of **judicial officer** and substituting the following definition:
 - “**issuing officer** is defined in sections 16(7) and **16C(8)** for the purposes of those sections”.
- (1B) Section 16(2) is amended by omitting “The occupier of land” and substituting “Despite **section 101(3)(b)(ii)** of the Search and Surveillance Act **2009**, the occupier of land”.

In *clause 279(2)*, after “**Part 4**” (after lines 7 and 8 on page 202), insert “of the Search and Surveillance Act **2009**”.

Replace *clause 279(3)* (lines 9 and 10 on page 202) with:

- (3) Section 16(5) is amended by repealing paragraph (c) and substituting the following paragraph:
 - “(c) is valid for a period not exceeding 14 days from the date of its issue or a period not exceeding 30 days from the date of its issue if the issuing officer is satisfied that a period of longer than 14 days is necessary for execution; and”.

After *clause 279(3)* (after line 10 on page 202), insert:

- (3A) Section 16 is amended by inserting the following subsection after subsection (6):
 - “(6A) The provisions of **subparts 1, 2, 3, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** (except **sections 114, 115, and 125(4)**) apply.”

Replace *clause 279(6)* (lines 23 to 26 on page 202) with:

- (6) Section 16C is amended by repealing subsection (8) and substituting the following subsections:

- “(8) The provisions of **subparts 1, 2, 3, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** (except **sections 114, 115, and 125(4)**) apply.
- “(9) In this section, **issuing officer** has the same meaning as in **section 3** of the Search and Surveillance Act **2009**.”

After *clause 279(6)* (after line 26 on page 202) insert:

- (7) Section 20(1) is amended by omitting “Subject to subsections (2) and (3)” and substituting “Despite anything in the Search and Surveillance Act **2009**, but subject to subsections (2) and (3)”.
- (8) Section 20B(1) is amended by omitting “A person” and substituting “Despite anything in the Search and Surveillance Act **2009**, a person”.

Clause 280

Replace *clause 280(2)* (line 32 on page 202) with:

- (2) Section 37(3) and (4) are repealed.

In *clause 280(3)*, *new section 37(8)*, after “**2009**” (line 35 on page 202), insert “(except **subpart 2**)”.

Clause 281

Delete *clause 281(5A)* (lines 32 and 33 on page 203).

Replace *clause 281(6)* (lines 34 on page 203 to line 2 on page 204) with:

- (6) Section 51 is amended by repealing subsection (5) and adding the following subsections:
- “(5) The provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
- “(6) Despite subsection (5), **sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.”

New clauses 281A to 281C

After *clause 281* (after line 3 on page 204), insert:

Amendments to Waste Minimisation Act 2008

281A Amendments to Waste Minimisation Act 2008

Sections 281B and 281C amend the Waste Minimisation Act 2008.

281B Amendments to Waste Minimisation Act 2008

- (1) Section 65(3)(b) is amended by omitting “an enforcement officer acting under section 78 or” in each place where it appears.
- (2) Sections 77 and 78 are repealed.
- (3) Section 79 is amended by inserting the following subsection after subsection (2):

- “(2A) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subpart 2 and sections 114 and 115**) apply.”
- (4) Section 80 is amended by repealing subsection (2) and substituting the following subsection:
- “(2) An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) may, on the application of an enforcement officer made in the manner provided for an application for a search warrant in **subpart 2 of Part 4** of that Act, issue a warrant authorising the enforcement officer to enter the dwellinghouse or marae specified in the application.”
- (5) Section 80(3) is amended by omitting “judicial officer” and substituting “issuing officer”.
- (6) Section 80(3)(a)(ii) is amended by omitting “; and”.
- (7) Section 80(3)(b) is repealed.
- (8) Section 80 is amended by inserting the following subsection after subsection (3):
- “(3A) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **sections 114 and 115**) apply as if a warrant issued under **subsection (2)** were a search warrant.”

281C Other amendments to Waste Minimisation Act 2008

- (1) Section 82(1) is amended by omitting “A judicial officer” and substituting “An issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**)”.
- (2) Section 82(2)(a) is amended by omitting “in writing and on oath” and substituting “in the manner provided for an application for a search warrant in **subpart 2 of Part 4** of the Search and Surveillance Act **2009**”.
- (3) Section 82(2)(b) is amended by omitting “judicial officer” and substituting “issuing officer”.
- (4) Section 82 is amended by repealing subsection (3) and substituting the following subsections:
- “(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **sections 114 and 115**) apply as if a warrant issued under subsection (1) were a search warrant.
- “(4) An enforcement officer executing a warrant issued under this section must be accompanied by a member of the Police.”
- (5) Section 83 is repealed.
- (6) Section 84(1) is amended by omitting “or 82”.
- (7) The heading to section 85 is amended by inserting “**under section 81**” after “**impounded**”.
- (8) Section 85(1) is amended by inserting “seized or impounded under section 81” after “property”.

Clause 282

In *clause 282(4)*, *new section 12(13)*, after “**2009**” (line 27 on page 204), insert “(except **sections 114 and 115**)”.

After *clause 282(5)* (after line 29 on page 204), insert:

(5A) Section 13 is amended by inserting the following subsection after subsection (5):

“(5A) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subparts 1A and 2** and **sections 114 and 115**) apply in respect of the powers in subsection (1).”

In *clause 282(8)*, *new section 13(10)*, after “**2009**” (line 13 on page 205), insert “(except **sections 114 and 115**)”.

After *clause 282(9)* (after line 18 on page 205), insert:

(10) Section 14 is amended by adding the following subsection:

“(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **sections 114 and 115**) apply.”

Clause 283

In *clause 283(3)*, *new section 39(3)*, after “**2009**” (line 34 on page 205), insert “(except **sections 114 and 115**)”.

Clause 284

In *clause 284(4)*, *new section 62(3)*, replace “**subpart 3 of Part 4** of the Search and Surveillance Act **2009**” (lines 10 and 11 on page 206) with “**subparts 1, 3, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** (except **sections 114 and 115**)”.

Replace *clause 284(5)* (lines 13 to 18 on page 206) with:

(5) Section 63 is amended by inserting the following subsection after subsection (2):

“(2A) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subparts 1A, 2, and 7** and **sections 114 and 115**) apply.”

In *clause 284(8)*, *new section 65(2)*, after “**2009**” (line 35 on page 206). insert “(except **sections 114 and 115**)”.

Replace *clause 284(12)(a)* (lines 13 to 15 on page 207) with:

(a) omitting “Section 199 of the Summary Proceedings Act 1957 applies to any property seized by a constable under a search warrant and, with any necessary modifications, to” and substituting “**Subparts 1, 4, 5, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** apply in respect of any property seized by a constable under a search warrant and, with any necessary modifications, in respect of; and”.

In *clause 284(12)(b)* (line 16 on page 207), delete “; and”.

Delete *clause 284(12)(c)* (line 17 on page 207).

Clause 285

In *clause 285(4)*, new *section 22(4)*, replace “**subparts 2 and 3**” (line 3 on page 208) with “**subparts 1, 2, 3, 6, 8, and 9**”.

Clause 287

In *clause 287(3)*, new *section 98A(3)*, after “**2009**” (line 6 on page 209), insert “(except **sections 114 and 115**)”.

Clause 289

After *clause 289(2)* (after line 29 on page 209), insert:

- (2A) Section 159 is amended by adding the following subsection:
“(5) **Subparts 1, 2, 4, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** apply in respect of an application for, and issue of, a warrant under subsection (1)(e).”

Delete *clause 289(3) and (4)* (line 30 on page 209 to line 3 on page 210).

Clause 290

In *clause 290(2)(a)*, after “**2009**” (line 11 on page 210), insert “)”.

In *clause 290(3)*, new *section 47(3)*, replace “**108(d), 110(2)(d), 114,**” (line 19 on page 210) with “**114**”.

Clause 291

Replace *clause 291(2)* (lines 24 to 26 on page 210) with:

- (2) Section 67D(1)(e) is amended by substituting “in accordance with section 67S and the provisions of **subparts 1, 5, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009**” for “under section 67S”.

In *clause 291(3)*, replace *new section 67R(2)* (lines 29 to 31 on page 210) with:

- (2) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except for **subparts 1A and 2, sections 114 and 115, and subparts 4 and 7**) apply.

Replace *clause 291(4)* (line 32 on page 210) with:

- (4) Section 67S is amended by repealing subsections (1), and (3) to (7).

After *clause 291(8)* (after line 15 on page 211), insert:

- (9) Section 71B is amended by adding the following subsections:
“(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** apply.
“(4) Despite **subsection (3), sections 114 and 115** of the Search and Surveillance Act **2009** apply only in respect of a constable.”

Clause 292

After *clause 292(3)* (after line 27 on page 211), insert:

- (3A) Section 43W is amended by adding the following subsection:

“(8) The provisions of **subparts 1, 2, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply.”

After *clause 292(4)* (after line 35 on page 211), insert:

(5) Section 50 is amended by inserting the following subsection after subsection (1):

“(1A) **Subparts 1, 2, 6, 8, and 9** of **Part 4** of the Search and Surveillance Act **2009** apply in respect of an application for, and issue of, a warrant under subsection (1)(e).”

New clauses 293 to 293B

Replace *clause 293* (lines 3 to 13 on page 212) with:

293 Amendments to International Energy Agreement Act 1976

Sections 293A and 293B amend the International Energy Agreement Act 1976.

293A Power of entry

Section 9(3) is amended by omitting “Without limiting or restricting the application of sections 198 and 199 of the Summary Proceedings Act 1957,”.

293B New section 11 substituted

Section 11 is repealed and the following section substituted:

“11 Search warrants

“(1) If an offence created by or under this Act has been committed or is suspected of having been committed (notwithstanding that the offence is not punishable by imprisonment), any person authorised in writing by the chief executive may exercise the powers of a constable to apply for a warrant under **section 6** of the Search and Surveillance Act **2009**.

“(2) **Subparts 1, 2, 5, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** apply.

“(3) For the purposes of this section, **chief executive** means the chief executive of the department that, with the authority of the Prime Minister, is responsible for the administration of this Act.”

Clause 294

After *clause 294(2)* (after line 27 on page 212), insert:

(3) Section 28 is amended by adding the following subsection:

“(7) The provisions of **subparts 1, 2, 6, 8, and 9 of Part 4** of the Search and Surveillance Act **2009** apply.”

Clause 297

After *clause 297(3)* (after line 11 on page 214), insert:

- (3A) Section 78D is repealed.

Replace *clause 297(5)* (lines 14 to 16 on page 214) with:

- (5) Sections 202B, 224, 225, the heading above section 314A, sections 314A to 314D, and sections 317 to 317B are repealed.
- (5A) Section 216F is amended by repealing subsection (1) and substituting the following subsection:
- “(1) An **unlawful disclosure** is the intentional and unauthorised disclosure of any information gained when undertaking maintenance of a communication service.”
- (5B) Section 216F(2) is amended by omitting “subsection (1)(b)(i)” and substituting “**subsection (1)**”.
- (5C) Part 11A is repealed.

Replace *clause 297(9)* (lines 23 to 25 on page 214) with:

- (9) Section 216B(7) is amended by omitting “an interception warrant” and substituting “a surveillance device warrant issued under the Search and Surveillance Act **2009**”.

Delete *clause 297(10)* (lines 26 to 28 on page 214).

New clauses 297A and 297B

After *clause 297* (after line 28 on page 214), insert:

*Amendments to Crimes Amendment Act (No 4) 2011***297A Amendments to Crimes Amendment Act (No 4) 2011**

- (1) This section amends the Crimes Amendment Act (No 4) 2011.
- (2) The items relating to sections 312I(2), 312K(2), 314D(1), 317AB(1), and 317B(7) of the principal Act in the Schedule are omitted.

*Amendments to Criminal Procedure Act 2011***297B Amendments to Criminal Procedure Act 2011**

- (1) This section amends the Criminal Procedure Act 2011.
- (2) The following items in Schedule 3 are omitted:
- (a) the item relating to section 137(2) of the Animal Welfare Act 1999; and
- (b) the item relating to section 61(1) of the Arms Act 1983; and
- (c) the item relating to section 46(4) of the Conservation Act 1987; and
- (d) the items relating to sections 16(1)(a), 16(1)(b), 20, and 21(a) of the Driftnet Prohibition Act 1991; and
- (e) the item relating to section 118(5)(a) of the Films, Videos, and Publications Classification Act 1993; and

- (f) the item relating to section 51(5)(a) of the Financial Transactions Reporting Act 1996; and
- (g) the items relating to sections 207(4), 208(1), 209(a), 209(b), and 210(1)(a), and 210(2) of the Fisheries Act 1996; and
- (h) the items relating to sections 67S(3), 67S(4), 67S(6), and 67S(7) of the Forests Act 1949; and
- (i) the items relating to Schedule 2 of the Insurance (Prudential Supervision) Act 2010; and
- (j) the items relating to sections 18A(3), 18B(1), 18C(a), 18C(b), 18D(1)(a), and 18D(2) of the Marine Reserves Act 1971; and
- (k) the item relating to section 18A(4) of the Misuse of Drugs Act 1975; and
- (l) the items relating to sections 21(2) and 23(2) of the Misuse of Drugs Amendment Act 1978; and
- (m) the item relating to section 140(1)(a) of the Motor Vehicle Sales Act 2003; and
- (n) the items relating to the Telecommunications (Residual Provisions) Act 1987; and
- (o) the item relating to section 54(6) of the Unsolicited Electronic Messages Act 2007.

Clause 300

Delete *clause 300* and the cross-heading above *clause 300* (lines 6 to 11 on page 215).

Clause 305

Delete *clause 305(2)* (line 24 on page 216 to line 26 on page 217).

Replace *clause 305(3)* (lines 27 to 31 on page 217) with:

- (3) Section 12(1)(b) is amended by omitting “package or goods” and substituting “package, goods, or mail”.
- (3A) Section 12 is amended by inserting the following paragraphs after paragraph (b):
 - “(ba) allow the package, goods, or mail to be delivered by a person who has agreed to co-operate with Customs; or
 - “(bb) deliver the package, goods, or mail; or”
- (3B) Section 12(1)(c) is amended by omitting “goods or mail” and substituting “package, goods, or mail”.
- (3C) Section 12(2) is amended by omitting “goods or mail” in each place where it appears and substituting in each case “package, goods, or mail”.

Replace *clause 305(4)* (line 32 on page 217) with:

- (4) Sections 12A to 12C are repealed.
- (4A) Sections 14 to 29 are repealed.

Clause 306

After *clause 306(1)* (after line 5 on page 218), insert:

- (1A) Section 43(2) is amended by omitting “in writing, to apply to a District Court Judge for a search warrant in accordance with section 44” and substituting “to apply to an issuing officer (within the meaning of **section 3** of the Search and Surveillance Act **2009**) for a search warrant in accordance with section 44 of this Act”.
- (1B) Section 44(1) is amended by omitting “Any District Court Judge who, on an application in writing made an oath” and substituting “An issuing officer who, on an application made in the manner provided in **subpart 2 of Part 4** of the Search and Surveillance Act **2009**”.
- (1C) Section 44 is amended by adding the following subsection:
“(3) The provisions of **Part 4** of the Search and Surveillance Act **2009** (except **subpart 5**) apply.”
- (1C) Sections 45 to 48 are repealed.

New clause 309A

After *clause 309* (page 219), insert:

*Amendments to Summary Proceedings Amendment Act
(No 2) 2011*

**309A Amendments to Summary Proceedings Amendment Act
(No 2) 2011**

- (1) This section amends the Summary Proceedings Amendment Act (No 2) 2011.
- (2) The items relating to sections 198B(6) and 199(4)(a) of the principal Act in the Schedule are omitted.

Clause 311

Replace *clause 311(2)* (lines 1 and 2 on page 220) with:

- (2) Section 3(1) is amended by repealing the definition of **interception warrant** and substituting the following definition:
“**interception warrant** means a warrant that is issued under any of the following enactments:
“(a) **section 48** of the Search and Surveillance Act **2009**:
“(b) section 4A(1) or (2) of the New Zealand Security Intelligence Service Act 1969:
“(c) section 17 of the Government Communications Security Bureau Act 2003.”

Clause 314

In *clause 314* (before line 9 on page 221), insert as subclause (1):

- (1) For the purposes of **section 162A**, the period to be reported on in the first annual report published after the commencement of that section begins with the commencement of that section

and ends with the end of the financial year or other period ordinarily the subject of the report.

New clauses 314A to 314D

After *clause 314* (after line 13 on page 221), insert:

314A Disclosure of prior warrants in applications for surveillance device warrants made in transitional period

In the period commencing on the date of commencement of **section 45(3)(a)** and ending 3 months later, **section 45(3)(a)** must be read as if for the words “within the previous 3 months” there were substituted the words “since the commencement of this subsection”.

314B Disclosure of prior warrants in applications for search warrants

In the period commencing on the date of commencement of **section 96(3)(a)** and ending 3 months later, **section 96(3)(a)** must be read as if for the words “within the previous 3 months” there were substituted the words “since the commencement of this subsection”.

314C Transitional provision relating to Part 11A of Crimes Act 1961

- (1) Despite the repeal of Part 11A of the Crimes Act 1961 by this Act,—
 - (a) where an application has been made under that Part before 18 April 2012, and the application is not finally determined before that date, that Part continues to apply to the application and to any matter or obligation relating to the application in all respects as if this Act (other than this section) had not been enacted; and
 - (b) that Part (except for section 312F) continues to apply to a continuing warrant or permit and to any matter or obligation relating to the continuing warrant or permit in all respects as if this Act (other than this section) had not been enacted; and
 - (c) section 312M of that Act continues to apply to private communications intercepted before 18 April 2012 in all respects as if this Act (other than this section) had not been enacted.
- (2) In this section, **continuing warrant or permit** means an interception warrant or emergency permit issued under Part 11A of the Crimes Act 1961—
 - (a) before 18 April 2012; or

- (b) on or after that date on an application made before that date.

314D Transitional provision relating to sections 14 to 29 of Misuse of Drugs Amendment Act 1978

- (1) Despite the repeal of sections 14 to 29 of the Misuse of Drugs Amendment Act 1978 by this Act,—
 - (a) where an application has been made under any of those sections before 18 April 2012 and the application is not finally determined before that date, those sections continue to apply to the application and to any matter or obligation relating to the application in all respects as if this Act (other than this section) had not been enacted; and
 - (b) those sections (except for section 18) continue to apply to a continuing warrant or permit and to any matter or obligation relating to the continuing warrant or permit in all respects as if this Act (other than this section) had not been enacted; and
 - (c) section 25 of that Act continues to apply to private communications intercepted before 18 April 2012 as if this Act (other than this section) had not been enacted.
- (2) In this section, **continuing warrant or permit** means an interception warrant or emergency permit issued under sections 14 to 29 of the Misuse of Drugs Amendment Act 1978—
 - (a) before 18 April 2012; or
 - (b) on or after that date on an application made before that date.

New clauses 315A to 315G

After *clause 315* (after line 22 on page 221), insert:

315A Transitional provision relating to sections 200A to 200P of Summary Proceedings Act 1957

- (1) Despite the repeal of sections 200A to 200P of the Summary Proceedings Act 1957 by this Act,—
 - (a) where an application has been made under any of those sections before 18 April 2012, and the application is not finally determined before that date, those sections continue to apply to the application and to any matter or obligation relating to the application in all respects as if this Act (other than this section) had not been enacted; and
 - (b) those sections (except for section 200F) continue to apply to a continuing warrant and to any matter relating to the continuing warrant in all respects as if this Act (other than this section) had not been enacted; and

- (c) those sections continue to apply to anything done, before 18 April 2012, under section 200G of that Act.
- (2) In this section, **continuing warrant** means a tracking device warrant or a warrant for removal of a tracking device issued under sections 200A to 200P of the Summary Proceedings Act 1957—
 - (a) before 18 April 2012; or
 - (b) on or after that date on an application made before that date.

315B Transitional provision relating to covert video surveillance

- (1) For the purposes of assessing the lawfulness of a search (within the meaning of section 4 of the Temporary Act) under a continuing warrant, the search must be treated as if—
 - (a) this Act (other than this section) had not been enacted; and
 - (b) sections 5 to 7 of the Temporary Act continued to apply; and
 - (c) for the words “before the close of the day that is 6 months after the date on which this Act comes into force” in section 5(1) of that Act there were substituted the words “while the continuing warrant is in force”.
- (2) In this section,—

continuing warrant means a warrant issued under section 198 of the Summary Proceedings Act 1957—

 - (a) before 18 April 2012; or
 - (b) on or after that date on an application made before that date

Temporary Act means the Video Camera Surveillance (Temporary Measures) Act 2011.

315C Transitional provision relating to provisions brought into force under section 2

- (1) Despite any amendment in Part 5 of this Act,—
 - (a) where an application has been made under an authorising Act before the relevant commencement, and the application is not finally determined before that date, the provisions of that Act continue to apply to the application and to any matter or obligation relating to the application in all respects as if this Act (other than this section and any provisions in force immediately before the relevant commencement) had not been enacted; and
 - (b) those provisions continue to apply to a continuing warrant and to any matter relating to the warrant in all re-

- spects as if this Act (other than this section and any provisions in force immediately before the relevant commencement) had not been enacted; and
- (c) those provisions continue to apply to any other proceeding, matter, or thing commenced and not completed before the relevant commencement as if this Act (other than this section and any provisions in force immediately before the relevant commencement) had not been enacted.
- (2) **Subsection (1)(c)** does not limit the provisions of the Interpretation Act 1999.
- (3) In this section,—
- authorising Act** means an Act amended by **Part 5**
- continuing warrant** means a warrant or other authority issued under an authorising Act—
- (a) before the relevant commencement; or
- (b) on or after that date on an application made before that date
- relevant commencement**, in relation to an authorising Act, means the commencement of a provision in **Part 5** that amends an authorising Act.

315D Certain provisions deemed to be in force during transitional period

- (1) Until any provision of this Act specified in **subsection (2)** (a **specified provision**) comes into force, the provision is deemed to be in force for the purposes only of any other provision of this Act that—
- (a) is in force; and
- (b) refers to the specified provision.
- (2) The specified provisions are **sections 14(2) and 18(2)**, the definition of **document** in **section 68**, **sections 79(2)(a) to (d), 96(2), 97 to 99, 103**, and **105**, and **columns 1 and 2 of the Schedule**.

315E Certain provisions limited to matters covered in subpart 1 of Part 3 during transitional period

- (1) Until the date on which provisions of this Act are, for the first time, brought into force under **section 2(2)** or **(3)**, any provision specified in **subsection (2)** (a **specified provision**) applies only to the extent that it is applicable to matters covered in **subpart 1 of Part 3**.
- (2) The specified provisions are **sections 141, 155, 158, 159, 160, 161, 162, 162A, 163, 164, 167, 171, and 172**.

315F Transitional provision relating to Criminal Procedure Act 2011

Until the commencement date (within the meaning of section 394 of the Criminal Procedure Act 2011),—

- (a) **section 13(3)(b)** must be read as if the reference to section 377 of the Criminal Procedure Act 2011 were a reference to section 404 of the Crimes Act 1961; and
- (b) **section 18(3)(a)** must be read as if the reference to a category 3 or category 4 offence were a reference to an indictable offence; and
- (c) **section 18(3)(b)** must be read as if the reference to a category 3 or category 4 offence were a reference to an indictable offence; and
- (d) **section 23(4)(c)** must be read as if the reference to the Criminal Procedure Act 2011 were a reference to the Summary Proceedings Act 1957; and
- (e) **section 44(2)(d)(i)** must be read as if the reference to a category 3 or category 4 offence were a reference to an indictable offence; and
- (f) **section 105(2)** must be read as if the reference to section 204 of the Summary Proceedings Act 1957 and section 379 of the Criminal Procedure Act 2011 were a reference only to section 204 of the Summary Proceedings Act 1957; and
- (g) **sections 165(2) and 166(2)** must be read as if the offences prescribed in those sections were triable on indictment; and
- (h) **sections 167, 168, 169, 170, and 171(2)** must be read as if the offences prescribed in those sections were punishable on summary conviction.

315FA References to enforcement officer during transitional period

- (1) If the New Zealand Customs Service is approved, under an Order in Council made under **section 45A(1)**, to undertake any activity specified in that subsection, then the definition of **enforcement officer** in **section 3(1)** is, in the period commencing with the commencement of that order and ending on the first day on which all of **sections 202 to 211** are in force, taken to include a Customs officer.
- (2) If the Department of Internal Affairs is approved, under an Order in Council made under **section 45A(1)**, to undertake any activity specified in that subsection, then the definition of **enforcement officer** in **section 3(1)** is, in the period commencing with the commencement of that order and ending on the first day on which all of **sections 223 to 225A** are in

force, taken to include an inspector within the meaning of section 2 of the Films, Videos, and Publications Classification Act 1993.

315G Regulations providing for transitional matters

- (1) The Governor-General may, by Order in Council, make regulations—
 - (a) providing transitional and savings provisions concerning the coming into force of this Act, which may be in addition to or in place of the transitional and savings provisions of this Part:
 - (b) to facilitate the bringing into force of any regulations under this Act:
 - (c) providing that subject to such conditions as are specified in the regulations, during a specified transitional period,—
 - (i) specified provisions of this Act (including definitions) do not apply:
 - (ii) specified terms have the meanings given to them by the regulations:
 - (iii) specified provisions repealed or amended by this Act are to continue to apply:
 - (d) providing for any other matters necessary for facilitating or ensuring an orderly transition from the provisions of any enactments replaced by this Act to the provisions of this Act.
- (2) No regulations made under this section may be made, or continue in force, after 1 April 2017.

Schedule

Replace the *Schedule* (pages 223 to 259) with:

Schedule **s 87AA**

Powers in other enactments to which all or part of Part 4 of Search and Surveillance Act 2009 applies

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Agricultural Compounds and Veterinary Medicines Act 1997	64(1) and (2)	ACVM officer may enter and inspect transitional facility or biosecurity control area	All (except subparts 1A, 2, and 7 and sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	69(1)	Constable or ACVM officer may obtain and execute search warrant to search for agricultural compounds or biological agents and related objects	All (except that sections 114 and 115 apply to constables only)
	71(1)	Constable or ACVM officer may dispose of property seized under search warrant issued under section 69(1) of Agricultural Compounds and Veterinary Medicines Act 1997	Subparts 1, 4, 5, 6, and 9
Animal Products Act 1999	87(1) and (2)	Animal product officer may enter place to determine whether person is complying with Animal Products Act 1999 or whether shellfish pose hazard to public health	Subparts 1, 3, 6, 8, and 9 (except sections 114 and 115)
	88(1)	Animal product officer may examine things at place entered under section 87(1) or (2) of Animal Products Act 1999	All (except subparts 1A, 2, and 7 and sections 114 and 115)
	94(1)	Constable or animal product officer may obtain and execute search warrant to search for evidence of offence against Animal Products Act 1999 or in relation to shellfish contaminants	All (except that sections 114 and 115 apply to constables only)
	97	Constable or animal product officer may dispose of property seized under search warrant issued under section 94(1) of Animal Products Act 1999	Subparts 1, 4, 5, 6, 8, and 9
Animal Welfare Act 1999	131(1) and (2)	Constable or animal welfare inspector may obtain and execute search warrant to search for evidence of offence against Animal Welfare Act 1999 or to prevent or investigate suffering of animal	All (except that sections 114 and 115 apply to constables only)

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Column 1	Column 2	Column 3	Column 4
Act	Section 136(1)	Brief description of power	Which provisions in Part 4 apply Subparts 1, 4, 5, 6, 8, and 9
Antarctic Marine Living Resources Act 1981	9(1)	Constable or animal welfare inspector may dispose of property seized under search warrant issued under section 131 of Animal Welfare Act 1999 or dispose of any animal taken under section 137 of that Act	All (except subparts 2 and 7)
Antarctica (Environmental Protection) Act 1994	42(1)	Special inspector may obtain and execute search warrant to search for evidence of offence against Antarctica (Environmental Protection) Act 1994	All
	43(1)	Special inspector may search without warrant for evidence of offence against Antarctica (Environmental Protection) Act 1994 in exigent circumstances	All (except subparts 1A and 2)
Anti-Money Laundering and Countering Financing of Terrorism Act 2009	117(1) and (3)	Enforcement officer or constable may obtain and execute search warrant to search for evidence of offence against Act or of failure to comply with requirement under Act	Subparts 1, 2, and 8
	118	Enforcement officer or constable executing search warrant to inspect and copy documents and require a person to produce documents, operate equipment, remove documents, and answer questions	All (except subpart 2 and sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Anti-Personnel Mines Prohibition Act 1998	22	Anti-personnel mines officer may obtain and execute search warrant to enter and inspect place in order to exercise function conferred by Anti-Personnel Mines Prohibition Act 1998	Subparts 1, 2, 3, 6, 8, and 9
Aviation Crimes Act 1972	13(1)	Constable may search person who declines to allow his or her luggage to be searched in circumstances where constable believes crime against Aviation Crimes Act 1972 has been, is being, or is likely to be committed	All (except subpart 2)
Biosecurity Act 1993	110(1)	Inspector or authorised person may obtain and execute search warrant to enter and inspect places for pests, pest agents, unwanted organisms, unauthorised goods, or risk goods, and to check activities carried out under Biosecurity Act 1993	Subparts 1, 2, 6, 8, and 9
	111(1)	Inspector or authorised person may obtain, and inspector, authorised person, or constable may execute, search warrant to search for evidence of offence against Biosecurity Act 1993	All (except sections 114 and 115)
	118(1)	Person exercising power of search conferred by section 111 of Biosecurity Act 1993 may seize things	Subparts 1, 4, 5, 6, 8, and 9
Boxing and Wrestling Act 1981	9	Constable may obtain and execute search warrant to obtain evidence of offence against Boxing and Wrestling Act 1981	Subparts 1, 2, 3, 6, 8, and 9
Chemical Weapons (Prohibition) Act 1996	23	Constable or appointed person may apply for search warrant	Subparts 2 and 3

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Children, Young Persons, and Their Families Act 1989	39(1) and (3)	Constable or social worker may obtain and execute place of safety warrant authorising search for, and removal of, child at risk of harm	Sections 97, 99, and 103
	40(1) and (4)	On application for order that child is in need of care and protection, constable or social worker may obtain and execute search warrant authorising search for and removal of child	Sections 97, 99, and 103
	386(1)	If child or young person absconds, constable or social worker may obtain and execute search warrant authorising search for, and removal and return of, child or young person	Sections 97, 99, and 103
Civil Aviation Act 1990	24(4)	Authorised person may obtain and execute warrant to enter dwelling-house or marae for purposes of exercising powers of inspection conferred on Director of Civil Aviation by Civil Aviation Act 1990	Subparts 1, 2, 3, 4, 6, 8, and 9 (except that sections 114 and 115 apply to constables only)
Commerce Act 1986	98A(2)	Authorised employee of Commerce Commission may obtain and execute warrant to search for evidence of offence against most provisions of Commerce Act 1986	All (except sections 114 and 115)
Commodity Levies Act 1990	19(1)	Constable or designated person may obtain and execute warrant to enter and search for evidence of offence against Commodity Levies Act 1990	All (except that sections 114 and 115 apply to constables only)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Conservation Act 1987	40(1) and (5)	Warranted officer may seize various things held in contravention of Conservation Act 1987 and exercise other powers; constable or warranted officer may seize thing in respect of which it is believed offence is being committed under Conservation Act 1987	All (except sub-part 2)
Credit Contracts and Consumer Finance Act 2003	113(d)	Powers of Commerce Commission to search and seize under sections 98A and 98G of Commerce Act 1986 are applied to Credit Contracts and Consumer Finance Act 2003 (with any necessary modifications)	All (except sections 114 and 115)
Criminal Proceeds (Recovery) Act 2009	59	Court may declare nature, extent, and value of person's interest in property specified in civil forfeiture order, and give directions	All (except sub-part 5)
	71	Court may declare nature, extent, and value of person's interest in property specified in instrument forfeiture order, and give directions	All (except sub-part 5)
	101(1)	Member of Police may obtain and execute warrant to search any place or thing for instrument of crime or evidence of nature of person's interest in or control over instrument of crime	Subpart 2
	102(1)	Commissioner of Police may obtain and execute warrant to search any place or thing for tainted property or evidence of person's interest in tainted property or property that is subject of restraining order	Subpart 2

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	104(1)	The Commissioner of Police may apply to a Judge for a production order if the Commissioner has reason to believe that a person has possession or control of documents that are relevant to an investigation by the Commissioner under this Act or to any proceedings under this Act.	sections 97 and 98
	106(1)	The Commissioner of Police may apply to a Judge for an examination order.	sections 97 and 98
	108(1)	Commissioner of Police may obtain and execute warrant to search any thing or place for documents or information required to be produced or supplied under Act	Subpart 2
	110(1)	Official Assignee may obtain and execute warrant to search any place or thing for property that is or is likely to be subject of restraining order or that is subject of forfeiture order	Subpart 2
	114	Application and issue of search warrants	All (except subpart 5)
	127	Applications for warrants under sections 124 to 126	All (except subpart 5)
	146	High Court may declare the nature, extent, and value of any person's interest in property specified in a foreign forfeiture order	All (except subpart 5)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Customs and Excise Act 1996	139(1)(d)	Customs officer and authorised person may board craft if officer or authorised person has reasonable cause to suspect craft is involved in offence against Customs and Excise Act 1996 or is carrying dutiable, uncustomed, prohibited, or forfeited goods	Subparts 1, 1A, and 3 to 9 (except that sections 120(2), 126(5)(e), and 127 and subparts 5 and 7 do not apply to forfeited goods)
	140	Customs officer and authorised person may search craft if officer or authorised person has reasonable cause to suspect craft is involved in offence against Customs and Excise Act 1996 or is carrying dutiable, uncustomed, prohibited, or forfeited goods	Subparts 1, 1A, and 3 to 9 (except that sections 120(2), 126(5)(e), and 127 and subparts 5 and 7 do not apply to forfeited goods)
	144	Customs officer or, in certain cases, constable may stop and detain vehicle to search it for various kinds of goods	Subparts 1 and 3 to 9 (except that sections 120(2), 126(5)(e), and 127 and subparts 5 and 7 do not apply to forfeited goods)
	149B	Customs officer or, in certain cases, constable may search person if officer or constable has reasonable cause to suspect that certain items are hidden on or about that person and are evidence that the person has committed or is about to commit certain offences against Customs and Excise Act 1996	Subparts 1, 1A, and 3 to 9 (except that sections 120(2), 126(5)(e), and 127 and subparts 5 and 7 do not apply to forfeited goods)
	149BA	Customs officer or constable may search a person for dangerous items if officer or constable has reasonable grounds to believe that items posing threat to safety are on or about the person	Subparts 1, 1A, and 3 to 9 (except that sections 120(2), 126(5)(e), and 127 and subparts 5 and 7 do not apply to forfeited goods)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	149C	Customs officer or constable may seize certain things found during search under section 149B or 149BA of Customs and Excise Act 1996	Subparts 1, 4, 5, 6, 8, and 9 (except that sections 120(2), 126(5)(e), and 127 and subpart 5 do not apply to forfeited goods)
	152	Customs officer may, on direction of chief executive, inspect goods no longer under control of Customs if chief executive has reasonable grounds to suspect goods are goods in respect of which offence has been committed, or that are forfeited to the Crown, under Customs and Excise Act 1996	Subparts 1, 1A, and 3 to 9 (except that sections 120(2), 126(5)(e), and 127 and subparts 5 and 7 do not apply to forfeited goods)
	167(1)	Customs officer may obtain and execute search warrant to enter any place or thing to search for evidence of contravention of Customs and Excise Act 1996 or anything that is unlawfully imported or exported, or that is used for the purpose of unlawful exportation or importation of goods	All (except that sections 120(2), 126(5)(e), and 127 and subparts 5 and 7 do not apply to forfeited goods)
	175C	Customs officer may seize or detain goods suspected to be certain risk goods or evidence of commission of certain offences, if those goods are discovered in the course of exercising powers of inspection, search, or examination under Customs and Excise Act 1996	All (except subparts 1A and 2)

Column 1	Column 2	Column 3	Column 4
Act	Section 175D	Brief description of power Customs officer may seize and detain goods or documents (located in the course of exercising any power of search, inspection, or examination under Customs and Excise Act 1996) that he or she has reasonable cause to suspect are evidence of any of specified list of offences under Misuse of Drugs Act 1975 or Films, Videos, and Publications Classification Act 1993	Which provisions in Part 4 apply Subparts 1, 4, 5, 6, 8, and 9 (except that sections 120(2), 126(5)(e), and 127 and subpart 5 do not apply to forfeited goods)
Dairy Industry Restructuring Act 2001	29I(1)	Constable or chief executive of Ministry of Agriculture and Forestry or person authorised by chief executive may obtain and execute search warrant to search for evidence of offence against section 31(3) of Dairy Industry Restructuring Act 2001	All (except that sections 114 and 115 apply to constables only)
Dog Control Act 1996	14(1) to (3)	Dog control officer who has good cause to suspect that offence against Dog Control Act 1996 or bylaw under that Act is being committed may enter land or premises, and inspect any dog, and, if authorised by that Act, seize or take custody of dog (note: warrant must be obtained to enter dwelling-house)	Subparts 1, 1A, 3, and 6 to 9 (except that sections 114 and 115 apply to constables only)
	56(3)	Dog ranger or dog control officer may enter dwellinghouse to remove barking dog (following non-compliance with remedial notice) if he or she obtains warrant to enter	Subparts 1, 2, 6, 8, and 9

**Proposed amendments to
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Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	57(6)(b)	Dog ranger or dog control officer may enter dwellinghouse to seize dog that has attacked persons or animals if he or she has warrant to enter (note: entry may be without warrant in exigent circumstances)	Subparts 1, 2, 6, 8, and 9
Driftnet Prohibition Act 1991	13(1) and (2)	Enforcement officer may exercise powers of entry and variety of other powers for purposes of enforcing Driftnet Prohibition Act 1991	Subparts 1, 3, 4, 6, 8, and 9
	15	Enforcement officer may seize property	Subparts 1, 4, 5, 6, 8, and 9
Electricity Act 1992	159(1)(e)	Dwellinghouse may be entered under general power of entry conferred by Electricity Act 1992 if warrant authorising entry to that dwellinghouse is obtained by person exercising power	Subparts 1, 2, 4, 6, 8, and 9
Electricity Industry Act 2010	47(1)	Employee of Authority may obtain and execute warrant to search any place for purpose of ascertaining whether industry participant is in breach of Act, regulations, or Code	All (except sections 114 and 115)
Extradition Act 1999	83(2)	Issuing officer may issue search warrant to constable to search for evidence of extradition offence	All (except subpart 5)
Fair Trading Act 1986	47(2)	Authorised employee of Commerce Commission may obtain and execute search warrant to investigate breaches of Fair Trading Act 1986	All (except sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Films, Videos, and Publications Classification Act 1993	109	Constable or inspector may obtain and execute search warrant to search for evidence of offences against Films, Videos, and Publications Classification Act 1993 (other than against sections 126 and 131A)	All (except sections 114 and 115)
	109A(1) and 109B	Constable or inspector may obtain and execute search warrant to search for evidence of offences against section 126 or 131A of Films, Videos, and Publications Classification Act 1993	All (except sections 114 and 115)
Financial Markets Authority Act 2011	29(1) and (3)	Specified person may enter and search place, vehicle, or other thing by consent or with warrant to ascertain if person is contravening financial markets legislation	All (except sections 114 and 115)
Financial Transactions Reporting Act 1996	44	Constable may obtain and execute search warrant to search for evidence of offence against Financial Transactions Reporting Act 1996 or any regulations made under that Act	All
Fisheries Act 1996	199(1)	Fishery officer may examine any vessel, vehicle, premises, or other place in the course of enforcement and administration of Fisheries Act 1996	All (except subparts 1A, 2, and 7 and section 115)
	199A	Fishery officer may enter, examine, and search any thing that relates to suspected offence against Fisheries Act 1996	All (except subparts 2 and 7)
	200(1)	Fishery officer may enter dwellinghouse or surrounds or Māori reservation (under power conferred elsewhere in Fisheries Act 1996) if authorised to do so by issuing officer	Subparts 1, 2, 6, 8, and 9

**Proposed amendments to
Search and Surveillance Bill**

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	207(1)	Property seized by fishery officer in relation to suspected offence against Fisheries Act 1996 may be held	Subparts 1, 4, 5, 6, 8, and 9
Food Act 1981	12(1) and (2)	Food officer may seize and detain articles and advertising material or labelling material reasonably believed to be in contravention of Food Act 1981 or, as applicable, any food standards or regulations made under that Act	All (except subparts 1A, 2, 5, and 7 and sections 114, 115, 120(2), 126(5)(e) and 127)
	13(1)	Local authority inspector and any assistant under his or her direction may seize and detain any food or appliance related to certain suspected offences under Food Act 1981	All (except subparts 1A, 2, 5, and 7 and sections 114, 115, 120(2), 126(5)(e), and 127)
	15A	Authorised officer may apply for search warrant in relation to specified offences	Section 6
Forests Act 1949	67D(1)(e)	Timber seized by Secretary (chief executive of Ministry of Agriculture and Forestry) or forestry officer may be disposed of in accordance with Part 4 of the Search and Surveillance Act 2009	Subparts 1, 5, 6, 8, and 9
	67R	Secretary (chief executive of Ministry of Agriculture and Forestry) and any forestry officer may enter various places to inspect indigenous timber from indigenous forest land and may seize indigenous timber involved in a contravention of Forests Act 1949	All (except subparts 1A, 2, 4, and 7 and sections 114 and 115)
	71B(1)	Various powers of entry conferred by Forests Act 1949 are subject to specified statutory restrictions (including all of Part 4 of Search and Surveillance Act 2009)	All (except that sections 114 and 115 apply to constables only)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Gambling Act 2003	335(1)	Gambling inspector may, while in casino, seize any gambling equipment, device, or thing that inspector has reasonable grounds to believe is evidence of offence against sections 351 to 353 of Gambling Act 2003	All (except Sub-part 2)
	336(1)	Gambling inspector may, while in public place, seize any equipment, device, or thing that inspector has reasonable grounds to believe is evidence of offence against Gambling Act 2003 or related offence involving gambling	All (except Sub-part 2)
	340(3)	Gambling inspector or constable may obtain and execute search warrant to search for evidence of offence against Gambling Act 2003 or related offence involving gambling	All (except that sections 114 and 115 applies to constables only)
Gas Act 1992	43W(6) and (7)	Authorised person may enter home of industry participant under authority of warrant (which may be issued if there are reasonable grounds to believe it is necessary to issue warrant to ascertain whether industry participant has breached, or may breach, gas governance regulations or rules)	Subparts 1, 2, 6, 8, and 9
	50(1)	Any power of entry conferred by Gas Act 1992 or regulations made under that Act may be exercised in respect of dwellinghouse if warrant is issued (note: entry without warrant allowed in exigent circumstances)	Subparts 1, 2, 6, 8, and 9

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Hazardous Substances and New Organisms Act 1996	119(1)	Enforcement officer may obtain and execute search warrant to search for evidence of any substance or organism or related thing involved in offence against Hazardous Substances and New Organisms Act 1996	All (except that sections 114 and 115 apply to constables only)
Health Practitioners Competence Assurance Act 2003	10(1)	Constable may obtain and execute search warrant to search for evidence of offence against section 7 or 9 of Health Practitioners Competence Assurance Act 2003	All (except sections 114 and 115)
Human Assisted Reproductive Technology Act 2004	68(1)	Authorised person may enter place if he or she has reasonable grounds to believe that gamete, embryo, or foetus formed by prohibited action is located there or any assisted reproductive procedure or human reproductive research is conducted there, and inspect equipment at place and exercise other powers (such as powers of inspection and search and seizures at various times)	All (except subpart 2 and sections 114 and 115)
	69(2)	Authorised person may enter dwellinghouse and exercise section 68 powers inside house under section 68(1) of Human Assisted Reproductive Technology Act 2004 only if he or she obtains search warrant	All (except sections 114 and 115)
	72	Property seized may be forfeited to Crown on conviction	Subpart 5

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Human Tissue Act 2008	68(1)	Authorised person may enter place if he or she has reasonable grounds to believe that collection or use of human tissue at place involves contravention of Human Tissue Act 2008, or there is evidence of contraventions of Act at that place, and inspect equipment at place and exercise other powers, such as powers of inspection and search and seizure of various items	(except subpart 2 and sections 114 and 115)
	69(2)	Authorised person may enter dwellinghouse and exercise section 68 powers inside house only if he or she obtains search warrant	All (except sections 114 and 115)
	72	Property seized may be forfeited to Crown on conviction	Subpart 5
Immigration Advisers Licensing Act 2007	57(1)(e)	Person authorised by Registrar who enters premises for purposes of administering licensing regime may retain certain documents if there are grounds for believing they are evidence of commission of offence	Subparts 1, 4, 5, 6, 8, and 9
	61(1)	Person may obtain entry warrant for dwellinghouse if there are reasonable grounds to believe that immigration adviser, former immigration adviser, or applicant for licence as immigration adviser has worked there, and obtaining entry warrant is only practicable way in which to obtain entry	Subparts 1, 2, and 8
	61A	Registrar may apply for a search warrant in relation to an offence under the Act	section 6

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Insurance (Prudential Supervision) Act 2010	132(1)	Investigator may enter and search any place by consent or with warrant for purposes of investigating affairs of licensed insurer or associated person	All (except sections 114 and 115)
	230, 231	Protection from liability for acts done in good faith	Subpart 6
International Crimes and International Criminal Court Act 2000	102(1) and (2)	Constable may obtain and execute search warrant to search for evidence of international crime or anything related to such crime	Subparts 1 to 4, 6, 8, and 9 and also sections 154 and 155
	107(2)	Report on execution of search warrant together with copy of any notice given under section 127 of Search and Surveillance Act 2009 must be given to Attorney-General	Section 127
	108(4)	Things seized under search warrant issued under section 102 of International Crimes and International Criminal Court Act 2000 must be returned to person from whom they were seized (subject to section 148 of Search and Surveillance Act 2009)	Section 148
	108(5)	Attorney-General may refuse to return thing seized in certain circumstances (subject to section 147 of Search and Surveillance Act 2009)	Section 147

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
International Energy Agreement Act 1976	11	Regulations may be made allowing powers of entry conferred by section 9 of International Energy Agreement Act 1976 to be exercised to ensure compliance with those regulations (note: regulations must not limit section 6 of Search and Surveillance Act 2009 or subpart 5 of Part 4 of that Act)	section 6 and subparts 1, 2, 5, 6, 8, and 9
International War Crimes Tribunals Act 1995	48(1)	Constable who is of or above the level of inspector may obtain and execute warrant to search for evidence of suspected offence for which person has been arrested under section 7 of International War Crimes Tribunals Act 1995 or for any thing in respect of which such offence has been, or is suspected of having been, committed	Subparts 1 to 4 and 6 to 9 and also sections 154 and 155
	48(2)	Constable, authorised by Attorney-General, may obtain and execute warrant to search for evidence of suspected offence that war crimes tribunal has jurisdiction to try, and for any thing in respect of which such offence has been, or is suspected of having been, committed	Subparts 1 to 4 and 6 to 9 and also sections 154 and 155
	55(5) and (6)	Any thing seized may be retained in certain circumstances, but must otherwise be returned to person from whom it was seized (subject to sections 147 and 148 of Search and Surveillance Act 2009)	Sections 147 and 148

**Proposed amendments to
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Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Land Transport Act 1998	119(1) and (2)	Enforcement officer may enter any premises if he or she is in fresh pursuit of driver suspected of committing certain offences against Land Transport Act 1998, or of driver who has failed to provide certain information	All (except sub-part 2)
	119(3)	Enforcement officer may enter premises without warrant, in exigent circumstances, to seize and impound vehicle liable to impoundment under various provisions of Land Transport Act 1998	All (except sub-part 2)
	119(5)	Enforcement officer may obtain and execute warrant to enter premises and seize and impound vehicle liable to impoundment under various provisions of Land Transport Act 1998	All
Local Government Act 2002	165	Enforcement officer may obtain and execute warrant to enter private land involved in commission of offence and seize and impound property	All (except sections 114 and 115)
	172	Warranted enforcement officer may enter land for purpose of detecting breach of bylaw or commission of offence against Local Government Act 2002, if officer has reasonable grounds for suspecting such breach or offence has occurred, or is occurring, on the land (note: warrant must be obtained before this power can be exercised in respect of dwelling-house)	All (except that sections 114 and 115 apply to constables only)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	173(1)	Local authority, for purposes of doing anything it is authorised to do under Local Government Act 2002, may enter property without giving prior notice in certain circumstances involving sudden emergency or if there is danger to any works or to adjoining property	All (except subparts 1A and 2 and sections 114 and 115)
Major Events Management Act 2007	67(1)	Constable or enforcement officer may obtain and execute search warrant to search for evidence of offence against Major Events Management Act 2007 or for any related thing	All (except that sections 114 and 115 apply to constables only)
Marine Mammals Protection Act 1978	13(1)	Marine mammals officer who has reason to believe or suspect that offence against Marine Mammals Protection Act 1978 has been committed may enter, inspect, and examine any vehicle, vessel, aircraft, or hovercraft	All (except subpart 2)
	13(5)	Marine mammal officers may exercise certain powers of seizure	Subparts 1, 4, 5, 6, 8, and 9
	14(1)	Marine mammals officer may obtain and execute search warrant to search for evidence of offence against Marine Mammals Protection Act 1978 or of any preparation to commit such offence	All

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Marine Reserves Act 1971	18(1)(d)	Ranger may, if he or she reasonably believes that person has committed offence against Marine Reserves Act 1971 or any regulations made under that Act, stop any vessel, vehicle, or aircraft or parcel, package, luggage, or other container in transit and may enter or open and search any such thing	All (except sub-part 2)
	18A	Ranger may, if he or she believes there has been breach of Marine Reserves Act 1971 or any regulations made under that Act, exercise certain seizure powers	All (except sub-part 2)
Maritime Security Act 2004	51(4)	Authorised person may obtain and execute search warrant to search certain persons and their personal effects or a ship if issuing officer is satisfied that there are reasonable grounds to believe offence against Maritime Security Act 2004 has been, is being, or is likely to be committed	All (except that sections 114 and 115 apply to constables only)
Maritime Transport Act 1994	454	Authorised person may obtain and execute warrant to inspect dwelling-house or marae for purposes of carrying out his or her functions, duties, or powers under Maritime Transport Act 1994 if issuing officer is satisfied that entry is essential to enable inspection to be carried out	All (except sub-part 1A and that sections 114 and 115 apply to constables only)
	455(1)	Authorised person may obtain and execute warrant to search place for evidence of offence against Maritime Transport Act 1994 or for any related thing	All (except that sections 114 and 115 apply to constables only)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Meat Board Act 2004	42(2)	Auditor may enter place of business where any meat products or related documents are held or are likely to be and examine place and take samples for purposes of undertaking quota compliance audit under Meat Board Act 2004	Subparts 1, 3 to 6, 8, and 9 (except sections 114 and 115)
	42(5)	Auditor may obtain and execute warrant to enter and inspect place that is not a place of business if issuing officer is satisfied that there are or are likely to be meat products or related documents at that place	All (except that sections 114 and 115 apply to constables only)
	62(1)	Constable or authorised person may obtain and execute warrant to enter and inspect place that is not a place of business if issuing officer is satisfied that a person has taken or is intending to take certain proscribed actions and that meat products or related documents are or are likely to be at the place	All (except that sections 114 and 115 apply to constables only)
	62(2)	Constable or authorised person may obtain and execute warrant to enter and inspect place that is not a place of business if issuing officer is satisfied that, as consequence of inspection under section 61 of Meat Board Act 2004, there are reasonable grounds to believe that there are or are likely to be meat products or related documents at that place	All (except that sections 114 and 115 apply to constables only)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Motor Vehicle Sales Act 2003	130(1)	Constable or Registrar of Motor Vehicles or person authorised by Registrar may obtain and execute search warrant to search for evidence of offence against Motor Vehicle Sales Act 2003 that has been, or is being, committed or for any related thing	All (except that sections 114 and 115 apply to constables only)
Mutual Assistance in Criminal Matters Act 1992	44(1)	Constable authorised by Attorney-General under section 43(2) may obtain and execute warrant to search for and seize any thing in respect of which offence under foreign law has been or may have been committed, or that is evidence, or that may be used in commission of such an offence	All (except sub-part 5)
National Parks Act 1980	61(1)	Ranger may seize article found in possession of any person in national park if ranger has reasonable grounds to believe that the person, in obtaining possession of article, has committed offence against National Parks Act 1980	All (except Sub-part 2)
	61(6)	Ranger may seize any chainsaw, firearm, trap, net, or similar item found in unlawful possession of any person in national park and any item found on any person and used in commission of offence in national park	All (except Sub-part 2)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	65(1)	Ranger may stop and search boats or vehicles, or certain animals, or aircraft, and search premises and possessions, in national park if he or she has reasonable cause to believe offence has been committed against National Parks Act 1980 or any bylaws under that Act and that evidence will be found in course of search	All (except sub-part 2 and sections 114 and 115)
	66(1)	Authorised person may stop and search boat outside national park if he or she has reasonable cause to believe offence has been committed against National Parks Act 1980 or any bylaws under that Act and that evidence is on boat	All (except sub-part 2)
Overseas Investment Act 2005	56(3)	Regulator may obtain search warrant to search place or thing if there are reasonable grounds to believe offence under Overseas Investment Act 2005 has been, or is being, committed at place or thing or there is on, under, or over place or thing evidence of offence against that Act	All (except sections 114 and 115)
Ozone Layer Protection Act 1996	23(1)	Constable may obtain and execute search warrant to search for evidence of offence against Ozone Layer Protection Act 1996	All (except sections 114 and 115)
	25	If any constable or officer seizes any substance or goods under Ozone Layer Protection Act 1996, subparts 1, 5, 6, 8, and 9 of Part 4 of Search and Surveillance Act 2009 applies	Subparts 1, 5, 6, 8, and 9

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Pork Industry Board Act 1997	44(2)	Authorised person may enter and inspect place of business to ascertain whether requirements of Part 4 of Pork Industry Board Act 1997 are being complied with or to obtain evidence that any of those requirements are not being met	All (except subpart 1A, sections 114 and 115, and subpart 7)
	45(1)	Authorised person may obtain and execute warrant to enter and inspect place that is not place of business if issuing officer is satisfied that offence against section 49(1) or (2) of Pork Industry Board Act 1997 has been committed and that there are or are likely to be at the place certain documents relating to levy money or slaughter of pigs, or pork products subject to that levy, that are evidence of commission of offence	All (except sections 114 and 115)
	45(2)	Authorised person may obtain and execute warrant to enter and inspect place that is not place of business if issuing officer is satisfied that, as consequence of inspection of place of business under section 44 of Pork Industry Board Act 1997, there are reasonable grounds to believe that there are certain documents relating to levy money or slaughter of pigs, or pork products from pigs subject to that levy, at that place	All (except sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Prostitution Reform Act 2003	30(1)	Constable may obtain warrant to enter and search place if issuing officer is satisfied that there is good cause to suspect offence against section 23 or 34 of Prostitution Reform Act 2003 has been or is likely to be committed at that place, or that it is necessary for constable to enter place to prevent or investigate such offence	All
Radiation Protection Act 1965	24(2)	Authorised officer of Ministry of Health who is refused entry to building believed to have radioactive material or irradiating apparatus or who believes that offence has been committed against Radiation Protection Act 1965 may obtain and execute search warrant	All (except that sections 114 and 115 apply to constables only)
Radiocommunications Act 1989	120	Authorised Ministry of Economic Development employee or constable may obtain warrant to enter and inspect and remove certain documents if issuing officer is satisfied that a person has committed or is committing offence against Radiocommunications Act 1989 or any regulations made under section 134(1)(g) of that Act	All (except sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Reserve Bank of New Zealand Act 1989	66I	Suitably qualified person appointed by Reserve Bank may obtain and execute search warrant if issuing officer is satisfied that certain information supplied to Reserve Bank is false or misleading, or that a person has failed to comply with certain statutory requirements under Reserve Bank of New Zealand Act 1989	All (except sections 114 and 115)
	106(1)	Suitably qualified person appointed by Reserve Bank may obtain and execute search warrant if issuing officer is satisfied that there are reasonable grounds for believing that there has been non-compliance with any of certain provisions in Part 5 of Reserve Bank of New Zealand Act 1989	All (except sections 114 and 115)
	106(2)	Suitably qualified person appointed by Reserve Bank may obtain and execute search warrant if issuing officer is satisfied that there are reasonable grounds for believing that it is necessary to do so for purpose of determining whether to execute statutory powers conferred by section 113 or 117 of Reserve Bank of New Zealand Act 1989	All (except sections 114 and 115)
	157ZM(1)	Suitably qualified person appointed by Reserve Bank may obtain and execute search warrant if issuing officer is satisfied that there are reasonable grounds to believe that deposit taker has committed offence against Part 5D of Reserve Bank of New Zealand Act 1989	All (except sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Reserves Act 1977	95(1)	Certain wildlife and related things found in possession of person in reserve may be seized by constable, ranger, or employee of administering body, if he or she has good cause to suspect that the person, in obtaining possession of the thing, has committed offence against Reserves Act 1977	All (except Sub-part 2)
	95(6)	Firearms, traps, nets, or similar objects found illegally in possession of any person in reserve and equipment found in possession of any person that has been used to commit offence in reserve may be seized by constable, ranger, or employee of administering body	All (except Sub-part 2)
	100(1)	Officer who has good cause to suspect that offence against Reserves Act 1977 or regulations made under that Act has been committed, on, from, or in respect of certain boats may stop boat and exercise certain powers of search and seizure	All (except sub-part 2)
Resource Management Act 1991	Man-Act 334(1)	Constable or enforcement officer may obtain and execute search warrant if issuing officer is satisfied that there are reasonable grounds for believing that at, in, on, over, or under any place or vehicle there is any thing in respect of which imprisonable offence under Resource Management Act 1991 or any regulations made under that Act has been committed or any thing that is evidence of such offence or that is in-	All (except that sections 114 and 115 apply to constables only)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Sale of Liquor Act 1989	177(1)	tended to be used to commit such offence Constable may obtain and execute search warrant if issuing officer is satisfied that there are reasonable grounds for believing that certain contraventions of Sale of Liquor Act 1989 are occurring	All
Tax Administration Act 1994	16(4)	Commissioner of Inland Revenue or authorised employee of Inland Revenue Department may obtain and execute warrant to enter private dwelling if issuing officer is satisfied that exercise of applicant's functions under section 16 of Tax Administration Act 1994 requires physical access to that dwelling	Subparts 1, 2, 3, 6, 8, and 9 (except sections 114, 115, and 125(4))
	16C(2)	Commissioner of Inland Revenue or authorised employee of Inland Revenue Department may obtain and execute warrant to remove books and documents from place and retain them for full and complete inspection if issuing officer is satisfied that this may be required to enable applicant to exercise his or her functions under section 16 of Tax Administration Act 1994	Subparts 1, 2, 3, 6, 8, and 9 (except sections 114, 115, and 125(4))
Trade in Endangered Species Act 1989	37(1)	Officer who has reasonable grounds to believe that breach of Trade in Endangered Species Act 1989 or of any regulations made under that Act has occurred may exercise certain entry, inspection, and related powers	All (except subpart 2)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	38(1) and (2)	Officer may obtain and execute search warrant to enter and search dwellinghouse or marae if issuing officer is satisfied that there is in that place specimen of endangered, threatened, or exploited species in respect of which offence against Trade in Endangered Species Act 1989 may have been committed, or that there is evidence of such offence at that place or a thing intended to be used for purpose of committing offence	All
Unsolicited Electronic Messages Act 2007	51(4)	Enforcement officer may obtain and execute search warrant to search place or thing if there are reasonable grounds for believing that civil liability event has been, or is being, committed at place or thing or that there is on, over, or under place or thing anything that is evidence of civil liability event	All (except that sections 114 and 115 apply to constables only)
Waste Minimisation Act 2008	79(1)	Enforcement officer may enter land or buildings to inspect property and obtain information	All (except subpart 2 and sections 114 and 115)
	80(3)	Enforcement officer may enter a dwellinghouse or marae with a warrant	All (sections 114 and 115)
	82(1)	Enforcement officer may enter private land with warrant and seize property materially involved in commission of offence	All (except sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
Weights and Measures Act 1987	28(3)	Inspector of Weights and Measures may obtain and execute search warrant if issuing officer is satisfied that it is necessary for inspector to enter dwellinghouse to exercise certain entry, examination, and related powers conferred by section 28(1) of Weights and Measures Act 1987	Subparts 1, 2, 6, 8, and 9
Wild Animal Control Act 1977	12(10)	Warranted officer may enter land or premises of licence or permit holder under Wild Animal Control Act 1977, or any other land or premises on which he or she suspects animal is being kept in breach of section 12 of that Act, in order to ascertain whether conditions of licence or permit are being complied with, or whether animal is being kept in contravention of section 12 (note: a dwellinghouse may not be entered without obtaining a warrant)	All (except sections 114 and 115)
	12(11)	Warranted officer may obtain and execute warrant to enter dwellinghouse for purpose of detecting offence if issuing officer is satisfied that there is probable cause to suspect that breach of section 12 of Wild Animal Control Act 1977 has been, or is being, committed	All (except sections 114 and 115)
	13(1)	Warranted officer may exercise variety of entry and search powers for purpose of enforcing, or preventing or detecting offences against, Wild Animal Control Act 1977	All (except subparts 1A and 2 and sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	13(6) and (7)	Warranted officer may exercise variety of entry and search powers for purpose of enforcing, or preventing or detecting offences against, Wild Animal Control Act 1977 and may obtain a warrant to enter a dwellinghouse	All (except sections 114 and 115)
	14(1) and (2)	Warranted officer may obtain and execute warrant to enter dwellinghouse for purpose of detecting offence if issuing officer is satisfied that there is probable cause to suspect that offence against Wild Animal Control Act 1977 has been, or is being, committed there	All (except sections 114 and 115)
Wildlife 1953	Act 39(1)	Ranger may exercise variety of entry, seizure, stopping, and related powers in connection with enforcement of Wildlife Act 1953	All (except sections 114 and 115)
Wine Act 2003	62(1) and (2)	Wine officer may enter any premises (other than dwellinghouse or marae) for purposes of determining whether Wine Act 2003 is being complied with	Subparts 1, 3, 6, 8, and 9 (except sections 114 and 115)
	63(1)(a) and (b)	Wine officer may exercise range of examination and inquiry powers at any place he or she may enter under section 62 of Wine Act 2003	All (except subparts 1A, 2, and 7 and sections 114 and 115)

Column 1	Column 2	Column 3	Column 4
Act	Section	Brief description of power	Which provisions in Part 4 apply
	65(1)	Wine officer or constable may obtain and execute search warrant at any place if issuing officer is satisfied that there are reasonable grounds for believing that there is at place a thing in respect of which offence under Wine Act 2003 has been, or is being, committed or thing that is being used, or is intended for use, in commission of such offence, or that is evidence of such offence	All (except sections 114 and 115)
	68	Property seized under search warrant issued under section 65 of Wine Act 2003 may be disposed of	Subparts 1, 4, 5, 6, 8, and 9

Explanatory note

This Supplementary Order Paper sets out proposed amendments to the Search and Surveillance Bill (the **Bill**). Most of the amendments are technical in nature. The Bill provides a framework for search and surveillance undertaken for the purposes of law enforcement and regulatory compliance. To achieve this, numerous statutes are amended by the Bill. The Supplementary Order Paper updates those amendments to take account of developments since 2010, when the Bill was reported back. A series of additional Acts would thus be brought within the scope of the Bill. They are:

- the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (*clause 191A*):
- the Criminal Proceeds (Recovery) Act 2009 (*clauses 201A to 201F*):
- the Electricity Industry Act 2010 (*clause 221*):
- the Financial Markets Authority Act 2011 (*clause 225AA*):
- the Insurance (Prudential Supervision) Act 2010 (*clause 240C*):
- the Waste Minimisation Act 2008 (*clauses 281A to 281C*).

The Supplementary Order Paper also amends certain Acts to enable authorised persons to apply for a search warrant under *clause 6*. These are:

- the Health Practitioners Competence Assurance Act 2003 (*clause 235*):
- the Immigration Advisers Licensing Act 2007 (*clause 240A*):

- the International Energy Agreement Act 1976 (*clause 293B*);
- the Petroleum Demand Restraint Act 1976 (*clause 266*).

The Supplementary Order Paper removes references to the Electricity Reform Act 1998, the Health and Safety in Employment Act 2000 and the Employment Relations Act 2000 from the Bill (*clauses 221, 234, and 300*).

The amendments to other statutes have also been reviewed to ensure that powers conferred on regulatory agencies are appropriate for their purposes. Thus in many instances, powers to detain and search individuals have been removed or confined to constables.

To reflect the changes to other legislation, the Bill replaces the existing *Schedule*, which summarises the application of the Bill to law enforcement and regulatory agencies, with an updated schedule.

Policy matters

The Supplementary Order Paper makes a limited number of policy changes. These concern:

- tracking devices;
- searches associated with arms;
- the rights of journalists to protect sources;
- clarification of use of visual surveillance devices by fishery officers in observing public places.

Tracking devices

The Supplementary Order Paper amends the definition of tracking device in *clause 3* so that devices that are not installed in or on a thing will fall within the scope of the Bill, and their use will require a surveillance device warrant.

The Supplementary Order Paper proposes certain amendments to *clause 42*. These amendments clarify when a surveillance device warrant is required to use a tracking device. They take account of the new definition of tracking device, and set out that, where a device is installed to ascertain if an item has been tampered with, a warrant is not required if the installation does not involve trespass to land or to goods.

Searches associated with arms

Clause 18 currently provides a power to search for and seize arms, provided that certain circumstances exist (set out in *clause 18(2)*). The Supplementary Order Paper proposes amendments to *clause 18* to enable the Police to seize and detain licences under the Arms Act 1983 as well as arms.

One of the circumstances in *clause 18(2)* that gives rise to the search power is that a protection order under the Domestic Violence Act 1995 is in force against the person in question. The Supplementary Order Paper proposes an amendment to *clause 18(2)* so that if a police safety order under that Act is in force against the person, this also will give rise to the search power.

Rights of journalists to protect sources

Clause 130 recognises the rights conferred on a journalist under section 68 of the Evidence Act 2006 to protect certain sources. The Supplementary Order Paper proposes amendments to *clause 130* so that in any case involving the applicability of these rights, the appropriate court to determine the matter will be the High Court, rather than the District Court.

Clarification of use of visual surveillance devices by fishery officers

The Bill amends the Fisheries Act 1996 to clarify that fishery officers may, for the purpose of administering the Fisheries Act 1996, use visual surveillance devices, eg cameras, to observe public places (*clauses 228 and 228A*). Although a District Court has held that fisheries officers have the right to use such devices in the course of their observations of public places, there is now, following the decision of the Supreme Court in *Hamed & Others v R* [2011] NZSC 101, some doubt whether superior courts would reach the same result. The amendments remove that doubt.

Technical matters

The Supplementary Order Paper proposes a number of technical amendments to the Bill. The more significant of these concern the following matters:

Application of powers to other Acts

Part 4 contains general provisions about search, surveillance, and inspection powers. *Clause 87AA* sets out how it applies. *Clause 87AA* has been replaced with a new clause, which firstly sets out how *Part 4* is applied to *Parts 2 and 3* of the Bill. It then applies *Part 4* in respect of the search powers conferred by the Acts identified in the Schedule and amended by *Part 5*. If there is any inconsistency between the *Schedule* and the Act that confers the power, *clause 87AA* confirms that the Act prevails. *Clause 87AA(6)* is a new provision. Some of the Acts to which *Part 4* is applied contain search powers for the purposes of investigating contraventions of legislation that are not criminal offences. *Clause 87AA(6)* provides for references to offences in *Part 4* to be read as references to such contraventions.

Amendments to other Acts

The majority of the amendments to *clauses 176 to 311* are amendments to the Acts in *Part 5*, so that each Act specifies more precisely which provisions of *Part 4* apply. Other amendments update *Part 5* to reflect changes in the law since the Bill was introduced, and make minor and consequential amendments.

Clarification of activities that do not require surveillance device warrant

The Supplementary Order Paper would amend *clause 43*, which specifies certain activities that do not require a surveillance device warrant. The Supplementary

Order Paper proposes amendments to this clause to omit activities that quite clearly do not require a warrant and thus do not need to be exempted by statute.

Commencement and transitional matters

The Supplementary Order Paper proposes to bring into force on 18 April 2012 the provisions concerning surveillance and ancillary provisions, as well as the clarification concerning the power of fishery officers to use visual surveillance devices in public places. The commencement date of 18 April 2012 is required because the Video Camera Surveillance (Temporary Measures) Act 2011 will expire with the close of 17 April 2012. The Supplementary Order Paper proposes that the protection given by that Act will continue to apply to search warrants issued before 18 April 2012, or issued on an application made before that date (*new clause 315B*).

The split commencement of the provisions in the Bill has necessitated a number of transitional provisions (*new clauses 314A to 314D and 315A to 315FA*). The Supplementary Order Paper also includes a power to make regulations to regulate transitional matters (*new clause 315G*). Regulations made under that provision, and the power itself, will end on 1 April 2017. The provision is modelled on a section in the Criminal Procedure Act 2011.
