**Version**
**as at 1 July 2026**

# Search and Surveillance Act 2012

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| Public Act | 2012 No 24 |
| Date of assent | 5 April 2012 |
| Commencement | see section 2 |

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**Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Justice.**

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**The Parliament of New Zealand enacts as follows:**

### 1 Title

This Act is the Search and Surveillance Act 2012.

### 2 Commencement

(1) Part 1 and subpart 1 of Part 3 (other than section 49(3) and (4)), and sections 136, 140, 141, 148, 162, 165, 166, 167, 168, 169, 170, 171, 172, 175, 179, 180, 181, 247, 248, 251(3), 325 (other than section 325(4) and (6)), 334(1) and (7), 337(4), 342, 343, 346, 347, 349, 350, 352, 353, 354, 355, and 356 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.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| Legislation Act 2019 requirements for secondary legislation made under this section | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 2(2): Part 2, section 49(3), (4), subparts 2–4 of Part 3, Part 4 (except sections 136, 140, 141, 148, 162, 165–172, 175, 179–181), Part 5 (except sections 201(3)–(9), 247, 248, 251(3), 302, 325(1)–(3), (5), (7)–(13), 334(1), (7), 337(4), 342, 343, 346, 347, 349, 350, 352–356) and the Schedule (except the items relating to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 and the Tax Administration Act 1994) brought into force, on 1 October 2012, by clause 3 of the Search and Surveillance Act Commencement Order 2012 (SR 2012/229).

Section 2(2): section 201(3) to (9) and the item in the Schedule relating to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 brought into force, on 30 June 2013, by clause 4 of the Search and Surveillance Act Commencement Order 2012 (SR 2012/229).

Section 2(2): section 302 and the item in the Schedule relating to the Tax Administration Act 1994 brought into force, on 1 September 2013, by clause 2 of the Search and Surveillance Act Commencement Order 2013 (SR 2013/302).

Section 2(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

# Part 1
# General provisions

## 3 Interpretation

(1) In this Act, unless the context otherwise requires,—

**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

**arms** means any firearm, airgun, pistol, pistol carbine conversion kit, restricted weapon, prohibited magazine, non-prohibited magazine, part, imitation firearm, or explosive (as those terms are defined in the Arms Act 1983), or any ammunition

**business context**, in relation to the acquisition of any information by a person, means the acquisition of the information in the person's capacity as—

(a) a provider of professional services or professional advice in relation to a person who is being investigated, or 1 or more of whose transactions are being investigated, in respect of an offence; or

(b) a director, manager, officer, trustee, or employee of an entity that is being investigated, or 1 or more of whose transactions are being investigated, in respect of an offence

**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

**chief executive**, in relation to a law enforcement agency, means—

(a) the chief executive (however described) of the law enforcement agency; and

(b) in the case of the New Zealand Police, the Commissioner of Police

**Commissioner** means the Commissioner of Police

**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

**constable** has the same meaning as in section 4 of the Policing Act 2008

**controlled drug** has the same meaning as in section 2(1) of the Misuse of Drugs Act 1975

**Crown entity** has the same meaning as in section 7(1) of the Crown Entities Act 2004

**Customs officer** has the meaning given to it in section 5(1) of the Customs and Excise Act 2018

**District Court Judge** means a Judge appointed under the District Court Act 2016

**enforcement officer** means—

(a) a constable; or

(b) any person authorised by an enactment specified in column 2 of Schedule 2, or by any other enactment that expressly applies any provision in

Part 4, to exercise a power of entry, search, inspection, examination, or seizure

**equipment** includes fingerprint powder and any chemical or other substance used for law enforcement purposes

**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

**examination order** means an examination order made under section 38

**informant** has the same meaning as in section 6(1) of the Criminal Disclosure Act 2008

**intelligence and security agency** means—

(a) the New Zealand Security Intelligence Service; or

(b) the Government Communications Security Bureau

**intercept**, in relation to a private communication, includes hear, listen to, record, monitor, acquire, or receive the communication either—

(a) while it is taking place; or

(b) while it is in transit

**interception device**—

(a) 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 intercept or record a private communication (including a telecommunication); but

(b) does not include a hearing aid or similar device used to correct subnormal hearing of the user to no better than normal hearing

**issuing officer** means—

(a) a Judge:

(b) a person, such as a Justice of the Peace, Community Magistrate, Registrar, or Deputy Registrar, who is for the time being authorised to act as an issuing officer under section 108

**Judge** means a District Court Judge or a Judge of the High Court

**law enforcement agency** means any department of State, Crown entity, local authority, or other body that employs or engages enforcement officers as part of its functions

**lawyer** means a lawyer within the meaning of section 6 of the Lawyers and Conveyancers Act 2006

**local authority** means a local authority within the meaning of section 5(1) of the Local Government Act 2002

**medical practitioner** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

**network operator** has the same meaning as in section 3(1) of the Telecommunications (Interception Capability and Security) Act 2013

**non-business context** means a context other than a business context

**non-private premises** means premises, or part of a premises, to which members of the public are frequently permitted to have access, and includes any part of a hospital, bus station, railway station, airport, or shop

**nurse** means a health practitioner who is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing whose scope of practice permits the performance of general nursing functions

**Police article** has the same meaning as in section 4 of the Policing Act 2008

**Police bail** has the same meaning as in Part 2 of the Bail Act 2000

**Police employee** has the same meaning as in section 4 of the Policing Act 2008

**Police uniform** has the same meaning as in section 4 of the Policing Act 2008

**precursor substance** has the same meaning as in section 2(1) of the Misuse of Drugs Act 1975

**private activity** means activity that, in the circumstances, any 1 or more of the participants in it ought reasonably to expect is observed or recorded by no one except the participants

**private communication**—

(a) means a communication (whether in oral or written form, or in the form of a telecommunication, or otherwise) made under circumstances that may reasonably be taken to indicate that any party to the communication desires it to be confined to the parties to the communication; but

(b) does not include a communication of that kind occurring in circumstances in which any party to the communication ought reasonably to expect that the communication may be intercepted by some other person without having the express or implied consent of any party to do so

**private premises** means a private dwellinghouse, a marae, and any other premises that are not within the definition of non-private premises

**production order** means a production order made under section 74

**raw surveillance data**—

(a) means actual video recordings or actual audio recordings; and

(b) includes full transcripts, or substantial parts of transcripts, of audio recordings

**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

**road block** means any form of barrier or obstruction preventing or limiting the passage of vehicles

**rub-down search** means a search described in sections 85(2), 86, and 87

**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 Schedule 2 to which that provision is applied; and

(b) every power, conferred under this Act or an enactment set out in column 2 of Schedule 2 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

**strip search** means a search where the person conducting the search may require the person being searched to undress, or to remove, raise, lower, or open any item or items of clothing so that the genitals, buttocks, or (in the case of a female) breasts are—

(a) uncovered; or

(b) covered only by underclothing

**surveillance device** means a device that is any 1 or more of the following kinds of devices:

(a) an interception device:

(b) a tracking device:

(c) a visual surveillance device

**surveillance power** means—

(a) the power to carry out the activities authorised by a surveillance device warrant issued under subpart 1 of Part 3; or

(b) a warrantless surveillance power

**thing seized** does not include anything made or generated by a person exercising a search or surveillance power (for example, photographs, drawings, or audio or video recordings made by or on behalf of that person, or a forensic copy of a computer hard drive)

**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

**traffic data** has the same meaning as in section 3AB of the Telecommunications (Interception Capability and Security) Act 2013

**trespass surveillance** means surveillance that involves trespass to land or trespass to goods

**unique identifier**, in relation to an enforcement officer, means an identifier, used to identify the officer, that is not his or her name and that—

(a) is assigned to him or her by the law enforcement agency that employs or engages him or her for the purposes of its operations; and

(b) uniquely identifies him or her in relation to the law enforcement agency

**unlawfully at large**, in relation to a person, means that he or she is any 1 or more of the following:

(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:

(b) unlawfully at large within the meaning of the Corrections Act 2004 or the Parole Act 2002:

(c) a prison breaker within the meaning of section 119 of the Crimes Act 1961:

(d) an escapee from lawful custody within the meaning of section 120 of the Crimes Act 1961:

(e) a special patient or restricted patient within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992 who has escaped or failed to return on the expiry or cancellation of a period of leave:

(f) a care recipient or special care recipient within the meaning of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 who has escaped or failed to return on the expiry or cancellation of a period of leave:

(g) a young person within the meaning of the Oranga Tamariki Act 1989 who is subject to an order made under section 311(1) of that Act and who is absconding from the custody of the chief executive (as defined in that Act)

**vehicle** means any conveyance that is capable of being moved under a person's control, whether or not the conveyance is used for the carriage of persons or goods, and includes a motor vehicle, aircraft, train, ship, or bicycle

**visual surveillance device**—

(a) 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, a private activity; but

(b) does not include spectacles, contact lenses, or a similar device used to correct subnormal vision of the user to no better than normal vision

**visual trespass surveillance** means trespass surveillance involving the use of a visual surveillance device

**warrantless surveillance power** means a power conferred by section 48.

(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.

Section 3(1) **arms**: replaced, on 15 November 2022, by section 18 of the Firearms Prohibition Orders Legislation Act 2022 (2022 No 41).

Section 3(1) **chief executive**: replaced, on 1 October 2025, by section 4(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **Customs officer**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 3(1) **District Court Judge**: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 3(1) **enforcement officer** paragraph (b): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **intelligence and security agency**: inserted, on 1 October 2025, by section 4(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **lawyer**: inserted, on 1 October 2025, by section 4(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **network operator**: inserted, on 1 October 2025, by section 4(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **search power** paragraph (a): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **search power** paragraph (b): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **surveillance power**: inserted, on 1 October 2025, by section 4(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **traffic data**: inserted, on 1 October 2025, by section 4(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 3(1) **unlawfully at large** paragraph (g): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 3(1) **warrantless surveillance power**: inserted, on 1 October 2025, by section 4(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 3A Transitional, savings, and related provisions

(1) The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

(2) *See* sections 343 to 356 for transitional provisions relating to this Act as enacted.

Section 3A: inserted, on 31 July 2025, by section 5 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 4 Act binds the Crown

This Act binds the Crown.

### 5 Purpose

The purpose of this Act is to facilitate the monitoring of compliance with the law and the investigation and prosecution of offences in a manner that is consistent with human rights values by—

(a) modernising the law of search, seizure, and surveillance to take into account advances in technologies and to regulate the use of those technologies; and

(b) providing rules that recognise the importance of the rights and entitlements affirmed in other enactments, including the New Zealand Bill of Rights Act 1990, the Privacy Act 2020, and the Evidence Act 2006; and

(c) ensuring investigative tools are effective and adequate for law enforcement needs.

Section 5(b): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

## Part 2
## Police powers

### Subpart 1—Rules about search warrant powers in relation to places, vehicles, and other things

### 6 Issuing officer may issue search warrant

(1) An issuing officer may issue a search warrant, in relation to a place, vehicle, or other thing, on application by a constable if the issuing officer is satisfied that there are reasonable grounds—

(a) to suspect that an offence specified in the application and punishable by imprisonment has been committed, or is being committed, or will be committed; and

(b) to believe that the search will find evidential material in respect of the offence in or on the place, vehicle, or other thing specified in the application.

(2) This section does not apply to an application for a search warrant issued under section 18D.

Section 6(2): inserted, on 5 April 2023, by section 19 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

## Subpart 2—Warrantless powers to enter and search when effecting arrest

### 7 Entry without warrant to arrest person unlawfully at large

A constable may enter a place or vehicle without warrant to search for and arrest a person if the constable has reasonable grounds—

(a) to suspect that a person is unlawfully at large; and

(b) to believe that the person is there.

### 8 Entry without warrant to avoid loss of offender or evidential material

(1) In the circumstances set out in subsection (2), a constable may—

(a) enter a place or vehicle without a warrant; and

(b) search for and arrest a person that the constable suspects has committed the offence.

(2) The circumstances are that the constable has reasonable grounds—

(a) to suspect that the person has committed an offence that is punishable by imprisonment and for which he or she may be arrested without warrant; and

(b) to believe that the person is there; and

(c) to believe that, if entry is not effected immediately, either or both of the following may occur:

(i) the person will leave there to avoid arrest:

(ii) evidential material relating to the offence for which the person is to be arrested will be destroyed, concealed, altered, or damaged.

*Stopping vehicle without warrant to effect arrest*

### 9 Stopping vehicle to find persons unlawfully at large or who have committed certain offences

A constable may stop a vehicle without a warrant to arrest a person if the constable has reasonable grounds—

(a) to suspect that a person—

(i) is unlawfully at large; or

(ii) has committed an offence punishable by imprisonment; and

(b) to believe that the person is in or on the vehicle.

### 10 Powers and duties of constable after vehicle stopped

(1) A constable exercising the stopping power under section 9 may do any 1 or more of the following:

(a) require any person in or on the vehicle who the constable has reasonable grounds to suspect is unlawfully at large or has committed an offence punishable by imprisonment to supply all or any of his or her name, address, other contact details, and date of birth:

(b) search the vehicle to locate the person referred to in section 9, if the constable has reasonable grounds to believe that the person is in or on the vehicle:

(c) search the vehicle to locate property that is evidential material in relation to any offence in respect of which the vehicle was stopped under section 9, if the person referred to in section 9—

(i) has been arrested; or

(ii) is seen fleeing from the vehicle before he or she can be arrested.

(2) Before conducting a search under a power conferred by subsection (1)(c), a constable must tell the driver the object of the proposed search, if the driver is not the person referred to in section 9.

## Subpart 3—Warrantless searches of people who are to be locked up in Police custody

### 11 Warrantless searches of people who are, or are to be, locked up in Police custody

(1) This section applies to any person who—

(a) has been taken into lawful custody; and

(b) is—

(i) at a Police station; or

(ii) in other premises, or is in, or about to be placed in, a vehicle, being used for Police purposes; and

(c) is, or is to be, locked up (whether pending a decision as to bail under section 21 of the Bail Act 2000, or in any other circumstances).

(2) A constable, or a searcher used in accordance with section 12, may conduct a search of a person to whom this section applies before that person is locked up.

(3) 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.

(4) 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.

Compare: 2008 No 72 s 37

### 12 Searchers

(1) A Police employee in charge of a person to whom section 11 applies may use a searcher to conduct a search of the person under section 11 if the use of that searcher is necessary to enable the search of the person in custody to be carried out—

(a) by someone of the same sex as the person to be searched; or

(b) within a reasonable time of the person being taken into custody.

(2) The Police employee in charge of a person who is taken into lawful custody and is to be locked up must be satisfied that a searcher used under this section has received appropriate training before that searcher conducts a search under section 11.

(3) The searcher must carry out the search as if he or she were a Police employee.

Compare: 2008 No 72 s 38

### 13 Property taken from people locked up in Police custody

(1) All money and every item of property taken from a person under section 11 must be returned to him or her when he or she is released from custody, except for the following:

(a) any money or property that, in the opinion of a constable, may need to be given in evidence in proceedings arising out of a charge brought against the person:

(b) any money or property whose possession may, in the opinion of a constable, constitute an offence.

(2) Despite subsection (1), when a person described in section 11(1) is released from Police custody and is placed in the custody of another person, all money and every item of property taken from him or her under section 11 (other than money or property of a kind described in subsection (1)(a) or (b)) must, if practicable, be delivered—

(a) to the person into whose custody he or she is released; or

(b) to the person in charge of the facility, if he or she is being released from Police custody in order to be held in custody in the facility.

(3) Subsection (1) is subject to an order made under—

(a) section 40 of the Policing Act 2008; or

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

Compare: 2008 No 72 s 39

## Subpart 4—Warrantless powers of entry in urgent circumstances

### 14 Warrantless entry to prevent offence or respond to risk to life or safety

(1) A constable who has reasonable grounds to suspect that any 1 or more of the circumstances in subsection (2) exist in relation to a place or vehicle may—

(a) enter the place or vehicle without a warrant; and

(b) take any action that he or she has reasonable grounds to believe is necessary to prevent the offending from being committed or continuing, or to avert the emergency.

(2) The circumstances are as follows:

(a) an offence is being committed, or is about to be committed, that would be likely to cause injury to any person, or serious damage to, or serious loss of, any property:

(b) there is risk to the life or safety of any person that requires an emergency response.

## Subpart 5—Warrantless powers for evidential material relating to serious offences

### 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 or an offence against section 6B(1) (terrorist act: planning or other preparations to carry out) of the Terrorism Suppression Act 2002 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.

Section 15(a): amended, on 5 October 2021, by section 39 of the Counter-Terrorism Legislation Act 2021 (2021 No 37).

### 16 Searching people in public place without warrant for evidential material relating to certain offences

A constable may search a person without a warrant in a public place if the constable has reasonable grounds to believe that the person is in possession of evidential material relating to an offence punishable by imprisonment for a term of 14 years or more or an offence against section 6B(1) (terrorist act: planning or other preparations to carry out) of the Terrorism Suppression Act 2002.

Section 16: amended, on 5 October 2021, by section 40 of the Counter-Terrorism Legislation Act 2021 (2021 No 37).

### 17 Warrantless entry and search of vehicle for evidential material relating to certain offences

A constable may, without a warrant, enter and search a vehicle that is in a public place if he or she has reasonable grounds to believe that evidential material relating to an offence punishable by imprisonment for a term of 14 years or more or an offence against section 6B(1) (terrorist act: planning or other preparations to carry out) of the Terrorism Suppression Act 2002 is in or on the vehicle.

Section 17: amended, on 5 October 2021, by section 41 of the Counter-Terrorism Legislation Act 2021 (2021 No 37).

## Subpart 6—Warrantless powers in relation to arms

Subpart 6 heading: amended, on 2 March 2025, by section 13 of the Firearms Prohibition Orders Legislation Amendment Act 2024 (2024 No 34).

### 18 Warrantless searches associated with arms

(1) A constable who has reasonable grounds to suspect that any 1 or more of the circumstances in subsection (2) exist in relation to a person may, without a warrant, do any or all of the following:

(a) search the person:

(b) search any thing in the person's possession or under his or her control (including a vehicle):

(c) enter a place or vehicle to carry out any activity under paragraph (a) or (b):

(d) seize and detain any arms found:

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

(2) The circumstances are that the person is carrying arms, or is in possession of them, or has them under his or her control, and—

(a) he or she is in breach of the Arms Act 1983; or

(b) he or she, by reason of his or her physical or mental condition (however caused),—

(i) is incapable of having proper control of the arms; or

(ii) may kill or cause bodily injury to any person; or

(c) that, under the Family Violence Act 2018,—

(i) a protection order or a police safety order is in force against the person; or

(ii) there are grounds to make an application against him or her for a protection order.

(3) A constable may, without a warrant, enter a place or vehicle, search it, seize any arms or any licence under the Arms Act 1983 found there, and detain the arms or licence if he or she has reasonable grounds to suspect that there are arms in the place or vehicle—

(a) in respect of which a category 3 offence, a category 4 offence, or an offence against the Arms Act 1983 has been committed, or is being committed, or is about to be committed; or

(b) that may be evidential material in relation to a category 3 offence, a category 4 offence, or an offence against the Arms Act 1983.

Section 18(2)(c): amended, on 1 July 2019, by section 259(1) of the Family Violence Act 2018 (2018 No 46).

### 18AA Warrantless searches associated with FPOs

(1) A constable, who has reasonable grounds to believe that a person is subject to an FPO made before, on, or after the commencement of this section, may, without a warrant, do any or all of the following for the purpose of checking whether the person is complying with the conditions of the FPO:

(a) search the person:

(b) search any thing in the person's possession or under the person's control (including a vehicle):

(c) search any premises—

(i) in which the person is present; or

(ii) that the person occupies or controls:

(d) search any vehicle in which the person is present and any other persons present in the vehicle who the constable has reasonable grounds to believe are in possession of arms:

(e) enter a place or vehicle to carry out any activity under paragraphs (a) to (d):

(f) seize and detain any arms found.

(2) A constable may exercise the power in subsection (1) without having reasonable grounds to suspect that any offence has been, is being, or will be committed by the person.

(3) In this section, **FPO** means a firearms prohibition order made, varied, or modified under Part 7A of the Arms Act 1983.

Section 18AA: inserted, on 2 March 2025, by section 14 of the Firearms Prohibition Orders Legislation Amendment Act 2024 (2024 No 34).

## Subpart 6A—Warrants to search and seize weapons when there is gang conflict

Subpart 6A: inserted, on 5 April 2023, by section 20 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 18A Interpretation

In this subpart, unless the context otherwise requires,—

**gang** has the same meaning as in section 4 of the Gangs Act 2024

**gang conflict** means ongoing dissension between 2 or more gangs, or factions within a gang, that—

(a) has involved, or is likely to involve, the use of weapons; and

(b) has presented, or is likely to present, a risk of harm to persons or damage to property

**gang insignia** has the same meaning as in section 4 of the Gangs Act 2024

**gang member** has the same meaning as in section 4 of the Gangs Act 2024

**weapon** means—

(a) any arms; and

(b) any other item made, or modified, for use to cause bodily injury.

Section 18A: inserted, on 5 April 2023, by section 20 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

Section 18A **gang**: amended, on 21 November 2024, by section 39 of the Gangs Act 2024 (2024 No 36).

Section 18A **gang insignia**: amended, on 21 November 2024, by section 39 of the Gangs Act 2024 (2024 No 36).

Section 18A **gang member**: replaced, on 21 November 2024, by section 39 of the Gangs Act 2024 (2024 No 36).

### 18B Application for warrant to search places and vehicles and seize weapons

If a gang conflict exists, a constable may apply to a Judge for a warrant to—

(a) search places and vehicles in an area for the purpose of locating weapons at, in, or on those places or in or on those vehicles; and

(b) seize any weapons found at, in, or on those places or in or on those vehicles.

Section 18B: inserted, on 5 April 2023, by section 20 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 18C Content of application

(1) An application made under section 18B must set out the following particulars:

(a) the name of the applicant; and

(b) the provision that authorises the making of the application; and

(c) the grounds on which the application is made (including the reasons why the applicant believes the legal requirements for issuing the warrant are satisfied); and

(d) a description of the area in which the gang conflict exists; and

(e) the name or names of the gang or gangs involved in the gang conflict; and

(f) a description of the area in which the search of places and vehicles is proposed to be conducted; and

(g) the name or names of the gang or gangs in that area involved in the gang conflict; and

(h) the names of any persons other than persons who are gang members of a gang referred to in paragraph (e) whose places and vehicles are proposed to be entered and searched; and

(i) the addresses or descriptions of the places proposed to be entered and searched; and

(j) a description of the vehicles proposed to be entered and searched; and

(k) the period for which the warrant is sought.

(2) When considering an application made under section 18B, the Judge—

(a) may require the applicant to provide further information concerning the grounds on which the warrant is sought; but

(b) must not, in any circumstances, require the applicant to disclose the name, address, or any other identifying detail of an informant unless, and only to the extent that, that information is necessary for the Judge to assess either or both of the following:

(i) the credibility of the informant:

(ii) whether there is a proper basis for issuing the warrant.

(3) The applicant must disclose in the application—

(a) details of any other application for a search warrant that the applicant knows to have been made within the previous 3 months in respect of any place or vehicle proposed to be searched; and

(b) the result of that application or those applications.

(4) The applicant must, before applying for a search warrant under section 18B, make reasonable inquiries within the Police, for the purpose of complying with subsection (3).

Section 18C: inserted, on 5 April 2023, by section 20 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 18D Issue of warrant to search places and vehicles in specified area and seize weapons

(1) A Judge may issue a warrant on an application made under section 18B if the Judge is satisfied that there are reasonable grounds to believe that—

(a) a gang conflict exists; and

(b) 1 or more gangs involved in the gang conflict are in a specified area; and

(c) the issue of the warrant may reduce the risk of harm to people or property.

(2) A Judge, if satisfied of either or both of the following matters, may issue a warrant authorising a search in the specified area of 1 or more specified places for the purpose of locating weapons and seizing any weapons found at, in, or on any of those places:

(a) there are reasonable grounds to suspect that the specified places are owned, occupied, or used by 1 or more gang members of a specified gang:

(b) there are reasonable grounds—

(i) to suspect that the specified places are owned, occupied, or used by 1 or more specified persons; and

(ii) to believe that the specified persons are encouraging or assisting in the gang conflict.

(3) A warrant authorising the search of places specified under subsection (2) may only authorise the search of non-private premises if the Judge issuing the warrant is satisfied that there are reasonable grounds to suspect that the premises are being used by gang members to conduct gang-related activities involving weapons.

(4) A Judge, if satisfied of either or both of the following matters, may issue a warrant authorising a search in the specified area of 1 or more specified vehicles for the purpose of locating weapons and seizing any weapons found in or on any of those vehicles:

(a) there are reasonable grounds to suspect the specified vehicles are owned or used by 1 or more gang members of a specified gang:

(b) there are reasonable grounds—

(i) to suspect that the specified vehicles are owned or used by 1 or more specified persons; and

(ii) to believe that the specified persons are encouraging or assisting in the gang conflict.

(5) A warrant may also authorise a search within the specified area of any vehicles other than specified vehicles for the purpose of locating and seizing weapons

found in or on the vehicles if a constable is satisfied that there are reasonable grounds to suspect that the vehicles are—

(a) owned or used by 1 or more gang members of a specified gang; or

(b) owned or used by 1 or more specified persons who are encouraging or assisting in the gang conflict.

(6) In this section,—

**specified area** means the area specified in the warrant by any description (for example, by geographical region) that enables the boundaries of the area to be ascertained, and may be any of the following:

(a) the same area as the area in which the gang conflict exists; or

(b) a different area to the area in which the gang conflict exists; or

(c) an area that includes part of the area in which the gang conflict exists; or

(d) an area within the area in which the gang conflict exists

**specified gang** means a gang specified in a warrant issued under this section

**specified person** means a person specified in a warrant issued under this section who is not a gang member of a specified gang

**specified place** means a place specified in a warrant issued under this section

**specified vehicle** means a vehicle specified in a warrant issued under this section.

Section 18D: inserted, on 5 April 2023, by section 20 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 18E Places and vehicles may be searched on more than 1 occasion

A warrant issued under section 18D may be executed on more than 1 occasion in respect of—

(a) different places or vehicles:

(b) the same place or vehicle, subject to any conditions specified in the warrant that the Judge considers reasonable.

Section 18E: inserted, on 5 April 2023, by section 20 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 18F Form and content of warrant

(1) This section applies in respect of a warrant issued under section 18D.

(2) Every warrant must be in the prescribed form, if any.

(3) Every warrant must be directed to a constable.

(4) A warrant may be—

(a) executed by a constable:

(b) subject to any conditions specified in the warrant that the issuing Judge considers reasonable, including (without limitation)—

(i) any restriction on the time of execution that is reasonable:

(ii) a condition that the occupier or person in charge of a place must provide reasonable assistance to a constable executing the warrant if, in the absence of such assistance, it would not be practicable to execute the warrant without undue delay.

(5) Every search warrant must contain, in reasonable detail, the following particulars:

(a) the name of the issuing Judge and the date on which the warrant was issued:

(b) the provision that authorises the issue of the warrant:

(c) a statement that the constable executing the warrant may use any assistance that is reasonable in the circumstances:

(d) a statement that any constable may execute the warrant:

(e) a statement that the constable executing the warrant may use any force, if authorised by this Act or any other enactment, that is reasonable in the circumstances to enter or break open or access any area within the place or vehicle being searched:

(f) a description of the area in which authorised searches of places and vehicles may be conducted (the **specified area**):

(g) to the extent that is applicable,—

(i) the addresses or descriptions of places in the specified area that are authorised to be searched (**specified places**):

(ii) the descriptions of vehicles in the specified area that are authorised to be searched (**specified vehicles**):

(iii) a statement that vehicles other than specified vehicles are authorised to be searched in the specified area in accordance with section 18D(5):

(iv) the name or names of the gang or gangs in the specified area involved in the gang conflict (**specified gangs**):

(v) the names of persons who are not gang members of a specified gang whose places and vehicles may be searched in the specified area (**specified persons**):

(h) a description of what may be seized:

(i) the period during which the warrant may be executed, being a period specified by the issuing Judge not exceeding 14 days from the date on which the warrant was issued:

(j) any conditions specified by the issuing Judge under subsection (4)(b):

(k) an explanation of the availability of relevant privileges and an outline of how any of those privileges may be claimed (where applicable):

(l) a statement that any person found in the place or vehicle to be searched may be searched if there are reasonable grounds to believe that an item being searched for is on that person.

(6) A person is not required, as a consequence of a condition imposed under subsection (4)(b), to give any information tending to incriminate the person.

(7) In this section, **issuing Judge**, in relation to a warrant issued under section 18D, means the Judge issuing the warrant.

Section 18F: inserted, on 5 April 2023, by section 20 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 18G Judge may require warrant report

(1) A Judge who issues a warrant under section 18D may impose a condition under section 18F(4)(b) requiring the Commissioner to provide the Judge with a search warrant report within a specified period after the expiry of the period during which the warrant may be executed.

(2) A search warrant report must contain the following information:

(a) whether the warrant was executed; and

(b) whether the execution of the warrant resulted in the seizure of any weapons; and

(c) whether the execution of the warrant resulted in the seizure of evidential material, and, if so, whether that material was—

(i) a weapon seized under the warrant; or

(ii) material seized under section 123 or 123B; and

(d) whether any other powers exercised in conjunction with the execution of the warrant resulted in the seizure of evidential material; and

(e) whether any criminal proceedings have been brought, or are under consideration, that relate to—

(i) the weapons seized; or

(ii) any other evidential material seized.

Section 18G: inserted, on 5 April 2023, by section 20 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

## Subpart 7—Police powers in relation to Misuse of Drugs Act 1975 offences

### 19 Search of persons in relation to Misuse of Drugs Act 1975 offence search warrants

A constable may search any person found in or on a place or vehicle, in relation to which a search warrant is issued under section 6, if the offence that was specified in the application for the search warrant is an offence against the Misuse of Drugs Act 1975.

### 20 Warrantless search of places and vehicles in relation to some Misuse of Drugs Act 1975 offences

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

(a) to believe that it is not practicable to obtain a warrant and that in or on the place or vehicle there is—

(i) a controlled drug specified or described in Schedule 1 of the Misuse of Drugs Act 1975; or

(ii) a controlled drug specified or described in Part 1 of Schedule 2 of the Misuse of Drugs Act 1975; or

(iii) a controlled drug specified or described in Part 1 of Schedule 3 of the Misuse of Drugs Act 1975; or

(iv) a precursor substance specified or described in Part 3 of Schedule 4 of the Misuse of Drugs Act 1975; and

(b) to suspect that in or on the place or vehicle an offence against the Misuse of Drugs Act 1975 has been committed, or is being committed, or is about to be committed, in respect of that controlled drug or precursor substance; and

(c) to believe that, if the entry and search is not carried out immediately, evidential material relating to the suspected offence will be destroyed, concealed, altered, or damaged.

### 21 Warrantless searches of people found in or on places or vehicles

A constable conducting a search of a place or vehicle under section 20 may, without a warrant, search any person found in or on the place or vehicle.

### 22 Warrantless power to search for controlled drugs and precursor substances if offence suspected against Misuse of Drugs Act 1975

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

(2) The circumstances are that the constable has reasonable grounds—

(a) to believe that the person is in possession of—

(i) a controlled drug specified or described in Schedule 1 of the Misuse of Drugs Act 1975; or

(ii) a controlled drug specified or described in Part 1 of Schedule 2 of the Misuse of Drugs Act 1975; or

(iii) a controlled drug specified or described in Part 1 of Schedule 3 of the Misuse of Drugs Act 1975; or

(iv) a precursor substance specified or described in Part 3 of Schedule 4 of the Misuse of Drugs Act 1975; and

(b) to suspect that an offence against the Misuse of Drugs Act 1975 has been committed, is being committed, or is about to be committed, in respect of that controlled drug or precursor substance.

(3) This section does not—

(a) limit section 20 or 21; or

(b) authorise a constable to enter or search a place or vehicle except in accordance with those sections.

### 23 Internal search of person under arrest for offence against section 6, 7, or 11 of Misuse of Drugs Act 1975

(1) In the circumstances set out in subsection (2), a constable may require a person to permit a medical practitioner, nominated for the purpose by the constable, to conduct an internal examination of any part of the person's body by means of—

(a) an X-ray machine or other similar device; or

(b) a manual or visual examination (whether or not facilitated by any instrument or device) through any body orifice.

(2) The circumstances are that—

(a) the person is under arrest for an offence against section 6, 7, or 11 of the Misuse of Drugs Act 1975; and

(b) the constable has reasonable grounds to believe that the person has secreted within his or her body any property—

(i) that may be evidence of the offence with which the person is charged; or

(ii) the possession of which by the person constitutes any other offence against section 6, 7, or 11 of the Misuse of Drugs Act 1975.

(3) A medical practitioner must not conduct an internal examination if he or she—

(a) considers that to do so may be prejudicial to the person's health; or

(b) is satisfied that the person is not prepared to permit an internal examination to be conducted.

(4) This section does not limit or affect sections 13A to 13M of the Misuse of Drugs Amendment Act 1978.

### 24 Effect of not permitting internal search under section 23 on bail application

(1) In the circumstances set out in subsection (2), a court may decline to consider a bail application by a person, and may order that the person continue to be detained in Police custody, until the earlier of the following occurs:

(a) the expiry of 2 days after the day on which the person was required under section 23(1) to permit an internal examination by a medical practitioner:

(b) the person permits the examination to be conducted.

(2) The circumstances are that—

(a) the person fails to permit an internal examination to be conducted under section 23; and

(b) the court is satisfied that the requirement under section 23(1) was properly made on reasonable grounds.

(3) Nothing in subsection (1) limits a court's discretion to refuse bail.

(4) This section overrides any contrary provisions about bail in any of the following:

(a) the Bail Act 2000:

(b) the Misuse of Drugs Act 1975:

(c) the Criminal Procedure Act 2011.

## Subpart 8—Warrantless powers in relation to offences against section 78, 78AAA, 78AAB, or 78AA of Crimes Act 1961

Part 2 subpart 8 heading: amended, on 27 November 2025, by section 17 of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Part 2 subpart 8 heading: amended, on 28 September 2017, by section 328 of the Intelligence and Security Act 2017 (2017 No 10).

### 25 Warrantless searches if offence against section 78, 78AAA, 78AAB, or 78AA 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, 78AAA, 78AAB, or 78AA 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

Section 25 heading: amended, on 27 November 2025, by section 17 of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 25 heading: amended, on 28 September 2017, by section 329(1) of the Intelligence and Security Act 2017 (2017 No 10).

Section 25(2)(a): amended, on 27 November 2025, by section 17 of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 25(2)(a): amended, on 28 September 2017, by section 329(2) of the Intelligence and Security Act 2017 (2017 No 10).

## Subpart 9—Warrantless powers in relation to offences against section 202A of Crimes Act 1961

### 26 Meaning of disabling substance and offensive weapon in this subpart

In this subpart,—

**disabling substance** means any anaesthetising or other substance produced to use for disabling a person, or intended for such use by the person who has it with him or her

**offensive weapon** means any article made or altered to use for causing bodily injury, or intended for such use by the person who has it with him or her.

### 27 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.

### 28 Stopping and searching vehicles without warrant if offence against section 202A of Crimes Act 1961 suspected

(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.

(2) The circumstances are that—

(a) a person travelling in the vehicle or who has alighted from it 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); and

(b) the vehicle contains a knife, offensive weapon, or disabling substance.

## Subpart 10—Warrantless search of vehicle for stolen property

### 29 Power to search vehicles without warrant for stolen property

A constable who has reasonable grounds to believe that any stolen property is in or on any vehicle may search it without a warrant.

## Subpart 11—Warrantless powers relating to road blocks

### 30 Obtaining authorisation for warrantless road block

(1) A senior constable may authorise the establishment of a road block for the purpose of arresting a person in the circumstances set out in subsection (2).

(2) The circumstances are that the senior constable—

(a) has reasonable grounds to believe that in or on a vehicle there is a person who the constable has reasonable grounds to suspect—

(i) has committed an offence punishable by a term of imprisonment; or

(ii) is unlawfully at large; and

(b) has reasonable grounds to suspect that the vehicle will travel past the place where it is proposed that the road block be established; and

(c) is satisfied that, as far as is reasonably practicable, the safety of all road users will be ensured in the area in which it is proposed that the road block be established.

(3) An authorisation may be granted under this section orally or in writing.

(4) In this section, **senior constable** means a constable who holds a level of position of sergeant or higher, and includes any constable who is acting in any such rank.

### 31 Duration and record of warrantless road block authorisation

(1) An authorisation under section 30—

(a) is valid for an initial period not exceeding 24 hours specified by the person giving the authorisation; and

(b) may be renewed from time to time by a District Court Judge for a single further period not exceeding 24 hours specified in writing by the Judge.

(2) The person giving the authorisation must keep or cause to be kept a written record of the following matters:

(a) the location of the road block that was authorised:

(b) the period or periods for which the authorisation was granted or renewed:

(c) the grounds on which the authorisation was granted or renewed.

### 32 Authorised road blocks implemented without warrant

Any constable may do any or all of the following when a road block is authorised under section 30:

(a) establish a road block at the place specified in the authorisation:

(b) stop vehicles at or in the vicinity of the road block:

(c) require any person in or on any vehicle stopped by the road block who the constable has reasonable grounds to suspect has committed an offence punishable by imprisonment to state any or all of his or her name, address, and date of birth:

(d) search the vehicle for the purpose of locating a person referred to in section 30(2)(a)(i) or (ii), if the constable or any other constable has reasonable grounds to believe that the person is in or on the vehicle.

## Subpart 12—Examination orders

*Examination orders in business contexts*

### 33 Inspector or more senior officer may apply for examination order in business context

(1) A constable who is of or above the level of position of inspector may apply to a Judge for an examination order against a person in a business context if—

(a) the constable is satisfied that the conditions specified in section 34 are met in respect of the person; and

(b) the making of the application is approved by—

(i) a Deputy Commissioner; or

(ii) an Assistant Commissioner; or

(iii) the District Commander (other than an acting District Commander) of the Police district in which the constable is stationed.

(2) An application made under this section must be made in writing, and must set out the following particulars:

(a) the name of the applicant:

(b) a description of the offence that it is suspected has been committed, is being committed, or will be committed:

(c) the facts relied on to show reasonable grounds to suspect that an offence has been committed, or is being committed, or will be committed:

(d) a description of the information sought to be obtained by the examination order:

(e) the facts relied on to show reasonable grounds to believe that the person against whom the order is sought has the information:

(f) the facts that indicate that the person against whom the order is sought acquired the information in respect of which the order is sought in a business context:

(g) the facts that indicate that the person against whom the order is sought has been given a reasonable opportunity by a constable to provide the information but has not done so.

### 34 Conditions for making examination order in business context

The conditions for making an examination order in a business context against a person are that—

(a) there are reasonable grounds to suspect that an offence punishable by imprisonment for a term of 5 years or more has been committed, or is being committed, or will be committed; and

(b) there are reasonable grounds to believe that the person sought to be examined has information that constitutes evidential material in respect of the offence; and

(c) there are reasonable grounds to believe that the person sought to be examined acquired the information in respect of which the order is sought in a business context; and

(d) the person has been given a reasonable opportunity by a constable to provide that information and has not done so.

*Examination orders in contexts other than those of business*

### 35 Inspector or more senior officer may apply for examination order in non-business context

(1) A constable who is of or above the level of position of inspector may apply to a Judge for an examination order against a person in a non-business context if—

(a) the constable is satisfied that the conditions specified in section 36 are met in respect of the person; and

(b) the making of the application is approved by—

(i) a Deputy Commissioner; or

(ii) an Assistant Commissioner; or

(iii) the District Commander (other than an acting District Commander) of the Police district in which the constable is stationed.

(2) An application made under this section must be made in writing, and must set out the following particulars:

(a) the name of the applicant:

(b) a description of the offence that it is suspected has been committed, is being committed, or will be committed:

(c) the facts relied on to show reasonable grounds to suspect that an offence has been committed, or is being committed, or will be committed:

(d) a description of the information sought to be obtained by the examination order:

(e) the facts relied on to show reasonable grounds to believe that the person against whom the order is sought has the information:

(f) the facts that indicate that the person against whom the order is sought acquired the information in respect of which the order is sought in a non-business context:

(g) the facts that indicate that the person against whom the order is sought has been given a reasonable opportunity by a constable to provide the information but has not done so.

### 36 Conditions for making examination order in non-business context

The conditions for making an examination order in a non-business context against a person are that—

(a) there are reasonable grounds to suspect that an offence punishable by imprisonment has been committed, or is being committed, or will be committed, and the offence—

(i) involves serious or complex fraud that is punishable by imprisonment for a term of 7 years or more; or

(ii) has been committed, or is being committed, or will be committed wholly or partly by an organised criminal group as defined in section 98A(2) of the Crimes Act 1961; and

(b) there are reasonable grounds to believe that the person sought to be examined has information that constitutes evidential material in respect of the offence; and

(c) there are reasonable grounds to believe that the person sought to be examined acquired the information in respect of which the order is sought in a non-business context; and

(d) the person has been given a reasonable opportunity by a constable to provide that information and has not done so.

*Other provisions that apply to examination order applications*

### 37 Other provisions that apply to examination order applications

(1) The provisions in subsection (2) apply to any application for an examination order as if—

(a) any reference in those provisions to a search warrant were a reference to an examination order; and

(b) any reference in those provisions to an issuing officer were a reference to a Judge; and

(c) any reference in those provisions to the District Court were a reference to the District Court or a High Court, as the case may be.

(2) The provisions are—

(a) section 98(2) (relating to requirements for further information); and

(b) section 99 (relating to verification of application); and

(c) section 100(1), (2), and (4) (relating to mode of application); and

(d) section 101 (relating to retention of documents).

Section 37(1)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

*Making examination orders and contents of examination orders*

### 38 Judge may make examination order

A Judge may, on an application made under section 33 or 35, make an examination order against a person if the Judge is satisfied that—

(a) the conditions specified in section 34 or 36, as the case may be, are met in respect of the person; and

(b) it is reasonable to subject the person to compulsory examination, having regard to the nature and seriousness of the suspected offending, the nature of the information sought, the relationship between the person to be examined and the suspect, and any alternative ways of obtaining the information.

### 39 Form and content of examination order

(1) An examination order made under section 38 must be in the prescribed form, if any, and must require the person against whom it is made—

(a) to attend before the Commissioner or a delegate of the Commissioner; and

(b) to answer any questions that are relevant to the information in respect of which the order was made.

(2) The examination order must set out the following:

(a) the name of the person required to comply with the order:

(b) the grounds on which the order is made:

(c) the nature of the questions that the person is to be asked, being questions that are relevant to the information in respect of which the order was made:

(d) if the examination is to be conducted by a delegate of the Commissioner, the name of the delegate:

(e) a condition that, in accordance with section 43, an examination order report must be provided within 1 month after the completion of the examination conducted under the order to the Judge who made the order or, if that Judge is unable to act, to a Judge of the same court as the Judge who made the order:

(f) any requirement that the Judge making the order considers reasonable for inclusion of specified information in the examination order report provided under section 43:

(g) where the examination is to take place:

(h) when the examination is to take place or how a time for the examination is to be fixed.

*Other provisions relating to examination orders*

### 40 Presence of lawyer

A person against whom an examination order is made must, before being required to appear before the Commissioner or the Commissioner's delegate, be given a reasonable opportunity to arrange for a lawyer to accompany him or her.

### 41 Duration of examination order

An examination order is in force for the period specified in the order (not exceeding 30 days after the date on which the order is made).

### 42 Other provisions that apply to examination orders

(1) Section 105 (transmission of search warrants) applies to examination orders—

(a) as if a reference in that section to a search warrant were a reference to an examination order; and

(b) as if a reference in that section to an issuing officer were a reference to the Judge issuing an examination order.

(2) Section 107 (when a search warrant is invalid) applies to examination orders—

(a) as if a reference in that section to a search warrant were a reference to an examination order; and

(b) as if a reference in that section to the grounds or conditions for lawful issue of a search warrant were a reference to the conditions specified in section 34 or 36, as the case may be.

Section 42: replaced, on 1 October 2025, by section 6 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Examination order reports*

### 43 Examination order reports

(1) The Commissioner or the delegate of the Commissioner, as the case may be, who conducts an examination authorised by an examination order must provide an examination order report within 1 month after the completion of the examination conducted under the order, as specified in the order, to the Judge who made the order, or, if that Judge is unable to act, to a Judge of the same court as the Judge who made the order.

(2) The examination order report must contain the following information:

(a) whether the examination resulted in obtaining evidential material:

(b) whether any criminal proceedings have been brought or are under consideration as a result of evidential material obtained by means of the examination:

(c) any other information stated in the order as being required for inclusion in the examination order report.

### Subpart 13—Other matters

#### 44 Common law defence of necessity for people other than constables not affected by this Part

Nothing in this Part affects the common law defence of necessity as it applies to persons who are not constables.

## Part 3
## Enforcement officers' powers and orders

### Subpart 1—Surveillance device warrants and declaratory orders

#### 45 Restrictions on some trespass surveillance and use of interception device

(1) Nothing in this subpart authorises any enforcement officer to undertake trespass surveillance (other than by means of a tracking device) except in order to obtain evidential material in relation to an offence—

(a) that is punishable by a term of imprisonment of 7 years or more; or

(b) against section 16(4), 16A, 42A, 42B, 43, 43AA, 44, 44AA, 44A, 45, 50, 50A, 50AA, 50B, 50C, 50CA, 50D, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or

(c) against section 25, 26, or 70 of the Psychoactive Substances Act 2013; or

(d) against section 308A of the Crimes Act 1961.

(2) Nothing in this subpart authorises any enforcement officer to use an interception device except in order to obtain evidential material in relation to an offence—

(a) that is punishable by a term of imprisonment of 7 years or more; or

(b) against section 16(4), 16A, 42A, 42B, 44, 44A, 45, 50, 50A, 50B, 50C, 50D, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or

(c) against section 25, 26, or 70 of the Psychoactive Substances Act 2013; or

(d) against section 308A of the Crimes Act 1961.

Section 45(1)(b): replaced, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Section 45(1)(b): amended, on 15 November 2022, by section 19 of the Firearms Prohibition Orders Legislation Act 2022 (2022 No 41).

Section 45(1)(c): inserted, on 18 July 2013, by section 108(3) of the Psychoactive Substances Act 2013 (2013 No 53).

Section 45(1)(d): inserted, on 5 April 2023, by section 12(1) of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

Section 45(2)(b): replaced, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Section 45(2)(b): amended, on 15 November 2022, by section 19 of the Firearms Prohibition Orders Legislation Act 2022 (2022 No 41).

Section 45(2)(c): inserted, on 18 July 2013, by section 108(5) of the Psychoactive Substances Act 2013 (2013 No 53).

Section 45(2)(d): inserted, on 5 April 2023, by section 12(2) of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

*Surveillance device warrants*

### 46 Activities for which surveillance device warrant required

(1) Except as provided in sections 47 and 48, an enforcement officer who wishes to undertake any 1 or more of the following activities must obtain a surveillance device warrant:

(a) use of an interception device to intercept a private communication:

(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:

(c) observation of private activity in private premises, and any recording of that observation, by means of a visual surveillance device:

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

(e) observation of private activity in the curtilage of private premises, and any recording of that observation, if any part of the observation or recording is by means of a visual surveillance device, and the duration of the observation, for the purposes of a single investigation, or a connected series of investigations, exceeds—

(i) 3 hours in any 24-hour period; or

(ii) 8 hours in total.

(2) This section is subject to section 45.

### 47 Some activities that do not require warrant under this subpart

(1) No warrant under this subpart is required by an enforcement officer for any 1 or more of the following activities:

(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):

(b) covert audio recording of a voluntary oral communication between 2 or more persons made with the consent of at least 1 of them:

(c) activities carried out under an authorisation issued under Part 4 of the Intelligence and Security Act 2017:

(d) activities carried out by the enforcement officer's use of a surveillance device, if that use is authorised under any enactment other than this Act.

(2) Subsection (1)(b) does not prevent an enforcement officer from applying for a warrant authorising covert audio recording in the circumstances set out in that subsection.

Section 47(1)(c): replaced, on 28 September 2017, by section 335 of the Intelligence and Security Act 2017 (2017 No 10).

### 48 Surveillance device warrant need not be obtained for use of surveillance device in some situations of emergency or urgency

(1) An enforcement officer who is in any 1 or more of the situations set out in subsection (2) may use a surveillance device for a period not exceeding 48 hours from the time the surveillance device is first used without obtaining a surveillance device warrant, if—

(a) he or she is entitled to apply for a surveillance device warrant in relation to those situations; but

(b) obtaining a surveillance device warrant within the time in which it is proposed to undertake the surveillance is impracticable in the circumstances.

(2) The situations are as follows:

(a) the enforcement officer has reasonable grounds—

(i) to suspect that an offence punishable by a term of imprisonment of 14 years or more or an offence against section 6B(1) (terrorist act: planning or other preparations to carry out) of the Terrorism Suppression Act 2002 has been, is being, or is about to be committed; and

(ii) to believe that use of the surveillance device would obtain evidential material in relation to the offence:

(b) the enforcement officer has reasonable grounds—

(i) to suspect that any 1 or more of the circumstances set out in section 14(2) exist; and

(ii) to believe that use of the surveillance device is necessary to prevent the offending from being committed or continuing, or to avert the emergency:

(c) the enforcement officer has reasonable grounds—

(i) to suspect that any 1 or more of the circumstances set out in section 18(2) exist; and

(ii) to believe that use of the surveillance device is necessary to facilitate the seizure of the arms:

(d) the enforcement officer has reasonable grounds—

(i) to suspect that a category 3 or 4 offence in relation to arms or an offence against the Arms Act 1983 has been committed, or is being committed, or is about to be committed; and

(ii) to believe that use of the surveillance device would obtain evidential material in relation to the offence:

(e) the enforcement officer has reasonable grounds—

(i) to suspect that an offence has been committed, or is being committed, or is about to be committed in relation to a controlled drug specified or described in Schedule 1, Part 1 of Schedule 2, or Part 1 of Schedule 3 of the Misuse of Drugs Act 1975, or to a precursor substance specified or described in Part 3 of Schedule 4 of that Act; and

(ii) to believe that use of the surveillance device would obtain evidential material in relation to the offence:

(f) the enforcement officer has reasonable grounds—

(i) to believe that a person is in possession of any 1 or more of the things described in section 81(2)(a) to (d); and

(ii) to believe that use of the surveillance device is necessary to facilitate the thing's seizure.

(3) 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.

(4) This section is subject to section 45.

Section 48(2)(a)(i): amended, on 5 October 2021, by section 42 of the Counter-Terrorism Legislation Act 2021 (2021 No 37).

*Application for surveillance device warrant*

### 49 Application for surveillance device warrant

(1) An application for a surveillance device warrant may be made only by an enforcement officer, and must contain, in reasonable detail, the following particulars:

(a) the name of the applicant:

(b) the provision authorising the making of an application for a search warrant in respect of the suspected offence (*see* section 51(a)(i)):

(c) the grounds on which the application is made:

(d) the suspected offence in relation to which the surveillance device warrant is sought:

(e) the type of surveillance device to be used:

(f) the name, address, or other description of the person, place, vehicle, or other thing that is the object of the proposed surveillance:

(g) a description of the evidential material believed to be able to be obtained by use of the surveillance device:

(h) the period for which the warrant is sought.

(2) If the enforcement officer cannot provide all the information required under subsection (1)(f) and (g), the application must instead state the circumstances in which the surveillance is proposed to be undertaken in enough detail to identify the parameters of, and objectives to be achieved by, the proposed use of the surveillance device.

(3) The applicant must disclose in the application—

(a) the details of any other applications for a search warrant or a surveillance device warrant that the applicant knows to have been made within the previous 3 months in respect of the person, place, vehicle, or other thing proposed as the object of the surveillance; and

(b) the result of that application or those applications.

(4) The applicant must, before making an application for a surveillance device warrant, make reasonable inquiries within the agency in which the applicant is employed or engaged for the purpose of complying with subsection (3).

(5) Despite subsection (1), an application for a surveillance device warrant seeking authority to use visual trespass surveillance or an interception device may only be made by—

(a) a constable; or

(b) an enforcement officer employed or engaged by a law enforcement agency that has been approved by an Order in Council made under section 50.

Section 49(1)(b): amended, on 1 October 2025, by section 7 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 50 Approval of law enforcement agencies other than Police to carry out visual trespass surveillance and use interception devices

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Justice, approve a specified law enforcement agency other than the Police to do either or both of the following:

(a) to carry out visual trespass surveillance:

(b) to use interception devices.

(2) The Minister of Justice may recommend the making of an Order in Council under subsection (1)(a), following consultation with the Minister of Police, if he or she is satisfied that it is appropriate for the agency to carry out visual trespass surveillance, and that the agency has the technical capability, and the policies and procedures in place, so that the surveillance can be carried out in a manner that ensures the safety of the people involved in the surveillance.

(3) The Minister of Justice may recommend the making of an Order in Council under subsection (1)(b), following consultation with the Minister of Police, if he or she is satisfied that it is appropriate for the agency to use interception devices, and that the agency has—

(a) the technical capability to intercept private communications in a manner that ensures the reliability of any information obtained through the use of an interception device; and

(b) policies and procedures in place to ensure that the integrity of any information obtained through the use of an interception device is preserved; and

(c) the expertise—

(i) to extract evidential material from information obtained through the use of an interception device in a form that can be used in a criminal proceeding; and

(ii) to ensure that any evidential material obtained through the use of an interception device is presented to the court in an appropriate manner, when the agency intends to proceed with a prosecution.

(4) In this section, specified law enforcement agency means—

(a) the New Zealand Customs Service; or

(b) the Department of Internal Affairs.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**Legislation Act 2019 requirements for secondary legislation made under this section**

| | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |

| | | |
|---|---|---|
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 50(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 51 Conditions for issuing surveillance device warrant

The conditions for issuing a surveillance device warrant are that—

(a) there are reasonable grounds—

(i) to suspect that an offence has been committed, or is being committed, or will be committed in respect of which this Act or any enactment specified in column 2 of Schedule 2 authorises the enforcement officer to apply for a warrant to enter premises for the purpose of obtaining evidence about the suspected offence; and

(ii) to believe that the proposed use of the surveillance device will obtain information that is evidential material in respect of the offence; and

(b) the restrictions in section 45 do not prevent the issuing of a surveillance device warrant in the circumstances.

Section 51(a)(i): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## 52 Other provisions that apply to surveillance device warrant applications

(1) The provisions in subsection (2) apply to any application for a surveillance device warrant as if—

(a) any reference in those provisions to a search warrant were a reference to a surveillance device warrant; and

(b) any reference in those provisions to an issuing officer were a reference to a Judge; and

(c) any reference in those provisions to the District Court were a reference to the District Court or a High Court, as the case may be.

(2) The provisions are—

(a) section 98(2) (relating to requirements for further information); and

(b) section 99 (relating to verification of application); and

(c) section 100 (relating to mode of application); and

(d) section 101 (relating to retention of documents).

Section 52(1)(c): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

*Issuing of surveillance device warrant*

### 53 Who may issue surveillance device warrant

A surveillance device warrant may be issued by a Judge, on application under section 49, if he or she is satisfied that the conditions set out in section 51 are met.

### 54 Restrictions on issue of surveillance device warrant

A Judge must not issue a surveillance device warrant that is primarily intended to facilitate surveillance or recording of activity between a lawyer and his or her client that is communication of a kind to which legal professional privilege normally applies unless the Judge is satisfied that there is a prima facie case that the communication is to be made or received—

(a) for a dishonest purpose; or

(b) for the purpose of planning to commit or committing an offence.

### 55 Form and content of surveillance device warrant

(1) Every surveillance device warrant must—

(a) be in the prescribed form, if any; and

(b) be directed to every enforcement officer who has authority to carry out the activities authorised by the surveillance device warrant; and

(c) specify a period, of no more than 60 days after the date on which the warrant is issued, for which it is in force; and

(d) contain a condition that, in accordance with section 59, a surveillance device warrant report must be provided within 1 month after the expiry of the period for which the warrant is in force to the Judge who issues the warrant or, if that Judge is unable to act, to a Judge of the same court as the Judge who issues the warrant; and

(e) contain a condition that the enforcement officer carrying out the activities authorised by the warrant must not use any communication obtained under the authority of the warrant unless the privilege is waived or its use is authorised by a Judge, if he or she has reasonable grounds to believe that the communication may be subject to a privilege specified in section 136.

(2) A surveillance device warrant may be subject to any other conditions specified in the warrant that the Judge issuing it considers reasonable, including a requirement for inclusion of specified information in the surveillance device warrant report provided under section 59.

(3) Every surveillance device warrant must also contain, in reasonable detail, the following particulars:

(a) the name of the Judge issuing the warrant and the date of issue:

(b) the provision authorising the making of an application for a search warrant in respect of the suspected offence (*see* section 51(a)(i)):

(c) the type of surveillance device the use of which the warrant authorises:

(d) the name, address, or other description of the person, place, vehicle, or other thing that is the object of the proposed surveillance:

(e) the evidential material relating to the suspected offence that may be obtained by use of the surveillance device:

(f) that an enforcement officer carrying out the activities authorised by the warrant may use any assistance that is reasonable in the circumstances:

(g) that an enforcement officer who, while carrying out the activities authorised by the warrant, obtains the content of a telecommunication may direct the relevant network operator to provide traffic data that is related to that telecommunication and stored in the ordinary course of business:

(h) that, subject to section 45, an enforcement officer carrying out the activities authorised by the warrant 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:

(i) enter any premises, area, or vehicle specified in the warrant:

(ii) break open or interfere with any vehicle or other thing:

(iii) temporarily remove any vehicle or other thing from any place where it is found and return it to that place.

(4) Despite subsection (3)(d) and (e), if the Judge has not been provided in the application, or otherwise, with the information specified in those provisions because the applicant is unable to provide it, the warrant must instead state the details (as provided under section 52(2) or otherwise) of the circumstances in which the surveillance is to be undertaken in enough detail to identify the parameters of, and objectives to be achieved by, the use of the surveillance device.

(5) Despite subsection (1)(c), a Judge may issue a further surveillance device warrant in respect of the same suspected offence in regard to which the Judge, or another Judge, has previously issued a surveillance device warrant.

Section 55(3)(b): amended, on 1 October 2025, by section 8(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 55(3)(g): replaced, on 1 October 2025, by section 8(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Carrying out authorised surveillance activities and evidential material relevant to other offences*

### 56 Carrying out authorised surveillance activities

A surveillance device warrant allows the following persons to carry out the activities authorised by it:

(a) any or all of the persons to whom it is directed:

(b) any assistant—

(i) who is called upon by a person specified in paragraph (a) to help him or her to carry out the activities; and

(ii) who, at all times that he or she is carrying out activities authorised by the warrant, remains under the supervision of a person specified in paragraph (a).

### 57 Admissibility of evidential material relevant to other offences

(1) Subsection (2) applies if, in the course of carrying out activities authorised by a surveillance device warrant or while lawfully using a surveillance device in relation to an offence, a person obtains any evidential material in relation to an offence—

(a) that is not the offence in respect of which the warrant was issued or in respect of which the surveillance device was lawfully put into use, as the case requires; but

(b) in respect of which a surveillance device warrant could have been issued or a surveillance device could have been lawfully used.

(2) The evidential material referred to in subsection (1) is not inadmissible in criminal proceedings by reason only that the surveillance device warrant that authorised the activity that obtained the material was issued in respect of a different offence or, as the case requires, that the material was obtained from the use of a surveillance device that was put into use in respect of a different offence.

*Other provisions applying to surveillance device warrants*

### 58 Other provisions that apply to surveillance device warrants

(1) Section 105 (transmission of search warrants) applies to surveillance device warrants—

(a) as if a reference in that section to a search warrant were a reference to a surveillance device warrant; and

(b) as if a reference in that section to an issuing officer were a reference to the Judge issuing a surveillance device warrant.

(2) Section 107 (when a search warrant is invalid) applies to surveillance device warrants—

(a) as if a reference in that section to a search warrant were a reference to a surveillance device warrant; and

(b) as if a reference in that section to the grounds or conditions for lawful issue of a search warrant were a reference to the conditions specified in section 51.

Section 58: replaced, on 1 October 2025, by section 9 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Surveillance device warrant reports*

### 59 Surveillance device warrant report

(1) A person who carries out the activities authorised by a surveillance device warrant must provide a surveillance device warrant report within 1 month after the expiry of the period for which the warrant is in force, as specified in the warrant, to the Judge who issued the warrant or, if that Judge is unable to act, to a Judge of the same court as the Judge who issued the warrant.

(2) The surveillance device warrant report must contain the following information:

(a) whether carrying out the activities authorised by the surveillance device warrant resulted in obtaining evidential material:

(b) whether or not the evidential material obtained as a result of carrying out the activities authorised by the warrant was evidential material specified in the warrant in accordance with section 55(3)(e):

(c) the circumstances in which the surveillance device was used:

(d) whether any criminal proceedings have been brought or are under consideration as a result of evidential material obtained under the warrant:

(e) any other information stated in the warrant as being required for inclusion in the surveillance device warrant report.

### 60 Report on use of surveillance device in situation of urgency or emergency

(1) An enforcement officer who uses a surveillance device under the authority of section 48 must provide a report to a Judge within 1 month after the date of the last day of any period of 48 hours or less over which the surveillance device was used.

(2) The report made under subsection (1) must contain the following information:

(a) whether the use of the surveillance device resulted in—

(i) obtaining evidential material of the relevant offence (in the case of use of a surveillance device in a situation set out in section 48(2)(a), (d), or (e)); or

(ii) preventing the offending from being committed or continuing, or averting the emergency (in the case of use of a surveillance device in a situation set out in section 48(2)(b)); or

(iii) facilitating the seizure of the arms (in the case of use of a surveillance device in a situation set out in section 48(2)(c)); and

(b) the circumstances in which the surveillance device was used.

(3) A Judge who receives a report under subsection (1) may require the enforcement officer who used the surveillance device to supply further information regarding the circumstances surrounding the use of the surveillance device.

### 61 Actions on receipt of surveillance device warrant report

(1) A Judge receiving a surveillance device warrant report under section 59 may do any 1 or more of the following:

(a) give directions as to the destruction or retention of the material obtained as a result of the surveillance:

(b) if he or she considers that the surveillance activities carried out were in breach of any of the conditions of the warrant's issue, or of any applicable statutory provision, report on the breach to the chief executive of the relevant agency:

(c) order that the subject of the surveillance be notified.

(2) The Judge must not make an order under subsection (1)(c) unless he or she is satisfied—

(a) that the circumstances set out in subsection (3) exist; and

(b) that—

(i) the warrant should not have been issued; or

(ii) there has been a serious breach of any of the conditions of its issue, or of any applicable statutory provision.

(3) The circumstances are that the public interest in notification outweighs any potential prejudice to any 1 or more of the following:

(a) any investigation by the law enforcement agency:

(b) the safety of informants or undercover officers:

(c) the supply of information to the law enforcement agency:

(d) any international relationships of the law enforcement agency.

### 62 Actions on receipt of report on use of surveillance device in situation of urgency or emergency

(1) A Judge receiving a report under section 60 may do any 1 or more of the following:

(a) give directions as to the destruction or retention of the material obtained as a result of the use of the surveillance device:

(b) if he or she considers that the use of the surveillance device was not authorised under section 48, report accordingly to the chief executive of the relevant agency:

(c) order that the subject of the surveillance be notified.

(2) The Judge must not make an order under subsection (1)(c) unless he or she is satisfied that—

(a) the circumstances set out in subsection (3) exist; and

(b) use of the surveillance device was a serious breach of the criteria set out in section 48.

(3) The circumstances are that the public interest in notification outweighs any potential prejudice to any 1 or more of the following:

(a) any investigation by the law enforcement agency:

(b) the safety of informants or undercover officers:

(c) the supply of information to the law enforcement agency:

(d) any international relationships of the law enforcement agency.

*Retention and destruction of raw surveillance data, excerpts, and other information obtained*

### 63 Retention of raw surveillance data, excerpts, and information obtained

(1) Raw surveillance data may be retained by the law enforcement agency that collected it—

(a) until the conclusion of criminal proceedings in relation to an offence in respect of which the data was collected, including the later of—

(i) the conclusion of any appeal proceedings brought in relation to the offence; or

(ii) the expiry of any period for bringing such an appeal; or

(b) until the later of a maximum period of 3 years, or any further period specified in an order made under subsection (2), if—

(i) no criminal proceedings have commenced in relation to any offence in respect of which the data was collected; but

(ii) the data is required for an ongoing investigation by the agency.

(2) A Judge may make an order extending by no more than a further 2 years the period for which raw surveillance data may be retained by the agency in the circumstances in subsection (1)(b)(i) and (ii) if—

(a) the agency applies for the order before the expiry of the initial 3-year period; and

(b) the Judge is satisfied that the data is required for that ongoing investigation.

(3) Excerpts from raw surveillance data may be retained by the law enforcement agency that collected it in accordance with an order made by a Judge on application by the agency.

(4) A Judge may make an order under subsection (3) if—

(a) the law enforcement agency that collected the raw surveillance data applies for the order; and

(b) the Judge is satisfied that the excerpts may be required for a future investigation.

(5) An order made under subsection (2) or (3) may be made subject to any condition specified in the order that the Judge issuing it considers reasonable.

(6) Information that is obtained from raw surveillance data but that does not itself constitute raw surveillance data may be retained by the law enforcement agency that collected it if there are reasonable grounds to suspect that the information may be relevant to an ongoing or future investigation by the agency.

(7) This section is subject to—

(a) any direction given under section 61(1)(a) or 62(1)(a); and

(b) any enactment requiring the retention of information that is part of a court record.

### 64 Disposal of raw surveillance data, excerpts, and information obtained

A law enforcement agency must ensure that any raw surveillance data, excerpts from raw surveillance data, and information obtained from it that is not itself raw surveillance data, and that is not retained in accordance with section 63 or as part of a court record, is deleted or erased.

### 64A Record of information obtained, made, or generated by assistant

(1) This section applies if, as a consequence of assisting an enforcement officer to whom a surveillance device warrant is directed, a person obtains, makes, or generates any record of information.

(2) The person must ensure that, as soon as is reasonably practicable after the warrant expires, that record—

(a) is destroyed; or

(b) is given to the law enforcement agency that employed or engaged the enforcement officer (if the record has not been given to that agency already).

**Guidance note**

*See also* section 179, which makes it an offence for a person who acquires information as a consequence of the exercise of a search or surveillance power to knowingly disclose that information, except in the performance of the person's duties, functions, or powers.

Section 64A: inserted, on 31 July 2025, by section 10 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Declaratory orders*

#### 65 What is a declaratory order

(1) A declaratory order is a statement by a Judge that he or she is satisfied that the use of a device, technique, or procedure, or the carrying out of an activity, specified in the order is, in the circumstances of the use or the carrying out of the activity specified in the order, reasonable and lawful.

(2) A declaratory order is advisory in character and does not affect the jurisdiction of any court to determine whether the activity that was the subject of the order was reasonable and lawful.

### *Applying for declaratory order*

#### 66 When to obtain declaratory order

(1) An enforcement officer may apply for a declaratory order in the circumstances set out in subsection (2).

(2) The circumstances are that—

(a) the enforcement officer wishes to use a device, technique, or procedure, or to carry out an activity, that is not specifically authorised by another statutory regime; and

(b) the use of the device, technique, or procedure, or the carrying out of the activity, may constitute an intrusion into the reasonable expectation of privacy of any other person.

#### 67 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 (if available):

(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.

*Making declaratory order*

### 68 Who may make declaratory order

A Judge may make a declaratory order if he or she is satisfied that the use of a device, technique, or procedure, or the carrying out of an activity, in the circumstances of the proposed use or carrying out of the activity, is reasonable and lawful.

### 69 Form and content of declaratory order

(1) Every declaratory order must be in the prescribed form, if any.

(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 (if available):

(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.

## Subpart 2—Production orders

### 70 Meaning of document

In this subpart, **document** includes—

(a) computer data; and

(b) a computer program; and

(c) a record of—

(i) traffic data; or

(ii) the content of a telecommunication.

Section 70: replaced, on 1 October 2025, by section 11 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 71 Enforcement officer may apply for production order

(1) An enforcement officer who may apply for a search warrant to obtain documents may apply to an issuing officer for a production order against a person in respect of those documents if the enforcement officer is satisfied that the

conditions, specified in section 72, for making the order against the person are met.

(2) An application under this section must be in writing and must set out the following particulars:

(a) the name of the applicant:

(b) the provision authorising the making of an application for a search warrant in respect of the suspected offence:

(c) a description of the offence that it is suspected has been committed, is being committed, or will be committed:

(d) the facts relied on to show reasonable grounds to suspect that an offence has been committed, or is being committed, or will be committed:

(e) a description of the documents for which production is sought:

(f) *[Repealed]*

(g) whether the person against whom the order is made should be required to produce,—

(i) on 1 occasion only, those documents for which production is sought that are in his or her possession or under his or her control when the order is made; or

(ii) on an ongoing basis, those documents for which production is sought that are in his or her possession or under his or her control at the time the order is made, and those documents for which production is sought and that come into his or her possession or come under his or her control at any time while the order is in force:

(h) if the documents are sought to be produced on 1 occasion only, the facts relied on to show reasonable grounds to believe that those documents are in the possession or under the control of the person against whom the order is sought:

(i) if the documents are sought to be produced on an ongoing basis, the facts relied on to show reasonable grounds to believe that those documents—

(i) are in the possession or under the control of the person against whom the order is sought; or

(ii) will come into that person's possession or under their control while the order is in force (if made and in force for the period sought).

Section 71(2)(f): repealed, on 1 October 2025, by section 12(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 71(2)(h): inserted, on 1 October 2025, by section 12(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 71(2)(i): inserted, on 1 October 2025, by section 12(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 72 Conditions for making production order

The conditions for making a production order are that there are reasonable grounds—

(a) to suspect that an offence has been committed, or is being committed, or will be committed (being an offence in respect of which this Act or any enactment specified in column 2 of Schedule 2 authorises an enforcement officer to apply for a search warrant); and

(b) to believe that the documents sought by the proposed order—

(i) constitute evidential material in respect of the offence; and

(ii) are in the possession or under the control of the person against whom the order is sought, or will come into his or her possession or under his or her control while the order is in force.

Section 72(a): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 73 Other provisions that apply to production order applications

(1) The provisions in subsection (2) apply to any application for a production order as if any reference in those provisions to a search warrant were a reference to a production order.

(2) The provisions are—

(a) section 98(2) (relating to requirements for further information); and

(b) section 99 (relating to verification of application); and

(c) section 100 (relating to mode of application); and

(d) section 101 (relating to retention of documents).

Section 73(1): amended, on 1 October 2025, by section 13 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 74 Issuing officer may make production order

An issuing officer may make a production order against a person if satisfied, on an application made under section 71, that the conditions, specified in section 72, for making the order are met.

### 75 Form and content of production order

(1) A production order must be in the prescribed form, if any, and must require the person against whom it is made (**person A**)—

(a) to give the enforcement officer who applied for the order, or a person identified in the order,—

(i) any documents described in the order that are in the possession or under the control of person A; and

(ii) if section 71(2)(i)(ii) applies to the order, any documents described in the order that come into the possession or under the control of person A while the order is in force; and

(b) if any documents described in the order are not, or are no longer, in the possession or under the control of person A, to disclose, to the best of person A's knowledge or belief, the location of those documents to the enforcement officer who applied for the order or to the person identified in the order.

(2) The production order must set out the following:

(a) the name of person A:

(b) the grounds on which the order is made:

(c) the documents required to be given:

(d) whether the documents must be produced on 1 occasion only, or whether they are required to be produced on an ongoing basis for the duration of the entire order:

(e) the time by which, and the way in which, the documents must be produced.

(3) The production order may describe the documents required to be given by reference to a class or category of document.

(4) If the production order is made against a body corporate or an unincorporated body, the order may specify an individual (whether by name or by reference to a position held in the body) who is to comply with the order as the body's representative.

Section 75(1)(a): replaced, on 1 October 2025, by section 14(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 75(1)(b): amended, on 1 October 2025, by section 14(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 75A Production orders against network operators relating to traffic data, etc

A production order may require a network operator to produce a record of traffic data or of the content of telecommunications only to the extent that the network operator stores that record in the ordinary course of its business.

Section 75A: inserted, on 1 October 2025, by section 15 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 76 Duration of production order

A production order is in force for the period specified in the order (not exceeding 30 days after the date on which the order is made).

### 77 Other provisions that apply to production orders

(1) Section 105 (transmission of search warrants) applies to production orders as if a reference in that section to a search warrant were a reference to a production order.

(2) Section 107 (when a search warrant is invalid) applies to production orders—

(a) as if a reference in that section to a search warrant were a reference to a production order; and

(b) as if a reference in that section to the grounds or conditions for lawful issue of a search warrant were a reference to the conditions specified in section 72.

Section 77: replaced, on 1 October 2025, by section 16 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 78 Documents produced under production order

(1) When any document is produced in compliance with a production order, an appropriate enforcement officer may do any 1 or more of the following things:

(a) retain the original document produced if it is relevant to the investigation:

(b) take copies of the document, or of extracts from the document:

(c) if necessary, require the person producing the document to reproduce, or to assist any person nominated by the chief executive of the law enforcement agency concerned or by a delegate of that chief executive to reproduce, in usable form, any information recorded or stored in the document.

(2) In this section, **appropriate enforcement officer**, in relation to a production order, means—

(a) the enforcement officer who applied for the order; or

(b) another enforcement officer employed or engaged by the same law enforcement agency as the enforcement officer who applied for the order.

Section 78(1): amended, on 1 October 2025, by section 17(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 78(1)(c): amended, on 1 October 2025, by section 17(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 78(2): inserted, on 1 October 2025, by section 17(3) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79 Copy of retained document to be given

An enforcement officer who, in accordance with section 78(1)(a), retains an original document that is produced in compliance with a production order must, as soon as practicable after the document is produced, take a copy of the

document and give the copy to the person who produced the original document in compliance with the production order.

Section 79: amended, on 1 October 2025, by section 18 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 2A—Preservation directions

Subpart 2A: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Interpretation*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79A Interpretation

In this subpart, unless the context otherwise requires,—

**appropriate enforcement officer**, in relation to a preservation direction, means—

(a) the enforcement officer who applied for the direction; or

(b) another enforcement officer employed or engaged by the same law enforcement agency as the enforcement officer who applied for the direction

**document** has the same meaning as in subpart 2

**pathway information** means traffic data that identifies the path of a telecommunication

**preservation direction** means a preservation direction made under this subpart

**preserve**, in relation to a document, means protect the document from change or deterioration

**telecommunication** and **telecommunications service** have the same meanings as in section 3(1) of the Telecommunications (Interception Capability and Security) Act 2013

**telecommunications service provider** means a person that is either of the following (as defined in section 3(1) of the Telecommunications (Interception Capability and Security) Act 2013):

(a) a network operator:

(b) a service provider.

Section 79A: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Applications for preservation directions*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79B Enforcement officer may apply for preservation direction

An enforcement officer who may apply for a search warrant to obtain documents may apply to the Commissioner for a preservation direction against a person in respect of those documents if the enforcement officer is satisfied that the conditions specified in section 79E for making the direction against the person are met.

Section 79B: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79C Form and content of application

(1) An application for a preservation direction—

(a) must be in writing; and

(b) may be transmitted to the Commissioner electronically.

(2) The application must—

(a) state the name of the applicant:

(b) specify the provision that authorises an application for a search warrant to be made in respect of the suspected offence:

(c) describe the offence that the applicant suspects has been, is being, or will be committed:

(d) set out the facts relied on to show reasonable grounds to hold that suspicion:

(e) describe the documents that the applicant seeks to be preserved:

(f) describe any record of pathway information that the applicant seeks to be produced:

(g) set out the facts relied on to show reasonable grounds to believe that the documents (including any record of pathway information that the applicant seeks to be produced) are in the possession or under the control of the person against whom the order is sought.

(3) The application must contain or be accompanied by a statement by the applicant confirming the truth and accuracy of the contents of the application.

(4) The Commissioner may require the applicant to supply further information concerning the grounds on which the applicant seeks the preservation direction.

Section 79C: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79D Applications made orally

(1) Despite section 79C, the Commissioner may allow the application to be made orally (for example, by telephone or in person) and excuse the applicant from putting all or part of the application (including any required material) in writing.

(2) The Commissioner may allow the application to be made orally and excuse the applicant only if—

(a) the Commissioner is satisfied—

(i) that the delay that would be caused by requiring an applicant to put all or any part of the application (including any required material) in writing would compromise the effectiveness of the preservation direction (if made); and

(ii) that the question of whether the direction should be issued can properly be determined on the basis of an oral application (together with the information referred to in paragraph (b)); and

(b) any further information that the Commissioner requires under section 79C(4) is supplied (whether orally, or partly orally and partly in writing) to the Commissioner.

(3) If the Commissioner allows the application to be made orally, the Commissioner must—

(a) ensure that the applicant orally affirms the truth and accuracy of the application when it is made; and

(b) record the following particulars and information as soon as practicable:

(i) particulars of the facts that the Commissioner relied on to be satisfied of the matters set out in subsection (2)(a):

(ii) the particulars that the application is required to set out under section 79C(2) that were supplied orally to the Commissioner:

(iii) any further information that the Commissioner required under section 79C(4) that was supplied orally to the Commissioner.

Section 79D: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## *Preservation directions: making, duration, and other matters*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79E Conditions for making preservation direction

The conditions for making a preservation direction are that—

(a) the applicant (or another enforcement officer who may apply for a search warrant to obtain the documents that the applicant seeks to be preserved or produced under the proposed direction)—

(i) is about to apply for a production order in respect of the documents that the applicant seeks to be preserved; or

(ii) has applied for a production order in respect of those documents and an issuing officer has not yet granted or refused the application for the order; and

(b) there are reasonable grounds to suspect that an offence has been, is being, or will be committed; and

(c) that offence is an offence in respect of which this Act or any enactment specified in column 2 of Schedule 2 authorises an enforcement officer to apply for a search warrant; and

(d) there are reasonable grounds to believe that the documents (including any record of pathway information that the applicant seeks to be produced) under the proposed direction—

(i) are evidential material in respect of the offence; and

(ii) are particularly vulnerable to loss or modification; and

(iii) are in the possession or under the control of the person against whom the direction is sought; and

(e) if the applicant seeks to have any record of pathway information produced under the proposed direction,—

(i) the applicant's purpose in seeking to have the record produced is to facilitate tracing of all telecommunications service providers involved in transmitting the related telecommunication; and

(ii) the applicant seeks to have only as much of the record produced as is necessary for that purpose.

**Examples**

For the purposes of paragraph (d)(ii), examples of circumstances in which there may be reasonable grounds to believe that the documents are particularly vulnerable to loss or modification include the following:

**Example 1**

There are reasonable grounds to believe that, before an application for a production order in respect of the documents is able to be determined, the documents will be—

- deleted, erased, or otherwise disposed of; or
- modified.

**Example 2**

There are reasonable grounds to believe that the documents are being stored insecurely.

**Example 3**

In the case of computer data, there are reasonable grounds to believe that the data would ordinarily be deleted or erased when the medium used to store the data is used to store other data.

Section 79E: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79F Commissioner may make preservation direction

On an application made under this subpart, the Commissioner may make a preservation direction against a person if satisfied that the conditions specified in section 79E for making the direction are met.

Section 79F: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79G Form and content of preservation direction

(1) A preservation direction must be in the prescribed form, if any, and must require the person against whom it is made (the **directly affected person**)—

(a) to preserve, while the direction is in force, any documents described in the direction that are in the possession or under the control of the directly affected person; and

(b) to produce to the enforcement officer who applied for the direction, or a person identified in the direction, any record of pathway information described in the direction that is in the possession or under the control of the directly affected person; and

(c) if any of the documents (including any record of pathway information) described in the direction are not, or are no longer, in the possession or under the control of the directly affected person, to disclose (by the time, if any, specified in the direction and to the best of that person's knowledge or belief) the location of those documents to—

(i) the enforcement officer who applied for the direction; or

(ii) a person identified in the direction.

(2) A preservation direction must specify—

(a) the name of the directly affected person; and

(b) the grounds on which the direction is made.

(3) If the preservation direction requires the directly affected person to produce any record of pathway information,—

(a) the preservation direction must also specify the way in which, and a time by which, the record must be produced; and

(b) that time must not be any earlier than a time on the tenth day after the date on which the direction is given to the directly affected person.

(4) A preservation direction may describe any documents required to be preserved by reference to a class or category of document.

(5) A preservation direction may describe any record of pathway information required to be produced by reference to a class or category of record.

(6) If a preservation direction is made against a body corporate or an unincorporated body, the direction may specify an individual (whether by name or by reference to a position held in the body) who must comply with the direction as the body's representative.

Section 79G: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79H Preservation directions against network operators relating to traffic data, etc

A preservation direction may require a network operator to preserve a record of traffic data, preserve a record of the content of telecommunications, or produce a record of pathway information only to the extent that the network operator stores the record concerned in the ordinary course of business.

Section 79H: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79I Duration of preservation direction

(1) A preservation direction against a person is in force until the end of the period specified in the direction (not exceeding 20 days after the date on which the direction is made).

(2) However, if an application is made for a production order against the person in relation to all or any of the documents described in a preservation direction before the direction expires, the preservation direction—

(a) continues in force until the application is determined; and

(b) is revoked when the application is determined.

(3) Subsection (2) applies only if the preservation direction and the application for the production order relate to the same investigation.

(4) If subsection (2) applies, the Commissioner must give written notice to the person against whom the preservation direction was made, as soon as practicable after the application for a production order is made and before it is determined, of the effect of subsection (2)(a).

(5) However, the Commissioner is not required to give the notice if the application for the production order is determined before it is practicable to give the notice.

(6) If a preservation direction is revoked under subsection (2)(b), the Commissioner must give written notice to the person against whom the direction was made that it is revoked.

(7) However, the Commissioner is not required to give the notice if the application for the production order is granted.

Section 79I: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Reviews*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79J Right of review

(1) A person against whom a preservation direction is made may apply to the Commissioner, in the approved manner (if any), for a review of the Commissioner's decision to make the direction.

(2) An application must state—

(a) the decision that the applicant wishes to be reviewed; and

(b) why the applicant thinks the decision should be reviewed; and

(c) the review outcome that the applicant seeks.

(3) An application must be made—

(a) no later than the default closing date, which is 5 working days after the date on which the preservation direction is given to the person; and

(b) before the direction expires, or is revoked, under section 79I.

(4) However, the Commissioner may accept an application after the default closing date if satisfied that extenuating circumstances affected the ability of the person to make the application by that date (but may only accept the application before the direction expires or is revoked).

(5) In this section, **approved manner** means any manner that—

(a) is approved by the Commissioner for the purposes of this section; and

(b) is specified on an Internet site maintained by or on behalf of the New Zealand Police that is publicly accessible free of charge.

Section 79J: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79K How review must be conducted

(1) The Commissioner must delegate the responsibility for reviewing the Commissioner's decision to 1 or more persons under section 17 of the Policing Act 2008.

(2) If the original decision was made by a person as a delegate of the Commissioner, the responsibility for reviewing the decision must not be delegated to that person.

(3) The reviewer must—

(a) review the decision on the papers; and

(b) complete that review no later than 5 working days after the date on which the application for review is lodged.

(4) On completing a review of the decision, the reviewer may—

(a) affirm the decision; or

(b) amend the preservation direction; or

(c) revoke the preservation direction.

(5) Subsections (3) and (4) cease to apply if, before the review is completed, the preservation direction to which the decision relates is revoked under section 79I(2).

Section 79K: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79L Notice, etc, to be given after review is completed

(1) As soon as practicable after the review is completed, the Commissioner must give the applicant—

(a) written notice of the reviewer's decision; and

(b) if the reviewer's decision is to amend the preservation direction, an updated version of the direction.

(2) The preservation direction to which the review relates continues in force until the applicant is notified of the reviewer's decision.

(3) However, subsection (2) does not—

(a) reduce the period for which the direction otherwise remains in force under section 79I if the reviewer's decision is—

(i) to affirm the original decision to make the direction; or

(ii) to amend the direction; or

(b) extend the period for which the direction remains in force if it is sooner revoked under section 79I(2).

Section 79L: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## *Invalidity*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79M When preservation direction is invalid

(1) A preservation direction is invalid—

(a) if, having regard to the information contained in the application for the direction, the conditions specified in section 79E for making the direction were not satisfied at the time the direction was made or (if applicable) amended; or

(b) if the direction contains a defect, irregularity, omission, or want of form that is likely to mislead anyone executing or affected by the direction as to its purpose or scope.

(2) If a preservation direction is invalid under this section, the following sections do not apply to the direction:

(a) section 204 of the Summary Proceedings Act 1957 (proceedings not to be questioned for want of form):

(b) section 379 of the Criminal Procedure Act 2011 (proceedings not to be questioned for want of form).

Section 79M: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Retention, copying, etc, of produced record of pathway information*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79N Record of pathway information produced under preservation direction

When a record of pathway information is produced in compliance with a preservation direction, an appropriate enforcement officer may do any of the following:

(a) retain the original record produced if it is relevant to the investigation:

(b) take copies of the record:

(c) if necessary, require the person producing the record—

(i) to reproduce, in usable form, the pathway information that is in that record; or

(ii) to assist any person nominated by the chief executive of the law enforcement agency concerned or by a delegate of that chief executive to reproduce, in usable form, the pathway information that is in that record:

(d) require the person producing the record to provide any related information (for example, the names of any telecommunications service providers involved in transmitting the telecommunication) that is necessary to understand the pathway information.

Section 79N: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## *Offences*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79O Failing to comply with preservation direction

(1) A person commits an offence if the person, without reasonable excuse, fails to comply with a preservation direction.

(2) A person who commits an offence against this section is liable on conviction,—

(a) if they are an individual, to imprisonment for a term not exceeding 1 year; or

(b) if they are a body corporate, to a fine not exceeding $40,000.

Section 79O: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79P False application for preservation direction

(1) A person commits an offence if they apply for a preservation direction and the application contains any assertion or other statement that they know is false.

(2) A person who commits an offence against this section is liable on conviction to imprisonment for a term not exceeding 1 year.

Section 79P: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79Q Disclosing matters relating to preservation direction

*Disclosing that direction has been made*

(1) A person who is affected by a preservation direction commits an offence if the person knowingly discloses to any other person that the direction has been made.

*Disclosing information contained in relevant documents*

(2) A person who is affected by a preservation direction commits an offence if—

(a) the affected person knowingly discloses to another person any information contained in a document to which the preservation direction relates; and

(b) the document is in the possession or under the control of the person against whom the direction was made (whether or not they are the affected person making the disclosure); and

(c) the affected person would not have been able to disclose the information had a preservation direction not been made in relation to that document (for example, because the document would not have been preserved).

*Penalty*

(3) A person who commits an offence against this section is liable on conviction,—

(a) if they are an individual, to a term of imprisonment not exceeding 6 months; or

(b) if they are a body corporate, to a fine not exceeding $100,000.

*Exceptions*

(4) A person who is affected by a preservation direction does not commit an offence against this section if the affected person makes the disclosure concerned—

(a) to an appropriate enforcement officer, in relation to the direction, for the purpose of complying with the direction; or

(b) to another affected person for the purpose of complying with the direction or obtaining legal advice or legal representation in relation to the direction; or

(c) to a lawyer for the purpose of obtaining legal advice or making representations in relation to the direction; or

(d) to a person acting on behalf of an intelligence and security agency and in accordance with—

(i) an intelligence warrant issued under subpart 1 of Part 4 of the Intelligence and Security Act 2017; or

(ii) an authorisation given under section 78 of that Act; or

(e) in accordance with section 122 of the Intelligence and Security Act 2017 or a business records direction issued under section 150 of that Act; or

(f) in connection with, or in the course of, proceedings before a court or a tribunal; or

(g) after the chief executive of the law enforcement agency concerned gives the person against whom the direction is made written notice under section 79R in relation to the direction.

*Definitions*

(5) A person is **affected by a preservation direction** only if the person is—

(a) the person against whom the direction was made; or

(b) an officer, employee, or agent of the person against whom the direction was made.

(6) A person **discloses** information if the person discloses—

(a) the substance, meaning, or purport of that information; or

(b) any part of that information.

Section 79Q: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79R Chief executive to give written notice for section 79Q(4)(g)

(1) As soon as practicable after any of the following occurs, the chief executive of the law enforcement agency that employed or engaged the enforcement officer who applied for the preservation direction must give written notice to the person against whom the direction was made:

(a) the law enforcement agency decides to discontinue any investigation into the suspected offence that is the subject of the application for the direction:

(b) any criminal proceedings that the law enforcement agency expects to be commenced in relation to the suspected offence have been commenced:

(c) the chief executive decides for any other reason to give notice under this section in relation to the direction.

(2) However, the chief executive is not required to give notice if satisfied on reasonable grounds that the disclosure that would be allowed under section 79Q(4)(g) because of the notice—

(a) would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences; or

(b) would endanger the safety of any person; or

(c) would prejudice the supply of information to the law enforcement agency; or

(d) would prejudice any international relationships of the law enforcement agency; or

(e) would prejudice the security or defence of New Zealand.

(3) The chief executive must—

(a) keep under review the appropriateness of any decision of the chief executive under subsection (2); and

(b) give written notice under this section if the chief executive ceases to be satisfied on reasonable grounds of the matters referred to in subsection (2).

Section 79R: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Immunities*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79S Immunities relating to functions of Commissioner and reviewers

(1) The Commissioner is immune from civil liability for anything done or omitted to be done by the Commissioner in good faith in determining an application for a preservation direction under this subpart.

(2) A reviewer is immune from civil liability for anything done or omitted to be done by the reviewer in good faith in conducting a review of the Commissioner's decision to make a preservation direction.

(3) If the Commissioner or a reviewer is immune from civil liability under this section in respect of anything done or omitted to be done, the Crown is also immune from civil liability in respect of the Commissioner's or reviewer's conduct.

(4) If there is any inconsistency between any of subsections (1) to (3) and the provisions of any other enactment conferring, regulating, or limiting a privilege or immunity, those subsections prevail.

(5) In this section, **reviewer** means a person who is responsible (under a delegation under section 17 of the Policing Act 2008) for conducting a review under this subpart of the Commissioner's decision to make a preservation direction.

Section 79S: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79T Immunities relating to obtaining or executing preservation directions

(1) Section 165 applies in relation to a preservation direction as if a reference in that section to a search warrant were a reference to a preservation direction.

(2) Sections 167 and 168 apply as if a reference in those sections to section 165 included a reference to that section as applied by this section.

Section 79T: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Effect of court proceedings*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79U Effect of court proceedings

Section 180 applies to any proceeding that has been commenced in any court in respect of—

(a) the exercise of a power, or discharge of a duty, conferred or imposed by this subpart; or

(b) the use for investigative purposes of evidential material that is obtained under a preservation direction and that—

(i) is a record of pathway information; or

(ii) relates to the location of documents described in the preservation direction.

Section 79U: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Service of documents*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79V Service of preservation directions and notices

Section 181 applies to the following documents as if a reference in that section to an order included a reference to those documents:

(a) a preservation direction (including its replacement after a review under this subpart):

(b) any written notice required to be given under this subpart.

Section 79V: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Retention of documents*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79W New Zealand Police to retain applications and related documents

(1) The New Zealand Police must retain a copy of every written application for a preservation direction, or (in the case of an oral application) the record made by the Commissioner of the application, until,—

(a) in a case where a preservation direction is issued, the date of completion of any proceedings in respect of which the validity of the direction may be in issue; or

(b) in any other case, the date that is 2 years after the date on which the application or record was first retained under the control of the New Zealand Police.

(2) If the applicant is a constable and a preservation direction is issued, the New Zealand Police—

(a) must also retain the following documents:

(i) the preservation direction:

(ii) copies of all documents provided by the applicant in support of the application; and

(b) must retain those documents, and any documents comprising the copy or record referred to in subsection (1), until the later of the following dates:

(i) the date of completion of any proceedings in respect of which the validity of the direction may be in issue:

(ii) the date of destruction or transfer of the documents under the Public Records Act 2005 or any other enactment or rule of law.

(3) Subsection (2)(b) applies despite subsection (1)(a).

(4) The New Zealand Police must retain a copy of every application for a review under this subpart until,—

(a) in a case in which the relevant preservation direction is affirmed or amended, the later of the following dates:

(i) the date of completion of any proceedings in respect of which the validity of the direction may be in issue:

(ii) the date that is 2 years after the date on which the application was made; or

(b) in any other case, the date that is 2 years after the date on which the application was made.

(5) Documents required to be retained under this section may be retained in electronic form.

Section 79W: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79X Documents to be retained by other applicants to whom preservation direction is issued

(1) An applicant to whom a preservation direction is issued must retain the preservation direction, a copy of the application (if made in writing), and copies of all documents provided in support of the application until the later of the following dates:

(a) the date of completion of any proceedings in respect of which the validity of the direction may be in issue:

(b) the date of destruction or transfer of the preservation direction or other documents under the Public Records Act 2005 or any other enactment or rule of law.

(2) If the applicant is a constable, section 79W(2) to (5) applies instead of this section.

(3) Documents required to be retained under this section may be retained in electronic form.

Section 79X: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## *Annual reporting*

Heading: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 79Y Annual reporting by Commissioner

(1) The Commissioner must include in every annual report that the Commissioner prepares for the purposes of section 43 of the Public Finance Act 1989—

*Reviews*

(a) the following information about reviews under this subpart that were completed in the reporting period:

(i) the number in which the reviewer affirmed the relevant direction:

(ii) the number in which the reviewer amended the relevant direction:

(iii) the number in which the reviewer revoked the relevant direction; and

(b) the number of reviews under this subpart that were not completed because the relevant preservation directions were revoked under section 79I(2) in the reporting period; and

*Expiry or revocation of preservation directions*

(c) the number of preservation directions that expired during the reporting period without a related application for a production order having been

made to obtain any or all of the documents (the **relevant documents**) described in those directions; and

(d) the number of preservation directions that were revoked during the reporting period when a related application for a production order to obtain any or all of the relevant documents was granted; and

(e) the number of preservation directions that were revoked during the reporting period when a related application for a production order to obtain any or all of the relevant documents was refused.

*Definitions*

(2) In this section, **reporting period**, for an annual report, means the period covered by the report.

(3) In this section, an application for a production order is related to a preservation direction (and is a **related application**) if the application and preservation direction relate to the same investigation.

Section 79Y: inserted, on 1 October 2025, by section 19 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 3—Police and Customs officer powers to search in relation to delivery under section 12 of Misuse of Drugs Amendment Act 1978

### 80 Meaning of terms used in this subpart

In this subpart, unless the context otherwise requires, **craft**, **package**, and **vehicle** have the same meanings as in section 5(1) of the Customs and Excise Act 2018.

Section 80: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

### 81 Searches of persons, places, and vehicles relating to deliveries under section 12 of Misuse of Drugs Amendment Act 1978

(1) In the circumstances set out in subsection (2), a constable or a Customs officer may, during the course of a delivery in relation to which a Customs officer has exercised his or her powers under section 12 of the Misuse of Drugs Amendment Act 1978, do any or all of the following without a warrant:

(a) search a person involved in a delivery under section 12 of the Misuse of Drugs Amendment Act 1978:

(b) enter and search any place, craft, or vehicle:

(c) seize anything that he or she has reasonable grounds to believe is a thing described in any of paragraphs (a) to (d) of subsection (2).

(2) The circumstances are that the constable or the Customs officer has reasonable grounds to believe that the person is in possession of, or the place, craft, or vehicle contains, any 1 or more of the following:

(a) a controlled drug:

(b) a precursor substance:

(c) a package in relation to which the Customs officer has replaced all or a portion of any controlled drug or precursor substance:

(d) evidential material in relation to the commission of an offence under section 6(1)(a) or 12AB of the Misuse of Drugs Act 1975.

## Subpart 4—Warrantless powers of entry and search incidental to arrest or detention

### 82 Application of this subpart

This subpart applies to any person who has exercised a power of arrest or detention, or both, by or under this Act or any other enactment, other than—

(a) the Armed Forces Discipline Act 1971; or

(b) the Defence Act 1990; or

(c) any regulations made under either of those Acts.

### 83 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).

### 84 Warrantless entry and search of vehicle after arrest

A person to whom this subpart applies who has arrested a person and who has reasonable grounds to believe that evidential material relating to the offence for which the person was arrested is in or on a vehicle may enter and search it without a warrant.

### 85 Rub-down search of arrested or detained person

(1) A person to whom this subpart applies may carry out a rub-down search of a person, in accordance with this section, when the person is arrested, or detained under a statutory power of detention, in order to ensure that the person is not carrying anything that may be used—

(a) to harm any person; or

(b) to facilitate the person's escape.

(2) For the purposes of this section and sections 86 and 87, a **rub-down search** means a search of a clothed person in which the person conducting the search may do any or all of the following:

(a) run or pat his or her hand over the body of the person being searched, whether outside or inside the clothing (other than the underclothing) of that person:

(b) insert his or her hand inside any pocket or pouch in the clothing (other than the underclothing) of the person being searched:

(c) for the purpose of permitting a visual inspection, require the person being searched to do any or all of the following:

(i) open his or her mouth:

(ii) display the palms of his or her hands:

(iii) display the soles of his or her feet:

(iv) lift or rub his or her hair.

### 86 Things that can be done to facilitate rub-down search

(1) For the purpose of facilitating any of the actions referred to in any of paragraphs (a) to (c) of section 85(2), the person conducting a rub-down search may require the person being searched—

(a) to remove, raise, lower, or open any outer clothing (including (without limitation) any coat, jacket, jumper, or cardigan) being worn by the person being searched, except where that person has no other clothing, or only underclothing, under that outer clothing; and

(b) to remove any head covering, gloves, or footwear (including socks or stockings) being worn by that person.

(2) A rub-down search of a person may include searching—

(a) any item carried by, or in the possession of, the person; and

(b) any outer clothing removed, raised, lowered, or opened for the purposes of the search; and

(c) any head covering, gloves, or footwear (including socks or stockings) removed for the purposes of the search.

### 87 Rub-down search may include visual examination

A rub-down search may include a visual examination (whether or not facilitated by any instrument or device designed to illuminate or magnify) of the mouth, nose, and ears, but must not include the insertion of any instrument, device, or thing into any of those orifices.

### 88 Warrantless search of arrested or detained person

(1) A person to whom this subpart applies may, in the circumstances set out in subsection (2), carry out a search of a person.

(2) The circumstances are that the person to whom this subpart applies has reasonable grounds to believe that there is any thing on or carried by a person who is arrested or detained under a statutory power of detention that—

(a) may be used to harm any person; or

(b) may be used to facilitate the person's escape; or

(c) is evidential material relating to the offence in respect of which the arrest is made or the person is detained.

# Part 3A
# Preservation directions relating to foreign investigations or proceedings

Part 3A: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 1—Interpretation

Subpart 1: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88A Interpretation

(1) In this Part,—

**Central Authority** has the same meaning as in section 2 of the Mutual Assistance in Criminal Matters Act 1992

**document** has the same meaning as in subpart 2 of Part 3

**foreign country** has the same meaning as in section 2 of the Mutual Assistance in Criminal Matters Act 1992

**foreign enforcement authority** means a person or an agency that is empowered to perform functions in a foreign country that correspond, wholly or partly, to any of the functions of the New Zealand Police set out in section 9 of the Policing Act 2008

**law of a foreign country** includes the law of a part of, or the law in force in part of, the foreign country

**preservation direction** means a preservation direction made under this Part

**related mutual assistance request**, in relation to an application for a preservation direction or for renewal of a preservation direction against a person, means a request under section 43 of the Mutual Assistance in Criminal Matters Act 1992 for assistance in obtaining documents to which the application relates under a production order against the person

**serious offence** means an offence that is punishable by a term of imprisonment of 2 years or more.

(2) In this Part, a reference to the foreign country in which a foreign enforcement authority is located is a reference to the foreign country in which that authority

is empowered to perform functions that correspond, wholly or partly, to any of the functions of the New Zealand Police set out in section 9 of the Policing Act 2008.

(3) In this Part, a related mutual assistance request, in relation to an application for a preservation direction or for renewal of a preservation direction against a person, is **in progress** only if,—

(a) in the case of an application for a preservation direction, one of the following applies:

(i) the foreign enforcement authority requesting the preservation direction intends to request or recommend that the Central Authority for the foreign country in which the foreign enforcement authority is located make the related mutual assistance request; or

(ii) the foreign enforcement authority has requested or recommended that the Central Authority make the related mutual assistance request and the foreign enforcement authority's request or recommendation has not been rejected; or

(iii) the Central Authority intends to make or has made the related mutual assistance request; and

(b) in the case of an application for renewal of a preservation direction,—

(i) the foreign enforcement authority requesting the renewal has requested or recommended that the Central Authority for the foreign country in which the foreign enforcement authority is located make the related mutual assistance request and the foreign enforcement authority's request or recommendation has not been rejected; or

(ii) the Central Authority intends to make or has made the related mutual assistance request; and

(c) one of the following applies:

(i) the Attorney-General has not yet granted or refused the request:

(ii) the Attorney-General has granted the request, but a Judge has not yet granted or refused an application made under section 45 of the Mutual Assistance in Criminal Matters Act 1992 for a production order against the person in respect of those documents.

(4) In this Part, a reference to an **offence of a political character** does not include—

(a) an offence—

(i) that is constituted by conduct of a kind referred to in a multilateral treaty to which New Zealand is a party; and

(ii) for which parties have an obligation to provide to one another assistance in criminal matters (within the meaning of section 2(1) of the Mutual Assistance in Criminal Matters Act 1992); or

(b) any offence in relation to which New Zealand has agreed in writing with another country that the offence will not be treated as a political offence for the purposes of the provision of assistance in criminal matters between New Zealand and that country.

(5) A term or an expression used in this Part that is not defined in this Part but is defined in subpart 2A of Part 3 has the same meaning as in that subpart.

Section 88A: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 2—Applications for preservation directions

Subpart 2: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88B Constable to apply for preservation direction requested by foreign enforcement authority

(1) A constable must apply to the Commissioner for a preservation direction against a person if a foreign enforcement authority requests the New Zealand Police for a preservation direction against the person and—

(a) one of the following applies:

(i) an investigation has commenced in relation to a serious offence that it is suspected has been, is being, or will be committed against the law of the foreign country in which the foreign enforcement authority is located:

(ii) criminal proceedings have commenced in relation to an alleged serious offence against that law; and

(b) the documents that the foreign enforcement authority seeks to be preserved are relevant to the investigation or proceedings; and

(c) a related mutual assistance request is in progress.

(2) The constable—

(a) may require the foreign enforcement authority to supply any information about the matters referred to in subsection (1); and

(b) may rely on any information supplied by the foreign enforcement authority about those matters unless the constable knows that the information is false.

(3) Subsection (1) is subject to subpart 4.

Section 88B: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88C Form and content of application

(1) An application for a preservation direction—

(a) must be in writing; and

(b) may be transmitted to the Commissioner electronically.

(2) The application must—

(a) state the name of the foreign enforcement authority; and

(b) state the name of the person against whom the preservation direction is sought; and

(c) specify the serious offence; and

(d) set out a summary of the related facts; and

(e) describe the documents that the foreign enforcement authority seeks to be preserved; and

(f) describe how the documents are relevant to the investigation or proceedings; and

(g) set out particulars of any location at which the documents are known or believed to be held (including the location of any computer system in which the documents are recorded or stored); and

(h) set out the reasons why the foreign enforcement authority seeks to have the documents preserved by way of a preservation direction, including particulars of any concerns about the documents being lost or modified.

(3) The constable—

(a) may require the foreign enforcement authority to supply any information about the matters referred to in subsection (2); and

(b) may rely on any information supplied by the foreign enforcement authority about those matters unless the constable knows that the information is false.

Section 88C: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 3—Preservation directions: making, initial duration, and other matters

Subpart 3: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88D Commissioner to make preservation direction

(1) On an application for a preservation direction against a person, the Commissioner must make a preservation direction against the person.

(2) However, the Commissioner may refuse to grant the application if satisfied that—

(a) a related mutual assistance request is not in progress; or

(b) the foreign enforcement authority's request for a preservation direction relates to the prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character; or

(c) there are substantial grounds for believing that the request has been made with a view to prosecuting or punishing a person for an offence of a political character; or

(d) granting the application would prejudice the sovereignty, security, or national interests of New Zealand.

(3) This section is subject to subpart 4.

Section 88D: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88E Form and content

(1) A preservation direction must be in the prescribed form, if any, and must require the person against whom it is made (the **directly affected person**)—

(a) to preserve, while the direction is in force, any documents described in the direction that are in the possession or under the control of the directly affected person; and

(b) to the extent that those documents are records of traffic data, to produce to a constable identified in the direction any record of that traffic data that is pathway information and is in the possession or under the control of the directly affected person; and

(c) if any of the documents described in the direction are not, or are no longer, in the possession or under the control of the directly affected person, to disclose (by the time, if any, specified in the direction and to the best of that person's knowledge or belief) the location of those documents to a constable identified in the direction.

(2) A preservation direction must state—

(a) the name of the directly affected person; and

(b) the name of the requesting foreign enforcement authority.

(3) If the preservation direction requires the directly affected person to produce any record of pathway information,—

(a) the preservation direction must also specify the way in which, and a time by which, the directly affected person must produce the record; and

(b) that time must not be any earlier than a time on the tenth day after the date on which the direction is given to the directly affected person.

(4) A preservation direction may describe any documents required to be preserved by reference to a class or category of document.

(5) If a preservation direction is made against a body corporate or an unincorporated body, the direction may specify an individual (whether by name or by

reference to a position held in the body) who must comply with the direction as the body's representative.

Section 88E: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88F Preservation directions against network operators relating to traffic data, etc

A preservation direction may require a network operator to preserve a record of traffic data, preserve a record of the content of telecommunications, or produce a record of pathway information only to the extent that the network operator stores the record concerned in the ordinary course of business.

Section 88F: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88G Initial duration of preservation direction

(1) A preservation direction is in force for an initial period, specified in the direction, of up to 150 days.

(2) This section is subject to subpart 6.

Section 88G: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 4—Consequences if responsible constable believes that requested preservation direction would prejudice investigation, etc

Subpart 4: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88H Foreign enforcement authority to be informed and other consequences of belief

(1) This section applies if a responsible constable forms the belief, before a requested preservation direction has been served, that serving it—

(a) would prejudice any investigation by the foreign enforcement authority concerned in relation to the serious offence that is the subject of the request (for example, by threatening the confidentiality of the investigation or because it would risk the loss or modification of the documents); or

(b) would be unlikely to result in the preservation of the documents that the foreign enforcement authority seeks to be preserved.

(2) If the responsible constable forms the belief before the application is made,—

(a) the constable must inform the foreign enforcement authority of that belief as soon as practicable; and

(b) the application may be made only if the foreign enforcement authority confirms its request.

(3) If the responsible constable forms the belief after the application is made and before the Commissioner determines it,—

(a) the constable must inform the foreign enforcement authority and the Commissioner of that belief as soon as practicable; and

(b) the Commissioner may grant the application only if the foreign enforcement authority confirms its request.

(4) If the responsible constable forms the belief after the Commissioner grants the application but before the direction is served,—

(a) the constable must inform the foreign enforcement authority and the Commissioner of that belief as soon as practicable; and

(b) the direction may be served only if the foreign enforcement authority confirms its request; and

(c) the direction is to be treated as not having been made if the foreign enforcement authority withdraws the request.

(5) A responsible constable for a requested preservation direction does not have any duty to determine whether they believe the matters referred to in subsection (1).

(6) In this section, **responsible constable**, in relation to a preservation direction requested by a foreign enforcement authority, means the constable who is responsible for informing the foreign enforcement authority of matters relating to the request.

Section 88H: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 5—Renewal of preservation directions

Subpart 5: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88I Application for renewal

(1) A constable must apply to the Commissioner for a preservation direction against a person to be renewed if—

(a) a foreign enforcement authority—

(i) requests the New Zealand Police to renew the direction; and

(ii) makes the request before the direction expires; and

(b) a related mutual assistance request is in progress; and

(c) the direction has not been renewed before, or has been renewed fewer than 4 times.

(2) The following apply in relation to an application for renewal:

(a) the application must be in writing and may be transmitted electronically:

(b) the application may relate to all of the documents to which the preservation direction currently applies or to fewer, or a narrower class, of those documents:

(c) the application must identify any material changes to the matters referred to in sections 88B(1) and 88C(2) since the preservation direction was made or last renewed:

(d) the constable—

(i) may require the foreign enforcement authority to supply information about the material changes; and

(ii) may rely on any information supplied by the foreign enforcement authority about those changes unless the constable knows that the information is false.

Section 88I: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88J Granting of application

(1) On an application for renewal of a preservation direction, the Commissioner must grant the application.

(2) However, the Commissioner—

(a) must refuse to grant the application if the preservation direction has already been renewed 4 times; and

(b) may refuse to grant the application if satisfied that—

(i) a related mutual assistance request is not or is no longer in progress; or

(ii) the request relates to the prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character; or

(iii) there are substantial grounds for believing that the request has been made with a view to prosecuting or punishing a person for an offence of a political character; or

(iv) granting the application would prejudice the sovereignty, security, or national interests of New Zealand.

Section 88J: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88K Period for which preservation direction continues in force

(1) The preservation direction continues in force until the Commissioner determines the application for renewal.

(2) If the Commissioner grants the application, the preservation direction continues in force until the end of the period that the Commissioner determines, subject to subpart 6.

(3) That period must not exceed 180 days after the day on which the direction would have expired but for subsection (1).

Section 88K: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88L Updated version of preservation direction must be issued

If the Commissioner grants the application for renewal, the Commissioner must issue an updated version of the preservation direction that—

(a) states that it is renewed; and

(b) specifies the period for which the direction remains in force.

Section 88L: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 6—Continuation and revocation: effect of requests and applications under Mutual Assistance in Criminal Matters Act 1992

Subpart 6: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88M Preservation direction to continue: request for assistance by production order

(1) This subpart applies if—

(a) a request is made to the Attorney-General under section 43 of the Mutual Assistance in Criminal Matters Act 1992 for assistance in obtaining, under a production order against a person, all or any of the documents described in a preservation direction against the person; and

(b) the request is made before the preservation direction would otherwise expire under section 88G or 88K; and

(c) the preservation direction and the request for the production order relate to the same investigation or proceedings.

(2) The direction continues in force in relation to all of the documents until it is revoked or partially revoked under section 88N.

Section 88M: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88N Whole or partial revocation of preservation direction

(1) The preservation direction is revoked in relation to all of the documents described in the direction when either of the following occurs:

(a) the Attorney-General refuses a request under section 43 of the Mutual Assistance in Criminal Matters Act 1992 by the foreign country con-

cerned for assistance in obtaining those documents under a production order against the person:

(b) a Judge determines an application under section 45 of that Act for a production order against the person relating to all or any of those documents.

(2) The preservation direction is revoked in relation to particular documents or classes of documents (rather than all of the documents) described in the direction if the Attorney-General refuses a request as referred to in subsection (1)(a), but that refusal is limited to those particular documents or classes of documents.

(3) The Commissioner must give written notice to the person against whom the preservation direction is made that the direction is revoked or partially revoked, as the case may be.

**Guidance note**

Generally, written notice would also be required under section 88W as soon as practicable after a preservation direction is partially revoked under this section.

(4) However, the Commissioner is not required to give the notice in a case in which subsection (1)(b) applies if the Judge grants the application for the production order.

Section 88N: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 7—Reviews

Subpart 7: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88O Right of review

(1) A person against whom a preservation direction is made may apply to the Commissioner, in the approved manner, for a review of either of the following decisions of the Commissioner:

(a) a decision to make the direction:

(b) a decision to renew the direction.

(2) An application must state—

(a) the decision that the applicant wishes to be reviewed; and

(b) why the applicant thinks the decision should be reviewed; and

(c) the review outcome that the applicant seeks.

(3) An application must be made—

(a) no later than the default closing date, which is 30 working days after the date on which—

(i) the direction is given to the person (if the application is for a review of the decision to make the direction); or

(ii) the updated direction is given to the person (if the application is for a review of a decision to renew the direction); and

(b) before the direction expires or is revoked.

**Guidance note**

*See* sections 88G and 88K and subpart 6.

(4) However, the Commissioner may accept an application after the default closing date if satisfied that extenuating circumstances affected the ability of the person to make the application by that date (but may only accept the application before the direction expires or is revoked).

(5) In this section, **approved manner** means any manner that—

(a) is approved by the Commissioner for the purposes of this section; and

(b) is specified on an Internet site maintained by or on behalf of the New Zealand Police that is publicly accessible free of charge.

Section 88O: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88P How review must be conducted

(1) The Commissioner must delegate the responsibility for reviewing the Commissioner's decision to 1 or more persons under section 17 of the Policing Act 2008.

(2) If the original decision was made by a person as a delegate of the Commissioner, the responsibility for reviewing the decision must not be delegated to that person.

(3) The reviewer must—

(a) review the decision on the papers; and

(b) complete that review no later than 30 working days after the date on which the application for review was lodged.

(4) On completing a review of the decision, the reviewer may,—

(a) in the case of a decision to make a preservation direction,—

(i) affirm the decision; or

(ii) amend the preservation direction; or

(iii) revoke the preservation direction; or

(b) in the case of a decision to renew a preservation direction,—

(i) affirm the decision; or

(ii) amend the renewed direction by changing the period for which it remains in force; or

(iii) revoke the renewed direction.

(5) Subsections (3) and (4) cease to apply if, before the review is completed, the preservation direction to which the decision relates is revoked under subpart 6.

Section 88P: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88Q Notice, etc, to be given after review is completed

(1) As soon as practicable after the review is completed, the Commissioner must give the applicant—

(a) written notice of the reviewer's decision; and

(b) if the reviewer's decision is to amend the preservation direction or renewed direction, an updated version of the direction.

**Guidance note**

After a reviewer makes certain decisions, written notice would generally also be required under section 88W.

(2) The preservation direction to which the review relates continues in force until the applicant is notified of the reviewer's decision.

(3) However, subsection (2) does not—

(a) reduce the period for which the direction otherwise remains in force under this Part if the reviewer's decision is—

(i) to affirm the original decision to make or renew the direction; or

(ii) to amend the direction or renewed direction; or

**Guidance note**

*See* sections 88G, 88K(2), and 88M.

(b) extend the period for which the direction remains in force if it is sooner revoked under section 88N.

Section 88Q: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 8—Invalidity, offences, and immunities, etc

Subpart 8: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Invalidity*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88R When preservation direction is invalid

(1) A preservation direction is invalid if the direction contains a defect, irregularity, omission, or want of form that is likely to mislead anyone executing or affected by the preservation direction as to its purpose or scope.

(2) A preservation direction is invalid on its purported renewal if the direction, as purportedly renewed, contains a defect, irregularity, omission, or want of form that is likely to mislead anyone executing or affected by the preservation direction as to its purpose or scope.

(3) If a preservation direction is invalid under this section, the following sections do not apply to the direction:

(a) section 204 of the Summary Proceedings Act 1957 (proceedings not to be questioned for want of form):

(b) section 379 of the Criminal Procedure Act 2011 (proceedings not to be questioned for want of form).

Section 88R: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Copying, etc, of produced record of pathway information*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88S Pathway information produced under preservation direction

When a record of pathway information is produced in compliance with a preservation direction, a constable may do any of the following:

(a) take copies of the record:

(b) if necessary, require the person producing the record—

(i) to reproduce, in usable form, the pathway information that is in that record; or

(ii) to assist any person nominated by the Commissioner or a delegate of the Commissioner to reproduce, in usable form, the pathway information that is in that record:

(c) require the person producing the record to provide any related information (for example, the names of any telecommunications service providers involved in transmitting the telecommunication) that is necessary to understand the pathway information:

(d) send to the foreign enforcement authority that requested the preservation direction—

(i) the record; or

(ii) copies of the record; or

(iii) the pathway information in a reproduced and usable form; or

(iv) the related information (if any) that is necessary to understand the pathway information.

Section 88S: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Offences relating to disclosure*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88T Definitions for sections 88U to 88W

In sections 88U to 88W,—

(a) a person is **affected by a preservation direction** only if the person is—

(i) the person against whom the direction was made; or

(ii) an officer, employee, or agent of the person against whom the direction was made; and

(b) a person **discloses** information if the person discloses—

(i) the substance, meaning, or purport of that information; or

(ii) any part of that information.

Section 88T: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88U Offences

*Disclosing that direction has been made*

(1) A person who is affected by a preservation direction commits an offence if the person knowingly discloses to any other person that the direction has been made.

*Disclosing information contained in relevant documents*

(2) A person who is affected by a preservation direction commits an offence if—

(a) the affected person knowingly discloses to another person any information contained in a document to which the preservation direction relates; and

(b) the document is in the possession or under the control of the person against whom the direction was made (whether or not they are the affected person making the disclosure); and

(c) the affected person would not have been able to disclose the information had a preservation direction not been made in relation to that document (for example, because the document would not have been preserved).

*Penalty*

(3) A person who commits an offence against this section is liable on conviction,—

(a) if they are an individual, to a term of imprisonment not exceeding 6 months; or

(b) if they are a body corporate, to a fine not exceeding $100,000.

*Exceptions*

(4) A person who is affected by a preservation direction does not commit an offence against this section if the affected person makes the disclosure concerned—

(a) to a constable for the purpose of complying with the direction; or

(b) to another affected person for the purpose of complying with the direction or obtaining legal advice or legal representation in relation to the direction; or

(c) to a lawyer for the purpose of obtaining legal advice or making representations in relation to the direction; or

(d) to a person acting on behalf of an intelligence and security agency and in accordance with—

(i) an intelligence warrant issued under subpart 1 of Part 4 of the Intelligence and Security Act 2017; or

(ii) an authorisation given under section 78 of that Act; or

(e) in accordance with section 122 of the Intelligence and Security Act 2017 or a business records direction issued under section 150 of that Act; or

(f) in connection with, or in the course of, proceedings before a court or a tribunal; or

(g) if this section has ceased to apply to the affected person under section 88V.

(5) A person who is affected by a preservation direction does not commit an offence against subsection (2), in relation to any information contained in a document, if—

(a) the affected person makes the disclosure concerned after the Commissioner gives written notice under section 88W in relation to the direction; and

(b) the Commissioner has given the notice because the direction has ceased to apply to the document or a class of documents to which the document belongs.

Section 88U: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88V When section 88U ceases to apply to affected person

(1) Section 88U ceases to apply to a person who is affected by a preservation direction when the direction expires or is revoked.

**Guidance note**

*See* sections 88G and 88K, subpart 6, and section 88Q.

(2) However, that section continues to apply to the affected person if the Commissioner gives written notice, before the date on which the direction expires or is revoked, to the person against whom the direction is made.

(3) If the Commissioner gives notice under subsection (2), section 88U continues to apply to the affected person until the notice is revoked.

(4) The Commissioner may give notice under subsection (2) to a person against whom a preservation direction is made only if the Commissioner is satisfied on reasonable grounds that the disclosure that would be allowed if section 88U were to cease to apply—

(a) would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences; or

(b) would endanger the safety of any person; or

(c) would prejudice the supply of information to the New Zealand Police; or

(d) would prejudice any international relationships of the New Zealand Police; or

(e) would prejudice the security or defence of New Zealand.

(5) The Commissioner must—

(a) keep under review the appropriateness of a notice given under subsection (2); and

(b) revoke the notice, and give written notice of that revocation to the person against whom the direction is made, if the Commissioner ceases to be satisfied on reasonable grounds of the matters referred to in subsection (4).

Section 88V: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88W Notice for section 88U(5): when section 88U(2) partially lifted

(1) This section applies if a preservation direction ceases to apply in relation to particular documents or classes of documents (rather than all of the documents) described in the direction because the direction—

(a) is partially revoked under section 88N; or

(b) is amended under section 88P(4)(a)(ii) on completion of a review under section 88P.

(2) As soon as practicable after the preservation direction ceases to apply in relation to particular documents or classes of documents, the Commissioner must give written notice for the purposes of section 88U(5) to the person against whom the direction is made.

(3) However, the Commissioner is not required to give any notice under this section if satisfied on reasonable grounds that the disclosure that would be allowed because of the notice—

(a) would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences; or

(b) would endanger the safety of any person; or

(c) would prejudice the supply of information to the New Zealand Police; or

(d) would prejudice any international relationships of the New Zealand Police; or

(e) would prejudice the security or defence of New Zealand.

(4) The Commissioner must—

(a) keep under review the appropriateness of any decision of the Commissioner under subsection (3); and

(b) give written notice for the purposes of section 88U(5) to the person against whom the preservation direction is made if the Commissioner ceases to be satisfied on reasonable grounds of the matters referred to in subsection (3).

Section 88W: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Other offences*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88X Failing to comply with preservation direction

(1) A person commits an offence if the person, without reasonable excuse, fails to comply with a preservation direction.

(2) A person who commits an offence against this section is liable on conviction,—

(a) if they are an individual, to imprisonment for a term not exceeding 1 year; or

(b) if they are a body corporate, to a fine not exceeding $40,000.

Section 88X: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88Y False application for preservation direction or renewal

(1) A person commits an offence if—

(a) they apply for a preservation direction or for renewal of a preservation direction; and

(b) the application contains any assertion or other statement that they know is false.

(2) A person who commits an offence against this section is liable on conviction to imprisonment for a term not exceeding 1 year.

Section 88Y: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Immunities*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88Z Immunities relating to functions of Commissioner and reviewers

(1) The Commissioner is immune from civil liability for anything done or omitted to be done by the Commissioner in good faith in determining an application for a preservation direction, or the renewal of a preservation direction, under this Part.

(2) A reviewer is immune from civil liability for anything done or omitted to be done by the reviewer in good faith in conducting a review of the Commissioner's decision to make or renew a preservation direction.

(3) If the Commissioner or a reviewer is immune from civil liability under this section in respect of anything done or omitted to be done, the Crown is also immune from civil liability in respect of the Commissioner's or reviewer's conduct.

(4) If there is any inconsistency between any of subsections (1) to (3) and the provisions of any other enactment conferring, regulating, or limiting a privilege or immunity, those subsections prevail.

(5) In this section, **reviewer** means a person who is responsible (under a delegation under section 17 of the Policing Act 2008) for conducting a review under subpart 7 of the Commissioner's decision to make a preservation direction.

Section 88Z: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88ZA Immunities relating to obtaining, renewing, or executing preservation direction

(1) Section 165 applies in relation to a preservation direction as if—

(a) a reference in that section to obtaining a search warrant were a reference to obtaining—

(i) a preservation direction; or

(ii) the renewal of a preservation direction; and

(b) a reference in that section to executing a search warrant were a reference to executing the preservation direction.

(2) Sections 167 and 168 apply as if a reference in those sections to section 165 included a reference to that section as applied by this section.

Section 88ZA: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Effect of court proceedings*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

#### 88ZB Effect of court proceedings

Section 180 applies to any proceeding that has been commenced in any court in respect of—

(a) the exercise of a power, or discharge of a duty, imposed by this Part; or

(b) the use for investigative purposes of evidential material that is obtained under a preservation direction and that—

(i) is a record of pathway information; or

(ii) relates to the location of documents described in the preservation direction.

Section 88ZB: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Service of documents*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

#### 88ZC Service of preservation directions, notices, etc

Section 181 applies in relation to the following documents as if a reference in that section to an order included a reference to those documents:

(a) a preservation direction:

(b) a written notice that is required to be given under this Part:

(c) an updated version of a preservation direction that is required to be given under this Part.

Section 88ZC: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Retention of documents*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

#### 88ZD New Zealand Police to retain applications and related documents

(1) The New Zealand Police must retain a copy of every application under this Part, and copies of the documents related to the application, until,—

(a) in a case where an application is granted, the later of the following dates:

(i) the date of completion of any proceedings in respect of which the validity of the preservation direction or its renewal may be in issue:

(ii) the date of destruction or transfer of the preservation direction or other documents under the Public Records Act 2005 or any other enactment or rule of law; or

(b) in any other case, the date that is 2 years after the date on which the application and other documents were first retained under the control of the New Zealand Police.

(2) The New Zealand Police must retain a copy of every application for a review under this Part until,—

(a) in a case in which the relevant preservation direction is affirmed or amended, the later of the following dates:

(i) the date of completion of any proceedings in respect of which the validity of the direction may be in issue:

(ii) the date that is 2 years after the application is made; or

(b) in any other case, the date that is 2 years after the application is made.

(3) Documents required to be retained under this section may be retained in electronic form.

(4) In this section,—

**application under this Part** means—

(a) an application for a preservation direction; or

(b) an application to renew a preservation direction

**documents related to an application** means—

(a) any documents provided by the foreign enforcement authority concerned in connection with the related request; and

(b) any documents provided by the applicant in support of an application for a preservation direction; and

(c) in the case of an application for a preservation direction that is granted, the direction; and

(d) in the case of an application for the renewal of a preservation direction that is granted, the updated version of the direction.

Section 88ZD: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Annual reporting*

Heading: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 88ZE Annual reporting by Commissioner

(1) The Commissioner must include in every annual report that the Commissioner prepares for the purposes of section 43 of the Public Finance Act 1989—

*Review of decision to make preservation direction*

(a) the following information about reviews of a decision to make a preservation direction that were completed in the reporting period:

(i) the number in which the reviewer affirmed the relevant direction:

(ii) the number in which the reviewer amended the relevant direction:

(iii) the number in which the reviewer revoked the relevant direction; and

(b) the number of reviews of a decision to make a preservation direction that were not completed because the relevant direction was revoked under section 88N(1) in the reporting period; and

*Renewal of preservation directions*

(c) the following information about preservation directions that were renewed in the reporting period:

(i) the number of directions that were renewed for the first time:

(ii) the number of directions that were renewed for the second time:

(iii) the number of directions that were renewed for the third time:

(iv) the number of directions that were renewed for the fourth time; and

*Review of decisions to renew preservation directions*

(d) the following information about reviews of a decision to renew a preservation direction that were completed in the reporting period:

(i) the number in which the reviewer affirmed the decision:

(ii) the number in which the reviewer amended the renewed direction by changing the period for which it remained in force:

(iii) the number in which the reviewer revoked the renewed direction; and

(e) the number of reviews of a decision to renew a preservation direction that were not completed in the reporting period because the direction was revoked under section 88N(1); and

*Expiry or revocation of preservation directions*

(f) the number of preservation directions that expired during the reporting period without a related application for a production order having been made to obtain any or all of the documents (the **relevant documents**) described in those directions; and

(g) the number of preservation directions that were revoked during the reporting period when a related application for a production order to obtain any or all of the relevant documents was granted; and

(h) the number of preservation directions that were revoked during the reporting period when a related application for a production order to obtain any or all of the relevant documents was refused.

*Definitions*

(2) In this section,—

**reporting period**, for an annual report, means the period covered by the report

**review** means a review under this Part.

(3) In this section, an application for a production order is related to a preservation direction (and is a **related application**) if—

(a) the application is made under section 45 of the Mutual Assistance in Criminal Matters Act 1992; and

(b) the application and preservation direction relate to the same investigation or proceedings.

Section 88ZE: inserted, on 1 October 2025, by section 20 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

# Part 4
# General provisions in relation to search, surveillance, and inspection powers

## Subpart 1—Application of rules in this Part, and consent searches

*Application of rules*

### 89 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 3.

(2) This Part also applies in respect of powers conferred by—

(a) the enactments listed in column 2 of Schedule 2, to the extent identified in column 4 of Schedule 2:

(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 Schedule 2 and any other enactment, the other enactment prevails.

(4) Column 3 of Schedule 2 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.

Section 89(2)(a): replaced, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 89(3): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 89(4): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 90 Application of rules in relation to enforcement officers and transfer of things between law enforcement agencies, etc

(1) Any duty imposed on an enforcement officer under this Part may be carried out instead by an enforcement officer employed or engaged by the same law enforcement agency as the other enforcement officer.

(2) Subsection (3) applies if any thing is seized by or produced to a person employed or engaged by any law enforcement agency and the thing is then transferred to another law enforcement agency for the purposes of investigation, prosecution, or forfeiture.

(3) If this subsection applies, the obligations imposed by this Part on any law enforcement agency or any enforcement officer engaged by that agency must, after the transfer of the thing referred to in subsection (2), be carried out by the law enforcement agency to which the thing is transferred or by an enforcement officer employed by that agency.

(4) Subsection (3) is subject to any contrary provisions in any other enactment.

## Subpart 2—Consent searches

### 91 Application of rules about consent searches

Sections 92 to 95 apply in respect of consent searches undertaken by an enforcement officer in circumstances where a power of search by an enforcement officer to which this Part applies or any provisions of this Part apply (whether a warrantless power or a power able to be conferred by a search warrant) could be exercised if the officer held a particular belief or suspicion.

### 92 Purposes for which consent search may be undertaken

An enforcement officer may ask a person to consent to undergo a search or to consent to a search being made of a place, vehicle, or other thing apparently in the control of the person, if the enforcement officer wishes to conduct the search for 1 or more of the following purposes:

(a) to prevent the commission of an offence:

(b) to protect life or property, or to prevent injury or harm:

(c) to investigate whether an offence has been committed:

(d) any purpose in respect of which the enforcement officer could exercise a power of search conferred by an enactment, if he or she held a particular belief or suspicion specified in the enactment.

### 93 Advice that must be given before consent search undertaken

Before conducting a search by consent, the enforcement officer who proposes to conduct it must—

(a) determine that the search is for a purpose authorised by section 92; and

(b) advise the person from whom consent is sought of the reason for the proposed search; and

(c) advise the person that he or she may either consent to the search or refuse to consent to the search.

### 94 Circumstances where search by consent unlawful

A search by consent is unlawful if—

(a) it is not for a purpose set out in section 92; or

(b) the enforcement officer fails to comply with section 93(a), (b), or (c); or

(c) the search is undertaken in reliance on a consent given by a person who does not have authority to give that consent.

### 95 Ability of persons under 14 years to consent to searches of places, vehicles, or other things

(1) A person under 14 years of age is unable to consent to the search of a place, vehicle, or other thing.

(2) Subsection (1) does not apply to a person under 14 years of age who is found driving a vehicle with no passenger of or over the age of 14 years with authority to consent to the search of the vehicle.

### 96 Exceptions to consent search rules

Sections 92 to 95 do not—

(a) apply to a search conducted as a condition of entry to any public or private place; or

(b) apply to a search conducted in accordance with a power conferred by an enactment; or

(c) affect the rule of law relating to the implied licence to enter property.

## Subpart 3—Search warrants

### 97 Interpretation

In this subpart, unless the context otherwise requires,—

**applicant**, in relation to any provision in this subpart, means any of the following persons:

(a) a constable:

(b) any other person authorised to apply for a search warrant by this Act or any enactment specified in column 2 of Schedule 2 to which that provision applies

**thing** includes an intangible thing (for example, an email address or access information to an Internet data storage facility).

Section 97 **applicant** paragraph (b): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### *Application for search warrant*

### 98 Application for search warrant

(1) An application for a search warrant must contain, in reasonable detail, the following particulars:

(a) the name of the applicant:

(b) the provision authorising the making of the application:

(c) the grounds on which the application is made (including the reasons why the legal requirements for issuing the warrant are believed by the applicant to be satisfied):

(d) the address or other description of the place, vehicle, or other thing proposed to be entered, or entered and searched, inspected, or examined:

(e) a description of the item or items or other evidential material believed to be in or on the place, vehicle, or other thing that are sought by the applicant:

(f) the period for which the warrant is sought:

(g) if the applicant wants to be able to execute the warrant on more than 1 occasion, the grounds on which execution on more than 1 occasion is believed to be necessary.

(2) The issuing officer—

(a) may require the applicant to supply further information concerning the grounds on which the search warrant is sought; but

(b) must not, in any circumstances, require the applicant to disclose the name, address, or any other identifying detail of an informant unless, and only to the extent that, such information is necessary for the issuing officer to assess either or both of the following:

(i) the credibility of the informant:

(ii) whether there is a proper basis for issuing the warrant.

(3) The applicant must disclose in the application—

(a) details of any other application for a search warrant that the applicant knows to have been made within the previous 3 months in respect of the place, vehicle, or other thing proposed to be searched; and

(b) the result of that application or those applications.

(4) The applicant must, before making an application for a search warrant, make reasonable inquiries within the law enforcement agency in which the applicant is employed or engaged, for the purpose of complying with subsection (3).

(5) The issuing officer may authorise the search warrant to be executed on more than 1 occasion during the period in which the warrant is in force if he or she is satisfied that this is required for the purposes for which the warrant is being issued.

(6) This section does not apply to an application made under section 18B (*see* section 18C).

Section 98(6): inserted, on 5 April 2023, by section 21 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 99 Application must be verified

An application for a search warrant must contain or be accompanied by a statement by the applicant confirming the truth and accuracy of the contents of the application.

### 100 Mode of application for search warrant

(1) An application for a search warrant—

(a) must be in writing, unless subsection (3) applies; and

(b) may be transmitted to the issuing officer electronically.

(2) The applicant must appear in person before, or communicate orally with, the issuing officer, unless subsection (4) applies.

(3) An issuing officer may allow an application for a search warrant to be made orally (for example, by telephone call) or by personal appearance and excuse the applicant from putting all or any part of the application (including any required material) in writing if—

(a) the issuing officer is satisfied that the delay that would be caused by requiring an applicant to put all or any part of the application (including any required material) in writing would compromise the effectiveness of the search; and

(b) the issuing officer is satisfied that the question of whether the warrant should be issued can properly be determined on the basis of an oral communication or a personal appearance (together with the material described in paragraph (c)); and

(c) the information required by section 98(1) to (3) is supplied (whether orally, or partly orally and partly in writing) to the issuing officer.

(4) An issuing officer may allow an application for a search warrant to be made without either an appearance in person or an oral communication with the issuing officer if—

(a) the issuing officer is satisfied that the question of whether the search warrant should be issued can properly be determined on the basis of any written communication by the applicant (including the material described in paragraph (b)); and

(b) the information required by section 98(1) to (3) has been supplied to the issuing officer; and

(c) the issuing officer is satisfied that there is no need to ask any questions of, or seek any further information from, the applicant.

(5) An issuing officer who allows an application for a search warrant to be made under subsection (3) must record the grounds for the application as soon as practicable.

### 101 Retention of documents

(1) A copy (whether in electronic form or otherwise) of every written application for a search warrant, or (in the case of an oral application) the record of the application made by the issuing officer, must be retained under the control of the Registrar of the office of the District Court at which, or under the control of the Registrar of the office of the District Court that is closest to the place at which, the application was made, until,—

(a) in a case where a search warrant is issued, the completion of any proceedings in respect of which the validity of the warrant may be in issue; or

(b) in any other case, the expiry of 2 years after the records were first retained under the control of the Registrar of the District Court.

(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 104 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.

Section 101(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 101(1)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

*Issuing of search warrant*

### 102 Restrictions on issue of search warrant

An issuing officer must not issue a warrant to seize any thing held by a lawyer that is a communication of a kind to which legal professional privilege normally applies, unless the issuing officer is satisfied that there is a prima facie case that the thing was made, or received, or compiled, or prepared—

(a) for a dishonest purpose; or

(b) for the purpose of planning to commit or committing an offence.

### 103 Form and content of search warrant

(1) Every search warrant issued must be in the prescribed form, if any.

(2) Every search warrant issued must be directed to every enforcement officer who has authority to execute the warrant.

(3) A search warrant may be—

(a) executed by—

(i) any or all of the persons to whom it is directed; or

(ii) any constable (whether or not the warrant is directed to that constable or to every constable):

(b) subject to any conditions specified in the warrant that the issuing officer considers reasonable, including (without limitation)—

(i) any restriction on the time of execution that is reasonable:

(ii) a condition that the occupier or person in charge of a place must provide reasonable assistance to a person executing the warrant if, in the absence of such assistance, it would not be practical to execute the warrant without undue delay:

(c) executed only once, unless execution on more than 1 occasion has been authorised.

(4) Every search warrant must contain, in reasonable detail, the following particulars:

(a) the name or other individual designation of the issuing officer and the date of issue:

(b) the provision or provisions authorising the issue of the warrant (including, where relevant, the suspected offence or offences):

(c) that the person executing the warrant may use any assistance that is reasonable in the circumstances:

(d) that any person authorised to do so may execute the warrant:

(e) that the person executing the warrant may use any force, if authorised by this Act or any other enactment, that is reasonable in the circumstances to enter or break open or access any area within the place, vehicle, or other thing being searched, or the thing found:

(f) the address or description of the place, vehicle, or other thing that may be entered, or entered and searched, inspected, or examined:

(g) a description of what may be seized:

(h) the period during which the warrant may be executed, being—

(i) a period specified by the issuing officer not exceeding 14 days from the date of issue; or

(ii) if the issuing officer is satisfied that a period of longer than 14 days is necessary for execution, a period specified by the issuing officer not exceeding 30 days from the date of issue:

(i) any conditions specified by the issuing officer under subsection (3)(b):

(j) if the warrant may be executed on more than 1 occasion, the number of times that the warrant may be executed:

(k) if the warrant is intended to authorise a remote access search (for example, a search of a thing such as an Internet data storage facility that is not situated at a physical location) the access information that identifies the thing to be searched remotely:

(l) an explanation of the availability of relevant privileges and an outline of how any of those privileges may be claimed (where applicable):

(m) a statement that,—

(i) in the case of a search under a search warrant issued in relation to offences under the Misuse of Drugs Act 1975, any person found in the place or vehicle to be searched may also be searched; or

(ii) in the case of any other search authorised by this Act or any enactment specified in column 2 of Schedule 2 to which section 119 applies, any person found in the place or vehicle to be searched may be searched if there are reasonable grounds to believe that an item being searched for is on that person.

(5) A search warrant may authorise the search of more than 1 place, vehicle, or thing.

(6) An issuing officer may not issue a search warrant authorising the remote access search of a thing unless he or she is satisfied that the thing is not located at a physical address that a person can enter and search.

(7) A person is not required, as a consequence of a condition imposed under subsection (3)(b)(ii), to give any information tending to incriminate the person.

Section 103(4)(m)(ii): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 104 Issuing officer may require search warrant report

(1) An issuing officer may impose a condition under section 103(3)(b) requiring the employer of any person to whom a search warrant is issued to provide that issuing officer with a search warrant report within a specified period.

(2) A search warrant report must contain the following information:

(a) whether the search warrant was executed:

(b) whether the execution of the search warrant resulted in the seizure of evidential material, and, if so, whether that material was material—

(i) specified in the search warrant; or

(ii) seized under section 123 or 123B; or

(iii) some of which was specified in the warrant and some of which was seized under section 123 or 123B:

(c) whether any other powers exercised in conjunction with the execution of the warrant resulted in the seizure of evidential material:

(d) whether any criminal proceedings have been brought, or are under consideration, that relate to any evidential material seized.

Section 104(2)(b)(ii): amended, on 5 April 2023, by section 34 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

Section 104(2)(b)(iii): amended, on 5 April 2023, by section 34 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 105 Transmission of search warrant

If it is not possible or practicable for the person charged with executing the warrant to have it in his or her possession at the time of execution, one of the following documents (which is deemed for all legal purposes to constitute the warrant) may be executed:

(a) a facsimile, or a printout of an electronically generated copy, of a warrant issued by the issuing officer:

(b) a copy made by the person to whom the warrant is directed, at the direction of the issuing officer and endorsed to that effect.

### 106 When search warrant executed

A search warrant is executed when the person executing the warrant and any person assisting in the execution of the warrant—

(a) has seized all the items specified in the warrant; or

(b) leaves the place, vehicle, or other thing being searched and does not return within 4 hours.

### 107 When search warrant invalid

(1) A search warrant is invalid—

(a) if, having regard to the information contained in the application, the grounds or conditions for lawful issue of a warrant set out in section 6 or, if applicable, the relevant enactment specified in column 2 of Schedule 2 to which this section applies were not satisfied at the time the search warrant was issued:

(b) if the warrant contains a defect, irregularity, omission, or want of form that is likely to mislead anyone executing or affected by the warrant as to its purpose or scope.

(2) If a warrant is invalid under this section, neither section 204 of the Summary Proceedings Act 1957 nor section 379 of the Criminal Procedure Act 2011 applies to that warrant.

Section 107(1)(a): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 108 Authorisation of issuing officers

(1) The Attorney-General may authorise any Justice of the Peace, Community Magistrate, Registrar, Deputy Registrar, or other person to act as an issuing officer for a term, not exceeding 3 years, specified in the notice of authorisation.

(2) The Attorney-General may not authorise an enforcement officer to act as an issuing officer.

(3) The Attorney-General may not authorise any Justice of the Peace, Community Magistrate, Registrar, Deputy Registrar, or other person to act as an issuing

officer unless the Attorney-General is satisfied that the person has sufficient knowledge, skill, and experience to act as an issuing officer.

(4) The Attorney-General may from time to time renew an authorisation granted under subsection (1) for a further term not exceeding 3 years specified in the notice of renewal.

(5) The Attorney-General may remove an issuing officer, other than a Judge, from office for neglect of duty, inability to perform the duties of office, bankruptcy, or misconduct, proved to the satisfaction of the Attorney-General.

(6) The Attorney-General must remove an issuing officer if he or she becomes an enforcement officer.

(7) Any issuing officer (other than a Judge) may at any time resign the office of issuing officer by notice in writing addressed to the Attorney-General.

### 109 Limitation on jurisdiction of certain issuing officers

An issuing officer who is employed or engaged by a law enforcement agency must not consider, or perform any function in relation to, any application made by a law enforcement officer employed or engaged by the same law enforcement agency as the issuing officer.

## Subpart 4—Carrying out search powers

### 110 Search powers

Every search power authorises the person exercising it—

(a) to enter and search the place, vehicle, or other thing that the person is authorised to enter and search, and any item or items found in that place or vehicle or thing, at any time that is reasonable:

(b) to request any person to assist with the entry and search (including, without limitation, a member of a hapū or an iwi if the place to be entered is of cultural or spiritual significance to that hapū or iwi):

(c) to use any force in respect of any property that is reasonable for the purposes of carrying out the search and any lawful seizure:

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

(e) to bring and use in or on the place, vehicle, or other thing searched any equipment, to use any equipment found on the place, vehicle, or other thing, and to extract any electricity from the place, vehicle, or other thing to operate the equipment that it is reasonable to use in the circumstances, for the purposes of carrying out the entry and search:

(f) to bring and use in or on the place, vehicle, or other thing searched a dog (being a dog that is trained to undertake searching for law enforcement purposes and that is under the control of its usual handler):

(g) to copy any document, or part of a document, that may lawfully be seized:

(h) 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:

(i) 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):

(j) to take photographs, sound and video recordings, and drawings of the place, vehicle, or other thing searched, and of any thing found in or on that place, vehicle, or other thing, 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 entry and search.

### 111 Remote access search of thing authorised by warrant

Every person executing a search warrant authorising a remote access search may—

(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).

### 112 Items of uncertain status may be seized

If a person exercising a search power is uncertain whether any item found may lawfully be seized, and it is not reasonably practicable to determine whether that item can be seized at the place or vehicle where the search takes place, the person exercising the search power may remove the item for the purpose of examination or analysis to determine whether it may be lawfully seized.

### 113 Powers of persons called to assist

(1) Every person called on to assist a person exercising a search power is subject to the control of the person with overall responsibility for exercising that power.

(2) Every person called on to assist a person exercising a search power may—

(a) enter the place, vehicle, or other thing to be searched:

(b) while under the direction of the person exercising the power, use reasonable force in respect of any property for the purposes of carrying out the entry and search and any lawful seizure:

(c) search areas within the place, vehicle, or other thing that the person exercising the power has determined may lawfully be searched:

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

(e) take photographs, sound and video recordings, and drawings of the place, vehicle, or other thing, and things found in or on the place, vehicle, or other thing, if the person exercising the power has determined that those things may be lawfully taken:

(f) bring into or onto the place, vehicle, or other thing searched and use any equipment, make use of any equipment found in or on the place or in the vehicle or other thing, or extract electricity from the place, vehicle, or other thing for the purposes of operating the equipment that the person exercising the power has determined may be lawfully used:

(g) bring in and use in or on the place, vehicle, or other thing searched a dog (being a dog that is trained to undertake searching for law enforcement purposes and that is under the control of its usual handler):

(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:

(i) 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):

(j) copy any document, or part of a document, that the person exercising the power has determined may be lawfully copied.

(3) If a constable is assisting another person exercising the search power, that constable may, without any direction or supervision by the person he or she is assisting, exercise any power ordinarily exercisable by that constable.

(4) The person exercising the search power must—

(a) accompany any assistant on the first occasion when the assistant enters the place, vehicle, or other thing to be searched; and

(b) provide such other supervision of any assistant as is reasonable in the circumstances.

(5) Subsection (4) does not apply if the assistant is a constable.

### 114 Powers of persons called to assist remote access search

Every person called on to assist a person executing a search warrant authorising a remote access search may—

(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).

### 115 Limitation on exercise of powers

(1) The powers conferred by sections 110 to 114 are subject to—

(a) any conditions imposed under section 103(3)(b) by an issuing officer who issues a search warrant:

(b) subpart 5 of this Part (which relates to privilege and confidentiality).

(2) The powers conferred by section 118(1) to detain a person may only be exercised by a person who has power to arrest the person to be detained—

(a) for a suspected offence to which the search relates; or

(b) for a suspected offence to which evidential material that is discovered in the course of the search relates.

(3) To avoid doubt, the powers conferred by sections 110(c) and 113(2)(b) do not authorise the application of force to any person.

*Giving directions*

### 116 Securing place, vehicle, or other thing to be searched

(1) The person carrying out a search may, in a manner and for a duration that is reasonable for the purposes of carrying out the search,—

(a) secure the place, vehicle, or other thing searched, any area in or on that place, vehicle, or other thing, or any thing found in or on that place, vehicle, or other thing:

(b) exclude any person from the place, vehicle, or other thing searched, or from any area within the place, vehicle, or other thing, or give any other reasonable direction to such a person, if the person carrying out the search has reasonable grounds to believe that the person will obstruct or hinder the exercise of any power under this subsection.

(2) A person who exercises any power under subsection (1) 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.

*Establishing search scene*

### 117 Special powers where application for search warrant pending

(1) If an application for a search warrant is about to be made or has been made and has not yet been granted or refused by an issuing officer, an enforcement officer present at the place or vehicle that is or is to be the subject of the application may, if authorised by subsection (2),—

(a) enter and secure the place, vehicle, or other thing in respect of which authorisation to enter and search is being sought, and secure any item or items found at that place or in or on that vehicle or other thing, at any time that is reasonable in the circumstances:

(b) direct any person to assist with the entry and securing of the place or vehicle or other thing or the securing of items in it (including, without limitation, a member of a hapū or an iwi if the place to be entered is of cultural or spiritual significance to that hapū or iwi).

(2) The powers conferred by subsection (1) may be exercised if the enforcement officer has reasonable grounds to believe that evidential material may be destroyed, concealed, altered, damaged, or removed before a decision is taken to grant or refuse the issue of a search warrant.

(3) The powers conferred by subsection (1) may be exercised until the first of the following occurs:

(a) the expiry of 6 hours from when the power is first exercised:

(b) the warrant is available for execution at that place or vehicle or in respect of that other thing:

(c) the application for a search warrant is refused.

(4) A person who exercises any power under subsection (1) 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.

*Detention of person at search scene*

### 118 Powers of detention incidental to powers to search places and vehicles

(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.

(2) A person may be detained under subsection (1) for any period that is reasonable, but not for longer than the duration of the search.

(3) A detention of any person commences under subsection (1) when the constable or other person exercising the search power directs that person to remain at the place or in or on the vehicle and ends when that person is told by the constable or other person, or a person assisting the constable or other person, exercising the search power that he or she is free to leave the place or vehicle.

(4) Reasonable force may be used for the purpose of effecting and continuing any detention under subsection (1).

(5) For the purposes of subsection (1), **other person** means a person to whom section 115(2) applies.

*Powers of search incidental to powers of arrest*

### 119 Powers of search by person who has power of arrest

(1) If any person who may exercise a power of arrest is searching a place or vehicle, he or she may search any person found at the place or in or on the vehicle, or who arrives at the place or stops at, or enters, or tries to enter or get onto the vehicle, if the person conducting the search has reasonable grounds to believe that evidential material that is the object of the search is on that person.

(2) If any person who may exercise a power of arrest is searching a place or vehicle, he or she may search any person found at the place or in or on the vehicle, or who arrives at the place or stops at, or enters, or tries to enter or get into or onto the vehicle, if the person conducting the search—

(a) has reasonable grounds to suspect that the person is in possession of a dangerous item that poses a threat to safety; and

(b) believes that immediate action is needed to address that threat.

(3) If any item referred to in subsection (2)(a) is seized, it must, unless possession of the item constitutes an offence, be returned to the person from whom it was taken either—

(a) once the search has been completed; or

(b) when the person who conducted the search is satisfied that there is no longer any threat to safety.

### 120 Powers of search when suspect pursued

(1) If any person who may exercise a power of arrest intends to conduct a search of a person or vehicle, but that person or vehicle leaves before the search is undertaken or completed, the person who intended to conduct the search may,—

(a) on apprehending the person or vehicle, search the person or vehicle; and

(b) enter any place for the purpose of apprehending the person or vehicle.

(2) A person may not exercise the powers conferred by subsection (1)(a) or (b) unless—

(a) the person was freshly pursuing the person to be searched from the location of the intended search when the person was apprehended; and

(b) the person intending to conduct the search has reasonable grounds to believe that relevant evidential material is still on the person who is to be searched or in or on the vehicle.

*Stopping vehicles with or without warrant for purposes of search*

### 121 Stopping vehicles with or without warrant for purposes of search

(1) An enforcement officer may stop a vehicle to conduct a search under a power to search without a warrant conferred on that officer by this Act or any enactment specified in column 2 of Schedule 2 to which this section applies if he or she is satisfied that he or she has grounds to search the vehicle.

(2) An enforcement officer may stop a vehicle to conduct a search under a power to search with a warrant issued under this Act or any enactment specified in column 2 of Schedule 2 to which this section applies if he or she is satisfied that the warrant has been issued and is in force.

(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.

Section 121(1): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 121(2): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

*Moving vehicle for safekeeping and other purposes*

### 122 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.

*Seizure of items in plain view*

### 123 Seizure of items in plain view

(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.

(2) 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.

(3) If an enforcement officer seizes any item or items under subsection (2), in circumstances where he or she is not already exercising a search power, the enforcement officer may exercise any applicable power conferred by section 110 in relation to the seizure of the item or items.

*Seizure of cash found in suspicious circumstances*

Heading: inserted, on 5 April 2023, by section 33 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 123A Interpretation

(1) In this section and sections 123B to 123E,—

**authorised holding period**, in relation to cash seized, means the period for which the Police are authorised to hold the cash by an order made under—

(a) section 123C(3)(a); or

(b) section 123C(7)

**cash** means any of the following:

(a) cash as defined in section 5(1) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009:

(b) gold bars:

(c) gold ingots

**cash seized** means cash seized under section 123B

**cash seizure threshold amount** means—

(a) the amount of NZ$10,000 or an equivalent cash amount; or

(b) such other amount as may be prescribed by regulations made under section 342(2A) or an equivalent cash amount to the prescribed amount

**enforcement officer** includes an aviation security officer as defined in section 2(1) of the Civil Aviation Act 1990.

(2) For the purposes of sections 123B to 123E, cash is **in the possession of** a person if it is—

(a) on the person; or

(b) in a bag or receptacle owned by or carried by or with the person; or

(c) in or under the effective control of the person; or

(d) in a vehicle in which the person is the driver or an occupant.

Section 123A: inserted, on 5 April 2023, by section 33 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 123B Seizure of cash of or over cash seizure threshold amount

(1) This section applies to a constable who,—

(a) as part of their duties,—

(i) is exercising a search power; or

(ii) is lawfully in any place or in or on a vehicle; or

(iii) is conducting a lawful search of a person; and

(b) sees or finds cash in the possession of any person that the constable reasonably believes to be an amount of or over the cash seizure threshold amount.

(2) This section also applies to a constable who is informed by an enforcement officer that the enforcement officer, while lawfully screening or searching any person, item, or vehicle as part of their duties, has seen or found cash in the possession of any person in suspicious circumstances.

(3) The constable may question the person in the possession of the cash about—

(a) the origin of the cash; and

(b) the intended use for the cash.

(4) The constable must advise the person in possession of the cash of the power of the constable, or of any person assisting the constable, to seize the cash under subsection (5).

(5) The constable, or any person assisting the constable, may seize the cash if the constable—

(a) reasonably believes the cash to be an amount of or over the cash seizure threshold amount; and

(b) is not satisfied with the explanations given by the person in response to the questions put to the person under subsection (3); and

(c) has reasonable grounds to suspect that the cash is not of lawful or legitimate origin or derivation, or is to be used for, or to further, any unlawful or dishonest purpose.

(6) As soon as is reasonably practicable, and in any case not later than 7 days after the cash is seized, a constable must—

(a) return the cash to the person from whom it was seized, or have made contact with that person or that person's representative to arrange for the return of the cash; or

(b) release the cash to the owner of the cash (if the owner is not the person from whom the cash was seized); or

(c) make an application to the District Court under section 123C for Police to hold the cash for a further period.

(7) Nothing in this section affects or limits the power of a constable to seize property that is given by or under any other legislative provision or by the common law.

Section 123B: inserted, on 5 April 2023, by section 33 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 123C Application to retain cash seized for further period

(1) A constable may apply to a District Court Judge for an order authorising the Police to hold any cash seized for a further period to enable investigations to continue to establish the origin of the cash or its intended use.

(2) The Police may continue to hold the cash seized pending the determination or withdrawal of the application.

(3) A District Court Judge may—

(a) grant the application if satisfied of the matters in subsection (4) and make an order authorising the Police to continue to hold the cash seized for a further period not exceeding 28 days from the date of the order; or

(b) decline the application and make directions for—

(i) the return of the cash to the person from whom the cash was seized; or

(ii) the release of the cash to the owner of the cash (if the owner is not the person from whom the cash was seized).

(4) The matters referred to in subsection (3)(a) are that the Police—

(a) continue to have reasonable grounds to suspect that the cash is not of lawful or legitimate origin or derivation, or is to be used for, or to further, any unlawful or dishonest purpose; and

(b) are—

(i) continuing investigations to establish the origin of the cash seized or its intended use; or

(ii) taking steps to commence proceedings under the Criminal Proceeds (Recovery) Act 2009 for a restraining order or forfeiture order in respect of the cash seized.

(5) Before the expiry of the period specified in an order made under subsection (3)(a) (the **further period**), a constable may make an application to the District Court to extend the further period for another period not exceeding 28 days commencing from the expiry of the further period to enable continuing investigations to establish the origin or intended use of the cash seized.

(6) Only 1 application may be made under subsection (5).

(7) A District Court Judge may grant an application made under subsection (5) if in respect of that application the Judge is satisfied of the matters in subsection (4).

(8) However, in no case may an order be made under subsection (3)(a), or be extended under subsection (7), if the effect of making or extending the order would be to authorise the Police to hold the cash seized for a period exceeding 63 days from the date on which it was seized.

Section 123C: inserted, on 5 April 2023, by section 33 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 123D Return or release of cash seized

(1) If any of the circumstances specified in subsection (2) exist, the Police must, as soon as is reasonably practicable,—

(a) return the cash seized to the person from whom it was seized, or make contact with the person or the person's representative to arrange for the return of the cash; or

(b) release the cash to the owner of the cash (if the owner is not the person from whom the cash was seized).

(2) The circumstances referred to in subsection (1) are that—

(a) the authorised holding period has ended and before the end of that period the Police did not commence proceedings under the Criminal Proceeds (Recovery) Act 2009 for a restraining order or forfeiture order in respect of the cash seized:

(b) any proceedings commenced under the Criminal Proceeds (Recovery) Act 2009 for a restraining order or forfeiture order in respect of the cash seized have been withdrawn or dismissed:

(c) the person from whom the cash was seized, or the owner of the cash, has requested the return of the cash and provided the Police with information about its origin and intended purpose and the Police, having considered all available information, are satisfied that the cash has lawful and legitimate origin or derivation and is not to be used for any unlawful or dishonest purpose.

Section 123D: inserted, on 5 April 2023, by section 33 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 123E Application to District Court for return or release of cash seized

(1) The person from whom the cash was seized, or the owner of the cash, may apply to the District Court for the return or release of the cash seized if—

(a) the person or owner has requested the Police to return the cash and that request has been refused; and

(b) the Police have not commenced proceedings under the Criminal Proceeds (Recovery) Act 2009 for a restraining order or forfeiture order in respect of the cash seized.

(2) A District Court Judge may grant an application made under subsection (1) if, having regard to the following, the Judge is satisfied that it would be contrary to the interests of justice for the Police to continue to hold the cash:

(a) the value of the cash seized; and

(b) any loss or damage to the applicant that is caused, or is likely to be caused, by not returning or releasing the cash seized; and

(c) the need for the Police to continue to hold the cash seized for the purpose of—

(i) commencing proceedings under the Criminal Proceeds (Recovery) Act 2009 for a restraining order or forfeiture order; or

(ii) producing it as evidence in any other proceedings.

Section 123E: inserted, on 5 April 2023, by section 33 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

## *Search of persons*

### 124 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 23 (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.

### 125 Special rules about searching persons

(1) If a person exercises a power to search a person, the person exercising the power—

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

(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

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

(d) may detain the person to enable the search to be carried out (whether at the place of initial detention or while the person is travelling to or is at any other place where the search is carried out), but only for as long as is necessary to achieve that purpose; and

(e) may use any force that is reasonable for the purposes of the search; and

(f) may, in conducting the search, use any equipment or aid to facilitate the search, if it is used in a way that—

(i) involves no or minimal contact; and

(ii) is reasonable in the circumstances; and

(g) may, if he or she considers that either or both of the following are in the interests of the person to be searched, request:

(i) the assistance of a medical practitioner or nurse:

(ii) the assistance of a parent, guardian, or other person for the time being responsible for the day-to-day care of the person to be searched; and

(h) if the search is to be a strip search, may request the assistance of another enforcement officer (whether or not employed or engaged in the same or a different law enforcement agency) who is—

(i) authorised under any other enactment to conduct strip searches; and

(ii) of the same sex as the person to be searched; and

(i) may search any item that—

(i) the person is wearing or carrying; or

(ii) is in the person's physical possession or immediate control; and

(j) 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

(k) 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

(l) 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 intan-

gible material that is the subject of the search may be in that computer system or other device; and

(m) if any intangible material accessed under paragraph (l) 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

(n) 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.

(2) Subsection (1)(a), (b), and (c) do not apply in respect of a search conducted under section 11(3).

(3) A person who carries out a strip search, rub-down search, or any other personal search must conduct the search with decency and sensitivity and in a manner that affords to the person being searched the degree of privacy and dignity that is consistent with achieving the purpose of the search.

(4) If a person exercises a power to search a person, or searches a person with his or her consent, the person exercising the power must ensure that an inventory of any items seized as a result of the search is prepared promptly and that a copy is given to the person searched.

(5) Nothing in subsection (1)(f) permits a person carrying out a rub-down search under sections 85 to 87 (rub-down search of arrested or detained person) to carry out a more intrusive search than is described in those sections.

### 126 Guidelines and rules about use of strip searching

(1) The chief executive of a law enforcement agency that employs persons who may exercise a power, under an enactment, to search a person must issue guidelines to those employees concerning the circumstances (if any) under which a strip search may be conducted by any of those employees.

(2) The chief executive of a law enforcement agency who issues guidelines under subsection (1) must ensure that a copy of those guidelines is publicly available on the agency's Internet site.

(3) A search of the person is not unlawful by reason only of failure by the person conducting the search to comply with a guideline issued under subsection (1).

(4) A strip search may be carried out only by a person of the same sex as the person to be searched, and no strip search may be carried out in view of any person who is not of the same sex as the person to be searched.

*Search warrants to enter and search vehicles*

### 127 Search warrants to enter and search vehicles

If a search warrant is issued authorising the entry and search of a vehicle, the person executing the warrant may enter any place where the person has reasonable grounds to believe that the vehicle is for the purpose of locating it and searching it.

*Duty to remain stopped*

### 128 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.

*Duty to provide information*

### 129 Duty to provide information

If an enforcement officer exercises a power to stop a vehicle, he or she must, immediately after stopping the vehicle,—

(a) identify himself or herself to the driver of the vehicle, either by name or 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 if the driver requests proof of identity.

*Computer system searches*

### 130 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 information 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 5 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).

*Identification and notice*

### 131 Identification and notice requirements for person exercising search power (other than remote access search)

(1) A person exercising a search power (other than a remote access search) must,—

(a) before initial entry into or onto the place or vehicle or other thing to be searched,—

(i) announce his or her intention to enter and search the place, vehicle, or other thing under a statutory power; and

(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

(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 (unless the warrant is issued under section 18D); or

(ii) if the power is exercised under a warrant issued under section 18D(2) or (3), a copy of the warrant redacted to show only the

particular place in respect of which the search power is being exercised; or

(iii) if the power is exercised under a warrant issued under section 18D(4) or (5), or both, and it is reasonably practicable in the circumstances to do so, to the extent applicable in relation to the particular search,—

(A) a copy of the warrant redacted to show only the specified vehicle in respect of which the search power is being exercised:

(B) a copy of the warrant showing the authority to search vehicles other than specified vehicles, or redacted to show only the authority to search vehicles other than specified vehicles; or

(iv) if the power is exercised under a warrant issued under section 18D(4) or (5), or both, and it is not reasonably practicable in the circumstances to provide a copy of the warrant in accordance with subparagraph (iii),—

(A) the name of the enactment under which the search is taking place; and

(B) the reason for the search under that enactment; and

(C) advice about how a copy of the warrant referred to in subparagraph (iii) can be made available within 7 days after the date of the search; or

(v) if the power is exercised without a warrant and it is reasonably practicable in the circumstances to do so,—

(A) the name of the enactment under which the search is taking place; and

(B) the reason for the search under that enactment.

(2) The person exercising the search power is not required to comply with subsection (1) if he or she has reasonable grounds to believe that—

(a) no person is lawfully present in or on the place, vehicle, or other thing to be searched; or

(b) compliance with subsection (1)(a) would—

(i) endanger the safety of any person; or

(ii) prejudice the successful exercise of the entry and search power; or

(iii) prejudice ongoing investigations.

(3) The person exercising the search power may use reasonable force in order to effect entry into or onto the place, vehicle, or other thing if—

(a) subsection (2) applies; or

(b) following a request, the person present refuses entry or does not allow entry within a reasonable time.

(4) If the occupier of a place is not present at any time during the search, or no person is in charge of the vehicle or other thing during the search, the person carrying out the search must,—

(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

(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.

(4A) In subsection (4), **search warrant** includes a search warrant redacted in accordance with subsection (1)(b)(ii) or (iii).

(5) The notice required by subsection (4) is a written notice containing the following particulars:

(a) the date and time of the commencement and completion of the search:

(b) the name or unique identifier of the person who had overall responsibility for that search:

(ba) if the power is exercised under a warrant issued under section 18D(4) or (5), or both,—

(i) the name of the enactment under which the search took place; and

(ii) the reason for the search under that enactment; and

(iii) advice about how a copy of the warrant referred to in subsection (1)(b)(iii) can be made available within 7 days after the date of the search:

(c) 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:

(d) the address of the office to which inquiries should be made:

(e) if nothing is seized, the fact that nothing was seized:

(f) if anything was seized, the fact that seizure occurred and (if an inventory is not provided at the same time under sections 133 to 135) that an inventory of the things seized will be provided to the occupier of the place or person in charge of the vehicle or other thing no later than 7 days after the seizure.

(6) For the purposes of this section and sections 133 to 135,—

(a) the following persons may not be treated as the occupier of the place or the person in charge of a vehicle or other thing:

(i) any person who is under 14 years of age (unless section 95(2) applies to that person):

(ii) any person who the person executing the warrant has reasonable grounds to believe is not the occupier of the place or person in charge of the vehicle or other thing:

(b) every reference to a copy of the authority referred to in subsection (1)(b) means, in a case where a search is undertaken without a search warrant, written advice about the enactment that authorises the search.

(7) Subsections (4) and (5) are subject to sections 134 and 135.

(8) This section does not apply to a remote access search.

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

Section 131(1)(b): replaced, on 5 April 2023, by section 22(1) of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

Section 131(4A): inserted, on 5 April 2023, by section 22(2) of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

Section 131(5)(ba): inserted, on 5 April 2023, by section 22(3) of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 132 Identifications and notice requirements for remote access search

(1) A person who conducts a remote access search must, on completion of the search, send an electronic message to the email address of the thing searched—

(a) attaching a copy of the search warrant; and

(b) setting out the following particulars:

(i) the date and time of the commencement and completion of the search:

(ii) the name and unique identifier of the person who had overall responsibility for that search:

(iii) the address of the office to which inquiries should be made.

(2) If the person conducting the search is unable to deliver the electronic message required by subsection (1) (or it is returned undelivered), the person must take all reasonable steps to identify the user of the thing searched and to send the information referred to in subsection (1)(a) and (b) to that person.

### 133 Inventory of items seized

(1) The person who carries out a search must, at the time he or she seizes any thing, or as soon as practicable after the seizure of any thing, and in any case not later than 7 days after that seizure, provide to the occupier of the place, or the person in charge of the vehicle or other thing, from where the seizure took place, and to every other person who the person who carried out the search has reason to believe is the owner of the thing that was seized,—

(a) written notice specifying what was seized; and

(b) a copy of the authority referred to in section 131(1)(b).

(2) A written notice referred to in subsection (1)(a)—

(a) must contain information about the extent to which a person from whom a thing was seized or the owner of the thing has a right to apply—

(i) to have access to the thing; or

(ii) to have access to any document relating to the application for a search warrant or the exercise of any other search power that led to the seizure; and

(b) must contain information about the right to bring a claim that any privileged or confidential information has been seized; but

(c) need not be provided to the occupier of the place or person in charge of the vehicle or other thing from which the seizure took place, if the person who carries out the search is satisfied that none of the items seized are owned by that person.

(3) If the occupier of the place or person in charge of the vehicle or other thing is not present at the time of seizure, a written notice referred to in subsection (1)(a) and a copy of the authority referred to in section 131(1)(b) may be provided to that person by leaving the notice in a prominent position at the place, or in or on the vehicle or other thing.

(4) Subsection (1) is subject to subsections (2) and (3).

(5) This section is subject to sections 134 and 135.

### 134 Compliance with certain provisions may be deferred in certain circumstances

(1) A person exercising a search power may apply to a Judge for a postponement of the obligation to comply with section 131(4) or (5) or 133 on the grounds that compliance would—

(a) endanger the safety of any person; or

(b) prejudice ongoing investigations.

(2) An application may be made under subsection (1),—

(a) in the case of an entry and search power that is a search warrant, at the time of the initial application or until the expiry of 7 days after the warrant is finally executed; or

(b) in the case of any other entry and search power, until the expiry of 7 days after the search power is exercised.

(3) On an application under subsection (1), the Judge may postpone for a specified period not exceeding 12 months the obligation to comply with section 131(4) or (5) or 133, if the Judge is satisfied that there are reasonable grounds for believing that compliance would—

(a) endanger the safety of any person; or

(b) prejudice ongoing investigations.

### 135 Further postponement of, or dispensation from, obligation to comply with certain provisions

(1) A person who has obtained an order under section 134(3) may, before the expiry of that order, apply to a District Court Judge for a further postponement of, or dispensation from, the obligation to comply with section 131(4) or (5) or 133 on the grounds that compliance would—

(a) endanger the safety of any person; or

(b) prejudice ongoing investigations.

(2) An application for a further postponement may only be made on 1 occasion.

(3) On an application under subsection (1), the District Court Judge may postpone for a further specified period not exceeding 12 months, or order a permanent dispensation from, the obligation to comply with section 131(4) or (5) or 133 if the Judge is satisfied that compliance would—

(a) endanger the safety of any person; or

(b) prejudice ongoing investigations.

(4) A District Court Judge may not grant, under subsection (3), any postponement of, or dispensation from, an obligation in respect of any thing that has been seized, unless the thing seized is—

(a) a copy or clone of any information taken or made; or

(b) a thing the possession of which by the person from whom it was seized is unlawful under New Zealand law (for example, a controlled drug that is found in the possession of a member of the public in circumstances in which possession by the person of the controlled drug is an offence against the Misuse of Drugs Act 1975).

## Subpart 5—Privilege and confidentiality

*General*

### 136 Recognition of privilege

(1) The following privileges are recognised for the purposes of this subpart:

(a) legal professional privilege, to the extent that (under section 53(5) of the Evidence Act 2006) it forms part of the general law:

(b) privilege for communications with legal advisers (as described in section 54 of the Evidence Act 2006):

(c) privilege for preparatory materials for proceedings (as described in section 56 of the Evidence Act 2006):

(d) privilege for settlement negotiations or mediation (as described in section 57 of the Evidence Act 2006):

(e) privilege for communications with ministers of religion (as described in section 58 of the Evidence Act 2006):

(f) privilege in criminal proceedings for information obtained by medical practitioners and clinical psychologists (as described in section 59 of the Evidence Act 2006):

(g) to the extent provided in section 138, and only to that extent, any privilege against self-incrimination (as described in section 60 of the Evidence Act 2006):

(h) privilege for informers (as described in section 64 of the Evidence Act 2006):

(i) the rights conferred on a journalist under section 68 of the Evidence Act 2006 to protect certain sources.

(2) For the purposes of this subpart, no privilege applies in respect of any communication or information if there is a prima facie case that the communication or information is made or received, or compiled or prepared,—

(a) for a dishonest purpose; or

(b) to enable or aid any person to commit or plan to commit what the person claiming the privilege knew, or ought reasonably to have known, to be an offence.

(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.

### 137 Lawyers' trust accounts

(1) Subsection (2) applies to documents that are books of account or accounting records kept—

(a) by a solicitor in relation to any trust account money that is subject to section 112 of the Lawyers and Conveyancers Act 2006; or

(b) by a nominee company that—

(i) is subject to practice rules made by the Council of the New Zealand Law Society under section 96 of the Lawyers and Conveyancers Act 2006; and

(ii) is operated by a barrister and solicitor or an incorporated law firm as a nominee in respect of securities and documents of title held for clients.

(2) The application by section 136 of this Act of section 54 of the Evidence Act 2006 (which relates to the privilege for communications with legal advisers) does not prevent, limit, or affect—

(a) the making of a production order, issuing of a search warrant, or exercise of any other search power in respect of a document to which this subsection applies; or

(b) the obligation to comply with that production order, search warrant, or other search power in respect of a document to which this subsection applies; or

(c) the admissibility, in a criminal proceeding for an offence described in the production order or search warrant or for an offence in respect of which any other search power was exercised, of any evidence that relates to the contents of a document obtained under the production order or search warrant, or as the result of the exercise of any other search power.

*Examination orders and production orders*

### 138 Privilege against self-incrimination

(1) An examination order or a production order does not affect the privilege against self-incrimination that an individual may have under section 60 of the Evidence Act 2006.

(2) Any assertion of a privilege against self-incrimination must be based on section 60 of the Evidence Act 2006.

(3) If any individual refuses to produce any information or document or to answer any question on the ground that it is a privileged communication under section 60 of the Evidence Act 2006, the Commissioner or other enforcement officer concerned may apply to a District Court Judge for an order determining whether or not the claim of privilege is valid.

(4) For the purposes of determining any application referred to in subsection (3), the individual must offer sufficient evidence to enable the District Court Judge to assess whether self-incrimination is reasonably likely if the individual produced the information or the document or answered the question.

(5) Section 63 of the Evidence Act 2006 does not apply to an examination order or to a production order.

### 139 Other privileges

(1) If a person against whom an examination order or a production order is made could, in a criminal proceeding, assert a privilege recognised for the purposes of this subpart, the person is taken to have the same privilege in respect of either order.

(2) If any person refuses to disclose any information on the ground that it is privileged under this section, the Commissioner or other enforcement officer concerned may apply to a Judge of the appropriate court for an order determining whether or not the claim of privilege is valid.

(3) For the purpose of determining any application, the Judge of the appropriate court may require the information or document to be produced to him or her.

(4) A Judge of the appropriate court must, on the application of the Commissioner or other enforcement officer, disallow a privilege claim under this section if the Judge is satisfied that the claim to privilege would, under section 67(1) of the Evidence Act 2006, be disallowed in a proceeding.

*Surveillance*

### 140 Effect of privilege on surveillance conducted under this Act

(1) A person who makes a claim of privilege (being a privilege recognised by this subpart) in respect of any surveillance has the right—

(a) to prevent, to the extent that it is reasonably practicable to do so, the surveillance under this Act of any communication or information to which the privilege would apply if it were sought to be disclosed in a proceeding, pending determination of the claim to privilege, and subsequently if the claim to privilege is upheld:

(b) if the claim to privilege is upheld, to require the destruction of any record of any such communication or information, to the extent that this can be achieved without destruction of any record of any other communication or information.

(2) A person who is undertaking surveillance authorised by this Act (whether under a surveillance device warrant or otherwise) must—

(a) take all reasonable steps to prevent the interception of any communication or information to which a privilege recognised by this subpart would apply if the communication or information were sought to be disclosed in a proceeding:

(b) destroy any record of a communication or information made as a consequence of the surveillance to which a privilege recognised by this subpart would apply if the communication or information were sought to be disclosed in a proceeding, unless that is impossible or impracticable without destroying a record of information to which such a privilege does not apply.

(3) A person undertaking surveillance under this Act who is uncertain about whether this section applies to any information or communication or record of a communication or information may apply to a District Court Judge for an order determining whether—

(a) the communication or information can be the subject of surveillance; and

(b) any record of such communication or information is required to be destroyed under this section.

(4) For the purposes of determining any application, the Judge of the appropriate court may require the record of the information or communication to be produced to him or her.

(5) If evidence of any communication or information recorded as a consequence of surveillance under this Act is evidence to which a privilege recognised under this subpart applies, that evidence is not admissible in any proceedings except—

(a) with the consent of the person entitled to waive that privilege; and

(b) if the court agrees to admit it.

### 141 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.

*Search warrants and other search powers*

### 142 Effect of privilege on search warrants and search powers

A person who makes a claim of privilege (being a privilege recognised by this subpart) in respect of any thing that is seized or sought to be seized has the right, in accordance with sections 143 to 148,—

(a) to prevent the search under this Act of any communication or information to which the privilege would apply if it were sought to be disclosed in a proceeding, pending determination of the claim to privilege, and subsequently if the claim to privilege is upheld:

(b) to require the return of a copy of, or access to, any such communication or information to the person if it is seized or secured by a person exercising a search power, pending determination of the claim to privilege.

### 143 Search warrants that extend to lawyers' premises or material held by lawyers

(1) This section applies to the execution of a search warrant that authorises the search of materials held by a lawyer relating to a client.

(2) If this section applies, the search warrant may not be executed unless—

(a) the lawyer is present; or

(b) a representative of the lawyer is present.

(3) If the person who is to execute the search warrant is unable to contact the lawyer or his or her representative, that person must instead contact the New Zealand Law Society and request that a person be appointed by the Society to represent the interests of the clients of the lawyer in relation to the search.

(4) Before executing the search warrant, the person who is to execute it must give the lawyer or his or her representative, or any person appointed by the New Zealand Law Society under subsection (3),—

(a) the opportunity to claim privilege on behalf of the lawyer's client; or

(b) the opportunity to make an interim claim of privilege if instructions have not been obtained from the client.

### 144 Search warrant extending to certain other privileged materials

(1) This section applies to the execution of a search warrant that authorises the search of professional material held by a minister of religion, medical practitioner, or clinical psychologist.

(2) If this section applies, the search warrant may not be executed unless—

(a) the minister of religion, medical practitioner, or clinical psychologist is present; or

(b) a representative of that person is present.

(3) If the person who is to execute the search warrant is unable to contact the minister of religion, medical practitioner, or clinical psychologist, or his or her representative, that person must instead contact the church or professional body to whom the minister, medical practitioner, or clinical psychologist belongs and request the church or body to appoint a person to represent the interests of the parishioners, patients, or clients of the minister, medical practitioner or clinical psychologist, in relation to the search.

(4) Before executing the search warrant, the person executing it must give the minister of religion, medical practitioner, or clinical psychologist, or his or her personal representative, or the person appointed by the church or professional body under subsection (3),—

(a) the opportunity to claim privilege on behalf of parishioners, patients, or clients of the minister of religion, medical practitioner, or clinical psychologist; or

(b) the opportunity to make an interim claim of privilege if the minister, medical practitioner, or clinical psychologist, or his or her representative or person appointed under subsection (3) is unable to immediately contact the parishioners, patients, or clients.

### 145 Searches otherwise affecting privileged materials

(1) This section applies if—

(a) a person executes a search warrant or exercises another search power; and

(b) he or she has reasonable grounds to believe that any thing discovered in the search may be the subject of a privilege recognised by this subpart.

(2) If this section applies, the person responsible for executing the search warrant or other person exercising the search power—

(a) must provide any person who he or she believes may be able to claim a privilege recognised by this subpart a reasonable opportunity to claim it; and

(b) may, if the person executing the search warrant or exercising the other search power is unable to identify or contact a person who may be able to claim a privilege, or that person's lawyer, within a reasonable period,—

(i) apply to a Judge of the appropriate court for a determination as to the status of the thing; and

(ii) do any thing necessary to enable that court to make that determination.

### 146 Interim steps pending resolution of privilege claim

If a person executing a search warrant or exercising another search power is unable, under section 142, 143, 144, or 145 to search a thing (whether as a result of the requirements of any of those provisions, or because of a claim of privilege made in respect of the thing, or for any other reason), the person—

(a) may—

(i) secure the thing; and

(ii) if the thing is intangible (for example, computer data), secure the thing by making a forensic copy; and

(iii) deliver the thing, or a copy of it, to the appropriate court, to enable the determination of a claim to privilege by a Judge of that court; and

(b) must supply the lawyer or other person who may or does claim privilege with a copy of, or access to, the secured thing; and

(c) must not search the thing secured, unless no claim of privilege is made, or a claim of privilege is withdrawn, or the search is in accordance with the directions of the court determining the claim of privilege.

### 147 Claims for privilege for things seized or sought to be seized

Any person who wishes to claim privilege in respect of any thing seized or sought to be seized by a person executing a search warrant or exercising another search power—

(a) must provide the person responsible for executing the search warrant or exercising the other search power with a particularised list of the things in respect of which the privilege is claimed, as soon as practicable after being provided with the opportunity to claim privilege or being advised that a search is to be, or is being, or has been conducted, as the case requires; and

(b) if the thing or things 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 (with a copy of the thing provided under section 146(b)).

*Admission of evidence generally*

### 148 Admission of evidence

(1) If a Judge of the appropriate court upholds a claim to privilege under section 138, 139, 140, 145, 146, or 147 in respect of any communication or information, the communication or information to which the privilege applies is not admissible in any proceedings arising from, or related to, the execution of the search warrant or exercise of the other search power or surveillance power or the carrying out of the examination order or production order, as the case requires.

(2) Subject to subsection (1), this subpart does not limit or affect the admissibility of any evidence, or the discretion of any court to admit or refuse to admit any evidence, in any proceedings.

## Subpart 6—Procedures applying to seized or produced materials

### 149 Disposal of things seized or produced

(1) If any thing is produced under a production order or is seized under a search warrant or under a search power conferred by this Act or an enactment specified in column 2 of Schedule 2 to which this section applies, it must be dealt with in accordance with this subpart.

(2) However, this subpart is subject to—

(a) section 13 (which deals with property taken from people locked up in Police custody); and

(b) subpart 5 of this Part (which relates to privilege and confidentiality); and

(c) any other enactment.

(3) This subpart does not apply to cash seized under section 123B of this Act.

Section 149(1): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 149(3): inserted, on 5 April 2023, by section 35 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 150 Certain things must be returned

(1) A thing seized or produced must, if it is not required for investigative or evidential purposes, or unless it is liable to forfeiture to the Crown or any other person (whether by operation of law or by order of a court or otherwise), be—

(a) returned to its owner or to the person entitled to possession; or

(b) made the subject of an application under section 154; or

(c) disposed of under section 160 or 161(1); or

(d) destroyed if—

(i) it is perishable and has become rotten or has otherwise deteriorated; or

(ii) it is perishable and is likely to become rotten or perish before it can be dealt with under any of paragraphs (a) to (c) or section 163; or

(iii) it is likely to pose a risk to public health.

(2) Subsection (1)—

(a) does not affect the rights of retention conferred by section 161(2) or 162(1); and

(b) is subject to section 163.

### 151 Custody of things seized or produced

(1) A seized or produced thing may, if it is required for investigative or evidential purposes, or it is liable to forfeiture to the Crown or any other person (whether by operation of law or by order of a court or otherwise), be held in the custody of the person who exercised the search power or that person's employer or another person acting on behalf of that person or any other person to whom the thing is transferred in accordance with section 90(2) (except while it is being used in evidence or is in the custody of any court) until the first of the following occurs:

(a) a decision is made not to bring proceedings for an offence in respect of which the thing was seized or produced:

(b) the thing is forfeited to the Crown or any other person under any enactment (whether by operation of law or by order of a court or otherwise):

(c) the thing is released under section 158 or 159:

(d) if proceedings for an offence have not been commenced before the date that is 6 months after the thing was seized or produced and a request has been made for the return of the thing, that date or the expiration of a later time ordered by a court under section 153:

(e) in any case where proceedings are brought,—

(i) the withdrawal or dismissal of the proceedings; or

(ii) subject to sections 156 and 159, the completion of the proceedings:

(f) the seized or produced thing is disposed of under section 160.

(2) Once the relevant event stated in subsection (1)(a) to (e) occurs, the person in whose custody the property is must immediately release the thing in his or her custody,—

(a) in the case of a subsection (1)(a), (d), or (e) event, to the owner or to a person entitled to possession; or

(b) in the case of any other event, in the manner required by this Act.

(3) However, if the thing is seized or produced in relation to more than 1 alleged offence, the person in whose custody the property is need not release the property until the first of the events described in subsection (1) has occurred in relation to each and every alleged offence.

(4) This section is subject to sections 153 and 163.

### 152 Copies of things seized or produced

If a photograph or a copy of a seized or produced thing will be adequate for investigative or evidential purposes, the person who exercised the search power, or that person's employer or another person acting on behalf of that person, may, at his or her discretion, return the thing to the owner or to a person entitled to possession.

### 153 Extension of time for holding thing seized or produced

(1) If any person who seizes any thing, or to whom any thing is produced, or any other enforcement officer to whom the thing is transferred, wishes to hold it for a period exceeding 6 months in circumstances where no proceedings for an offence in respect of which the thing is relevant have yet been brought and a request has been made for the return of the thing, the person may apply to the District Court for an extension of the time during which the thing may be held.

(2) On an application under subsection (1), the District Court may—

(a) order an extension of time be granted to a specified date, to enable a determination to be made whether proceedings should be brought; or

(b) decline to order an extension of time.

### 154 Disputed ownership of thing seized or produced

(1) If a thing seized or produced is not to be produced in evidence but there is a dispute about its ownership or for any reason the person in whose custody it is, is uncertain as to to whom the thing should be returned (for example, because it is unclaimed), the person in whose custody the thing is may apply to the District Court for directions as to the ownership or holding of the property.

(2) On an application under subsection (1), the District Court may—

(a) order that the thing be destroyed or, if any other enactment so authorises, forfeited to the Crown:

(b) order that the thing be delivered to the person appearing to the court to be its owner entitled to possession of it:

(c) if the owner or person entitled to possession cannot be found, make any order with respect to its possession or sale the court thinks fit.

(3) If, after the making of an order under subsection (2) in relation to any property, an action is commenced against a Police employee or another enforcement officer or the Crown or any law enforcement agency for the recovery of the thing or its value, the order and the delivery of the thing in accordance with the order may be given and must be received in evidence in bar of the action.

(4) However, no such order or delivery affects the right of any persons entitled by law to possession of the thing to recover the thing from any person or body (other than a person or body referred to in subsection (3)).

### 155 Seized or produced property forfeit to the Crown if ownership not established

(1) A thing that is seized or produced is forfeited to the Crown if—

(a) the owner or person entitled to possession of the thing is not established within 60 days after the date on which the thing was seized or produced; and

(b) the thing—

(i) is not, at the expiry of that period, still required for investigative or evidential purposes; and

(ii) has not been disposed of or sold by order of the court within that period.

(2) For the purpose of trying to establish ownership of any thing to which this section applies, the person who has custody of the thing must (unless it is impossible or impracticable to make contact) advise the following people of the effect of this section:

(a) any person who produced the thing or from whom the thing was seized:

(b) the occupier or owner of the place or vehicle where the thing was before it was produced or seized:

(c) any other person who, in the opinion of the person in whose custody the thing is, may be affected by the forfeiture of the thing.

*Rights of owners and others in relation to things seized or produced*

### 156 Application for release of or access to things seized or produced

(1) The persons described in subsection (2) may apply, by written notice, to the person in whose custody a seized or produced thing is for the release of or

access to it at any time before proceedings are brought for an alleged offence in respect of which the thing was seized or produced.

(2) The persons are as follows:

(a) the person who produced the thing or from whom the thing was seized:

(b) the owner or person entitled to possession of the seized or produced thing:

(c) any person with a legal or equitable interest in the seized or produced thing.

(3) The person in whose custody the seized or produced thing is may release the thing to the applicant or provide reasonable access to it.

(4) A person who receives an application for release of a thing, or access to it, may refuse that application on the ground that release of the thing or, as the case requires, access to it, is likely to prejudice the maintenance of the law.

(5) A release or provision of access to a thing may be—

(a) unconditional; or

(b) under bond for a sum (with or without sureties), and on conditions, acceptable to the person in whose custody the thing is.

(6) If any person refuses an application under subsection (1), he or she must inform the applicant of the decision in writing.

### 157 Failure to comply with bond or conditions

(1) If a person to whom a seized or produced thing is released or who is given access to it under section 156 fails to comply with any bond, surety, or condition imposed under subsection (5)(b) of that section,—

(a) the thing may be seized again, or required to be produced, or the ability to access the thing ended at the direction of the person who released it or provided access to it; and

(b) the person who released it or provided access to it may apply to the District Court for an order for estreat of the bond.

(2) If any person applies for an order for estreat of the bond, the Registrar of the District Court must—

(a) fix a time and place for the hearing of the application; and

(b) not less than 7 days before the time fixed, cause to be served on every person bound by the bond a notice of the time and place for the hearing.

(3) If the District Court is satisfied that a condition of the bond has not been complied with, the court may make an order to estreat the bond—

(a) in the amount that it thinks fit; and

(b) to any person bound by the bond on whom notice is proved to have been served under subsection (2).

(4) An amount payable under subsection (3) is recoverable as if it were a fine.

### 158 Application to District Court for access to thing seized or produced

(1) A person described in section 156(2) may apply to the District Court for access to any thing seized by a person exercising a search power or produced to any person under a production order if the person has made an application under section 156 and it—

(a) has been refused; or

(b) has been granted, but subject to conditions that the applicant does not accept.

(2) The District Court may either—

(a) grant the application; or

(b) refuse it on the ground that allowing the person to have access to the thing or varying or cancelling the conditions concerned is likely to prejudice the maintenance of the law.

(3) The District Court may require sureties and impose conditions if it grants an application under subsection (2), and sections 156 and 157 apply with any necessary modifications.

### 159 Application to District Court for release of thing seized or produced

(1) A person described in section 156(2) may apply to the District Court for the release of any thing seized by a person exercising a search power or produced to a person under a production order.

(2) The court may release the thing to the applicant if it is satisfied that it would be contrary to the interests of justice for the item to be retained in custody, having regard to—

(a) the gravity of the alleged offence:

(b) any loss or damage to the applicant that is caused or likely to be caused by not returning the thing:

(c) the likely evidential value of the thing, having regard to any other evidence held by the law enforcement agency that employed or engaged the person who seized the thing or to whom the thing was produced:

(d) whether the evidential value of the thing can be adequately preserved by means other than by keeping it.

(3) A court may require sureties and impose conditions on a release under subsection (2), and sections 156 and 157 apply with any necessary modifications.

(4) This section is subject to any enactment that requires an amount of any kind to be paid before any seized thing may be returned.

### 160 Disposal of unlawful items

(1) Subsection (2) applies if a thing is seized or produced, the possession of which by the person from whom it was seized or who was required to produce it is unlawful under New Zealand law (for example, a controlled drug that is found in the possession of a member of the public in circumstances in which possession by the person of the controlled drug is an offence against the Misuse of Drugs Act 1975), and—

(a) there is no mechanism provided for disposing of the thing or it has not been disposed of under any other enactment; and

(b) no order has been made by a court as to its disposal.

(2) If this subsection applies, the person who seized the thing or to whom the thing was produced may destroy it if—

(a) notice is given to the person from whom the thing was seized or who was required to produce the thing, and that person either—

(i) consents to its destruction; or

(ii) does not within 30 working days object to its destruction; or

(b) the person to whom notice would otherwise be given under paragraph (a) cannot be located after reasonable inquiries have been made; or

(c) in a case where a person objects to the destruction of the thing within 30 working days of receiving a notice under paragraph (a) and any person applies to a court to determine the status of the thing, the court is satisfied that the possession of the thing by the person from whom it was seized or who was required to produce it is unlawful under New Zealand law.

### 160A Disposal of weapons

(1) Subsection (2) applies if a weapon is seized as a result of the execution of a warrant issued under section 18D and—

(a) there is no mechanism provided for disposing of the weapon, or it has not been disposed of, under any other legislation; and

(b) no order has been made by a court in relation to the disposal of the weapon.

(2) The Police may destroy the seized weapon if—

(a) notice is given to the person from whom the weapon was seized and that person—

(i) consents to its destruction; or

(ii) does not within 30 days object to its destruction; or

(b) the person to whom the notice would otherwise be given under paragraph (a) cannot be located after reasonable inquiries have been made; or

(c) in a case where a person objects to the destruction of the weapon within 30 working days of receiving a notice under paragraph (a) and any person applies within that period to a court to determine the status of the weapon, the court is satisfied that—

(i) the possession of the weapon by the person from whom it was seized is unlawful under New Zealand law; or

(ii) there is no legitimate reason to own or possess the weapon and the destruction of the weapon is just.

(3) In this section, **weapon** has the same meaning as in section 18A.

Section 160A: inserted, on 5 April 2023, by section 23 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

Section 160A(2)(a)(ii): amended, on 27 November 2025, by section 142 of the Statutes Amendment Act 2025 (2025 No 74).

### 161 Disposal of forensic copies

(1) A person who makes a forensic copy of any data held in a computer system or other data storage device must, if he or she determines that the data does not contain any evidential material, ensure that the forensic copy and any copies made from that copy are deleted, erased, or otherwise destroyed in a way that prevents retrieval of the copy or copies by any method.

(2) However, if an examination of the data shows that it contains a mixture of data that is evidential material and data that is not evidential material,—

(a) the forensic copy of the data and any copies made of that copy may be retained in their entirety; and

(b) that forensic copy and any copies made of that copy may continue to be searched, if such a search was authorised by the search power under which the data was seized and copied.

### 162 Other copies and generated material may be retained

(1) Any thing made or generated by a person exercising a search or surveillance power (for example, photographs or audio or video recordings or copies of things) may be retained as part of the permanent records of the employer of the person who exercises the search or surveillance power.

(2) Subsection (1) is subject to sections 63, 64A, and 136, and any other enactment or rule of law.

Section 162(2): amended, on 31 July 2025, by section 21 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 163 Application to District Court to dispose of seized property

(1) Any person who seizes any thing, or to whom any thing is produced, or any other enforcement officer to whom the thing is transferred, may apply to the District Court for an order that the thing be disposed of (by sale or otherwise) in the manner, and at a time, that the court may direct if,—

(a) in the applicant's opinion,—

(i) the thing concerned is perishable or likely to deteriorate; or

(ii) the cost of holding the thing is unreasonable having regard to its market value; and

(b) the applicant has made reasonable efforts to advise the people described in section 156(2) of the intended application.

(2) The court may grant the order if it is satisfied that—

(a) the thing is perishable or likely to deteriorate; or

(b) the cost to the applicant or his or her employer, or to any other person to whom the thing might be transferred, of holding it is unreasonable having regard to its market value.

(3) The applicant or his or her employer must hold in custody any proceeds received from carrying out the order (less any deductions permitted under subsection (4)) as if the proceeds were the seized property, and section 151(1) applies accordingly, with any necessary modifications.

(4) The deductions referred to in subsection (3) are, in a case in which the court orders that the thing be disposed of by sale, the costs of sale and any sums required to be paid to a security holder or other person as a condition of the order for sale.

(5) If the court refuses the order, the applicant or his or her employer or another person to whom the thing is transferred must continue to hold the thing until it is released in accordance with section 151(2).

Section 163(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

## Subpart 7—Immunities

### 164 Immunities of issuing officer

An issuing officer who is not a Judge has the same immunities as a District Court Judge.

### 165 Immunities in relation to obtaining or execution of orders and warrants

Every person is immune from civil or criminal liability—

(a) for any act done in good faith in order to obtain an examination order, a production order, a search warrant, a surveillance device warrant, a declaratory order, or other order referred to in this Act:

(b) for any act done in good faith that is covered by a declaratory order:

(c) for any act done in good faith in relation to the execution of an examination order, a production order, a search warrant, a surveillance device warrant, or other order referred to in this Act, if the execution is carried out in a reasonable manner.

### 166 Other immunities in relation to exercise of entry, search, or surveillance powers

(1) Every person is immune from civil and criminal liability for any act done in good faith in order to exercise an entry power, a search power, or a surveillance power if—

(a) the power is exercised by that person in a reasonable manner; and

(b) the person believes on reasonable grounds that the preconditions for the exercise of that power have been satisfied.

(2) Every person is immune from civil and criminal liability for any act done in good faith and in a reasonable manner in order to assist a person to exercise an entry power, a search power, or a surveillance power, or in order to examine or analyse any thing that is seized.

(3) In any civil proceeding in which a person asserts that he or she has an immunity under this section, the onus is on that person to prove those facts necessary to establish the basis of the claim.

### 167 Immunity of the Crown

(1) If any person is immune from civil liability under any of sections 164 to 166 in respect of anything done or omitted to be done, the Crown is also immune from civil liability in tort in respect of that person's conduct.

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

### 168 Relationship between sections 164 to 167 and other enactments

If there is any inconsistency between any of sections 164 to 167 and the provisions of any other enactment conferring, regulating, or limiting a privilege or immunity, sections 164 to 167 prevail.

## Subpart 8—Reporting

### 169 Reporting of exercise of powers within law enforcement agency

(1) Any constable who exercises a warrantless entry power, search power, or surveillance power conferred by Part 2 or 3 of this Act must provide a written report on the exercise of that power to the Commissioner or a Police employee designated to receive reports of that kind by the Commissioner as soon as practicable after the exercise of the power.

(2) Any person (other than a constable) who exercises a warrantless entry power, search power, or surveillance power conferred by this Act or by an enactment specified in column 2 of Schedule 2 must provide a written report on the exercise of that power to an employee designated to receive reports of that kind by the chief executive of the law enforcement agency concerned as soon as is practicable after the exercise of the power.

(3) A report referred to in subsection (1) or (2) must—

(a) contain a short summary of the circumstances surrounding the exercise of the power, and the reason or reasons why the power needed to be exercised:

(b) state whether any evidential material was seized or obtained as a result of the exercise of the power:

(c) state whether any criminal proceedings have been brought or are being considered as a consequence of the seizure of that evidential material.

(4) This section does not require the provision of any report in respect of—

(a) a rub-down search of a person under section 85 or 88 that is undertaken in conjunction with that person's arrest or detention under any enactment:

(b) any search of a person in lawful custody carried out under section 11 or under the Corrections Act 2004:

(c) the exercise of any power of entry that does not also confer a power of search:

(d) a search undertaken by consent.

Section 169(2): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 170 Annual reporting of search and surveillance powers by Commissioner

(1) The Commissioner must include in every annual report prepared by him or her for the purposes of section 43 of the Public Finance Act 1989—

(a) the number of occasions on which entry or search powers under Part 2 or 3 of this Act were exercised without a warrant in the period covered by the report:

(b) the number of occasions on which warrantless surveillance powers under Part 3 of this Act were exercised in the period covered by the report that involved the use of a surveillance device:

(ba) the matters set out in section 171A in relation to warrants under subpart 6A of Part 2 of this Act:

(c) the number of applications for an examination order that were granted or refused in the period covered by the report:

(d) in respect of each kind of surveillance device used without a warrant under Part 3 of this Act in the period covered by the report, the numbers of that kind of device used—

(i) for a period of no more than 24 hours:

(ii) for a period of more than 24 hours but no more than 48 hours:

(e) the number of persons charged in criminal proceedings where the collection of evidential material relevant to those proceedings was signifi-

cantly assisted by the exercise of a warrantless search or surveillance power, or by an examination conducted under an examination order, in the period covered by the report:

(f) the matters set out in section 172 in relation to surveillance device warrants and declaratory orders.

(2) This section does not require the Commissioner to include in any annual report information about—

(a) a rub-down search of a person under section 85 or 88 that is undertaken in conjunction with that person's arrest or detention under any enactment:

(b) any search of a person in lawful custody undertaken under section 11 or under the Corrections Act 2004:

(c) the exercise of any power of entry that does not also confer a power of search:

(d) a search undertaken by consent:

(e) any prescribed search or surveillance, or search or surveillance of a prescribed kind, in any prescribed area or an area of a prescribed kind.

(3) In this section, and sections 171 and 172, **kind of surveillance device** means—

(a) an interception device:

(b) a visual surveillance device:

(c) a tracking device.

Section 170(1): amended, on 1 July 2014, by section 104 of the Public Finance Amendment Act 2013 (2013 No 50).

Section 170(1)(ba): inserted, on 5 April 2023, by section 24 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 171 Annual reporting of search and surveillance powers by agencies other than Police

(1) The chief executive of a law enforcement agency (other than the Police) that employs or engages persons who may exercise an entry power, a search power, or a surveillance power conferred by this Act or by an enactment specified in column 2 of Schedule 2 must include in every annual report prepared by the chief executive for the purposes of section 43 of the Public Finance Act 1989, or any other applicable enactment requiring an annual report to Parliament,—

(a) the number of occasions on which entry or search powers were exercised without a warrant in the period covered by the report:

(b) the number of occasions on which warrantless surveillance powers were exercised in the period covered by the report that involved the use of a surveillance device:

(c) in respect of each kind of surveillance device used without a warrant in the period covered by the report, the numbers of that kind of device used—

(i) for a period of no more than 24 hours:

(ii) for a period of more than 24 hours but no more than 48 hours:

(d) the number of persons charged in criminal proceedings where the collection of evidential material relevant to those proceedings was significantly assisted by the exercise of a warrantless search or surveillance power in the period covered by the report:

(e) the matters set out in section 172 in relation to surveillance device warrants and declaratory orders.

(2) This section does not require a chief executive to include in any annual report information about—

(a) a rub-down search of a person that is undertaken in conjunction with that person's arrest or detention under any enactment:

(b) any search of a person in lawful custody undertaken under section 11 or under the Corrections Act 2004:

(c) the exercise of any power of entry that does not also confer a power of search:

(d) a search undertaken by consent:

(e) any prescribed search or surveillance, or search or surveillance of a prescribed kind, in any prescribed area or an area of a prescribed kind.

Section 171(1): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 171(1): amended, on 1 July 2014, by section 104 of the Public Finance Amendment Act 2013 (2013 No 50).

### 171A Information to be included in report on warrants under subpart 6A of Part 2

The following information is required by section 170(1)(ba) to be included in an annual report:

(a) the number of applications made under section 18B in the period covered by the report:

(b) the number of warrants issued under section 18D in the period covered by the report:

(c) for each warrant issued under section 18D in the period covered by the report,—

(i) the number of searches conducted; and

(ii) the number of places searched (on 1 or more occasions); and

(iii) the number of vehicles searched (on 1 or more occasions); and

(iv) the number of weapons seized as a result of the places and vehicles searched:

(d) the number of persons charged in criminal proceedings where the collection of evidential material relevant to those proceedings was significantly assisted by the execution of a warrant issued under section 18D in the period covered by the report.

Section 171A: inserted, on 5 April 2023, by section 25 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

### 172 Information to be included in report on surveillance device warrants and declaratory orders

The information required to be included in an annual report by section 170(1)(f) or 171(1)(e) is the following:

(a) the number of applications for surveillance device warrants and declaratory orders granted or refused in the period covered by the report:

(b) the number of surveillance device warrants granted in the period covered by the report that authorised the use of a surveillance device, and the number in respect of each kind of surveillance device:

(c) the number of declaratory orders made in the period covered by the report that related to the use of a device, technique, procedure, or activity, and the number in respect of each device, technique, procedure, or activity:

(d) the number of surveillance device warrants granted during the period covered by the report that authorised entry into private premises:

(e) in respect of each kind of surveillance device authorised by a surveillance device warrant issued during the period covered by the report, the numbers of that kind of device used—

(i) for a period of no more than 24 hours:

(ii) for a period of more than 24 hours but no more than 3 days:

(iii) for a period of more than 3 days but no more than 7 days:

(iv) for a period of more than 7 days but no more than 21 days:

(v) for a period of more than 21 days but no more than 60 days:

(f) in respect of each declaratory order made during the period covered by the report, a general description of the nature of the device, technique, procedure, or activity covered by the order:

(g) the number of persons charged in criminal proceedings where the collection of evidential material relevant to those proceedings was significantly assisted by carrying out activities—

(i) under the authority of a surveillance device warrant issued in the period covered by the report; or

(ii) covered by a declaratory order made in the period covered by the report:

(h) if a Judge has reported to the chief executive under section 61 or 62 about a breach of any of the conditions of the issue of a surveillance device warrant, or about the use of a surveillance device not authorised under section 48, the number of those reports and the details of the breaches or the lack of authorisation reported.

## Subpart 9—Offences

### 173 Failing to comply with examination order

(1) Every person commits an offence if he or she, without reasonable excuse, fails to comply with an examination order.

(2) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of an individual, to imprisonment for a term not exceeding 1 year:

(b) in the case of a body corporate, to a fine not exceeding $40,000.

### 174 Failing to comply with production order

(1) Every person commits an offence if he or she, without reasonable excuse, fails to comply with a production order.

(2) Every person who commits an offence against subsection (1) is liable on conviction,—

(a) in the case of an individual, to imprisonment for a term not exceeding 1 year:

(b) in the case of a body corporate, to a fine not exceeding $40,000.

### 175 False application for examination order, production order, search warrant, surveillance device warrant, or declaratory order

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year who makes an application for an examination order, production order, search warrant, surveillance device warrant, or declaratory order that contains any assertion or other statement known by the person to be false.

### 176 Leaving search location in breach of direction

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months who, without reasonable excuse,—

(a) fails to comply with a direction under section 117(1) (special powers where application for search warrant pending); or

(b) leaves any place or vehicle at which he or she is detained under section 118(1).

### 177 Offences relating to stopping vehicles

(1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months who—

(a) fails to stop as soon as practicable when required to do so by an enforcement officer exercising a power to stop or search a vehicle; and

(b) knows or ought reasonably to know that the person exercising the power is an enforcement officer.

(2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months who—

(a) fails to comply with a requirement made by a constable under section 10(1)(a) or 32(c); and

(b) knows or ought reasonably to know that the person imposing the requirement is a constable.

(3) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months who—

(a) fails to comply with a requirement made by an enforcement officer under section 128; and

(b) knows or ought reasonably to know that the person imposing the requirement is an enforcement officer.

(4) Any constable may arrest without warrant any person who the constable has reasonable grounds to suspect has committed an offence against subsection (1) or (3).

### 178 Offence of failing to carry out obligations in relation to computer system search

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months who fails, without reasonable excuse, to assist a person exercising a search power when requested to do so under section 130(1).

### 179 Offence to disclose information acquired through search or surveillance

(1) No person who, as a consequence of any thing specified in subsection (2), acquires information about any person may knowingly disclose the substance, meaning, or purport of that information, or any part of that information, otherwise than in the performance of that person's duties, functions, or powers.

(2) The things referred to in subsection (1) are—

(a) the exercise of a search or surveillance power:

(b) an examination order:

(c) a production order:

(d) the use of a device, technique, or procedure, or the carrying out of an activity specified in a declaratory order.

(3) Every person who acts in contravention of subsection (1) commits an offence and is liable on conviction,—

(a) in the case of an individual, to a term of imprisonment not exceeding 6 months:

(b) in the case of a body corporate, to a fine not exceeding $100,000.

### 179A Disclosing that surveillance device warrant has been issued

(1) A person who has been called on to assist an enforcement officer to carry out any of the activities authorised by a surveillance device warrant commits an offence if the person knowingly discloses to another person that the warrant has been issued.

(2) The person does not commit an offence if they make the disclosure—

(a) in connection with, or in the course of, providing the assistance concerned; or

(b) to the enforcement officer or any other enforcement officer who is employed or engaged by the same law enforcement agency as that enforcement officer; or

(c) to a lawyer for the purpose of obtaining legal advice in relation to the warrant; or

(d) in connection with, or in the course of, proceedings before a court or a tribunal; or

(e) after the chief executive of the law enforcement agency concerned grants an application made by the person under section 179B in relation to the surveillance device warrant.

(3) A person who commits an offence against this section is liable on conviction,—

(a) if they are an individual, to a term of imprisonment not exceeding 6 months; or

(b) if they are a body corporate, to a fine not exceeding $100,000.

**Guidance note**

Section 179 also applies to the assistant.

Section 179A: inserted, on 1 October 2025, by section 22 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 179B Application for prohibition on disclosure to be lifted

(1) A person who has been called on to assist an enforcement officer to carry out any of the activities authorised by a surveillance device warrant may apply, to

the chief executive that employed or engaged the enforcement officer, for the chief executive to lift any prohibition in section 179A on disclosing that the warrant has been issued.

(2) The chief executive must grant the application and give written notice to the person that the application is granted if—

(a) the law enforcement agency has decided to discontinue any investigation into the suspected offence that is the subject of the application for the warrant; or

(b) any criminal proceedings that the law enforcement agency expected to be commenced in relation to the suspected offence have been commenced; or

(c) the law enforcement agency has become aware that the subject of the surveillance is aware that they are the subject of the surveillance (for, example, because the subject is notified in accordance with an order made under section 61(1)(c)); or

(d) the chief executive decides for any other reason to give notice under this section in relation to the direction.

(3) However, the chief executive is not required to grant an application under this section if satisfied on reasonable grounds that disclosure that the warrant has been issued (other than as allowed by section 179A(2)(a), (b), (c), or (d))—

(a) would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences; or

(b) would endanger the safety of any person; or

(c) would prejudice the supply of information to the law enforcement agency; or

(d) would prejudice any international relationships of the law enforcement agency; or

(e) would prejudice the security or defence of New Zealand.

Section 179B: inserted, on 1 October 2025, by section 22 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Subpart 10—Miscellaneous

### 180 Effect of proceedings

(1) This section applies when any proceeding has been commenced in any court in respect of—

(a) the exercise of any power conferred by this Act or any enactment specified in column 2 of Schedule 2; or

(b) the discharge of any duty imposed by this Act or any enactment specified in column 2 of Schedule 2; or

(c) the use for investigative purposes of any evidential material obtained from the execution of a power or discharge of a duty imposed by this Act or any enactment specified in column 2 of Schedule 2.

(2) Until a final decision in relation to the proceeding is given, unless an interim order made under subsection (3) is in force,—

(a) the power or duty to which the proceeding relates may be, or may continue to be, exercised or discharged as if the proceeding had not been commenced, and no person is excused from fulfilling any obligation under this Act or any other enactment by reason of that proceeding; and

(b) any evidential material obtained from the execution of the power or discharge of the duty to which the proceeding relates may be, or may continue to be, used for investigative purposes.

(3) An interim order may be made by the High Court overriding the effect of subsection (2), but only if the High Court is satisfied that—

(a) the applicant has established a prima facie case that the warrant or order in question is unlawful; and

(b) the applicant would suffer substantial harm from the exercise or discharge of the power or duty; and

(c) if the power or duty is exercised or discharged before a final decision is made in the proceeding, none of the remedies specified in subsection (4), or any combination of those remedies, could subsequently provide an adequate remedy for that harm; and

(d) the terms of that order do not unduly hinder or restrict the investigation or prosecution.

(4) The remedies are as follows:

(a) any remedy that the court may grant in making a final decision in relation to the proceeding (for example, a declaration):

(b) any damages that the applicant may be able to claim in concurrent or subsequent proceedings:

(c) any opportunity that the applicant may have, as defendant in a criminal proceeding, to challenge the admissibility of any evidence obtained as a result of the exercise or discharge of the power or duty.

(5) An interim order made under subsection (3)—

(a) ceases to have effect on—

(i) a date specified in that order; or

(ii) any date subsequently specified by the High Court on being satisfied that paragraphs (a) to (d) of subsection (3) continue to apply; and

(b) may be extended or renewed (whether before, on, or after its expiry) by the High Court, but only if the High Court is satisfied that paragraphs (a) to (d) of subsection (3) continue to apply.

Section 180(1)(a): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 180(1)(b): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 180(1)(c): amended, on 31 July 2025, by section 27(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 181 Service of orders and notices

(1) Where an order or a notice is to be given to a person for the purposes of this Act, it may be given—

(a) by delivering it personally to the person; or

(b) by delivering it at the usual or last known place of residence or business of the person, including by fax or by electronic mail; or

(c) by sending it by prepaid post addressed to the person at the usual or last known place of residence or business of the person.

(2) Where an order or notice is to be served on a corporation for the purposes of this subpart, service on an officer of the corporation, or on the registered office of the corporation, in accordance with subsection (1) is deemed to be service on the corporation.

(3) Where an order or notice is to be served on a partnership for the purposes of this subpart, service on any one of the partners in accordance with subsection (1) or (2) is deemed to be service on the partnership.

(4) Where an order or notice is sent by post to a person in accordance with subsection (1)(c), the order or notice is deemed, in the absence of proof to the contrary, to have been given on the third day after the day on which it was posted.

(5) This section is subject to any other section of this Act that makes different provision for the service of orders or notices.

Compare: 1990 No 51 s 52

# Part 5
# Amendments, repeals, and miscellaneous provisions

## Subpart 1—Amendments to search and seizure powers in other enactments (and to related provisions) used for law enforcement purposes or for law enforcement and regulatory purposes

*Amendments to Agricultural Compounds and Veterinary Medicines Act 1997*

### 182 Amendments to Agricultural Compounds and Veterinary Medicines Act 1997

Sections 183 to 186 amend the Agricultural Compounds and Veterinary Medicines Act 1997.

### 183 Powers of entry for inspection

Section 64 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 2012 (except subparts 2 and 3, sections 118 and 119, and subpart 8) apply.

### 184 Issue of search warrants

(1) Section 69(1) is amended by—

(a) omitting "Any District Court Judge or Justice of the Peace or any Registrar 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 2012) who is satisfied, on an application made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012"; and

(b) omitting "in the form set out in Schedule 1".

(2) Section 69(1) is amended by inserting the following paragraph after paragraph (b):

(ba) any trade name product or agricultural compound manufactured or imported in breach of the provisions of this Act:

(3) Section 69(1)(c) is amended by omitting "paragraph (a) or paragraph (b)" and substituting "paragraph (a), (b), or (ba)".

(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 2012 apply.

(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

### 185 Powers of entry with warrant

Section 70 is amended by repealing subsections (1) to (4) and substituting the following subsection:

(1) Without limiting the powers conferred by any warrant issued under section 69(1), and subject to any conditions imposed by the issuing officer, every warrant issued under that section authorises the constable or the ACVM officer who is executing it, and any person called on by that constable or ACVM officer to assist, to seize and detain any trade name product or agricultural compound that—

(a) is a risk to public health, agricultural security, trade in or market access for primary produce, or the welfare of animals, or that may breach domestic food residue standards; and

(b) appears to an ACVM officer, who has made such inquiries as appear reasonable in the circumstances, to have been abandoned or to have no apparent or readily identifiable owner.

### 186 Disposal of property seized

(1) Section 71(1) is repealed and the following subsection substituted:

(1) Subject to subsection (3), subparts 1, 5, 6, 7, and 10 of Part 4 of the Search and Surveillance Act 2012 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.

(2) Section 71(2) is repealed.

(3) Section 71(3) is amended by omitting "70(1)(f)(ii)" and substituting "70(1)".

(4) Section 71 is amended by adding the following subsection:

(4) If any person is convicted of an offence to which the seized property relates, the court may, if it thinks fit, order that the item be disposed of as the court directs at the expense of the convicted person, and may order that the person pay any reasonable costs incurred by the Commissioner of Police or the Director-General.

### 187 Section 84 repealed

Section 84 is repealed.

### 188 Schedule 1 repealed

Schedule 1 is repealed.

*Amendments to Animal Products Act 1999*

### 189 Amendments to Animal Products Act 1999

Sections 190 to 193 amend the Animal Products Act 1999.

### 190 Power of entry

(1) Section 87(1) is amended by omitting "at any reasonable time".

(2) Section 87(2) is amended by omitting ", at any reasonable time,".

(3) Section 87 is amended by repealing subsection (3).

(4) Section 87(4) is amended by omitting ", at any time that is reasonable in the circumstances".

(5) Section 87 is amended by repealing subsections (5) and (6) and substituting the following subsection:

(5) The provisions of subparts 1, 4, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 (except for sections 118 and 119) apply.

### 191 Power to examine, etc

(1) Section 88 is amended by repealing subsection (2) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (other than subparts 2, 3, and 8, and sections 118 and 119) apply in respect of the exercise of powers under subsection (1)(a) or (b).

(2) Section 88(3) is amended by inserting "(other than under subsection (1)(a) or (b))" after "this section".

### 192 New section 91A inserted

The following section is inserted after section 91:

### 91A Disposal of seized animals prior to commencement or determination of proceedings

(1) This section applies if—

(a) a live animal is or live animals are seized by a constable or an animal product officer under the authority of a search warrant issued under section 94; and

(b) either—

(i) proceedings for an offence involving that animal or those animals—

(A) have been commenced but not yet determined; or

(B) have not yet been commenced but are intended to be commenced within a reasonable period; or

(ii) the owner of that animal or animals cannot be located.

(2) If this section applies, a District Court, on its own motion or on an application by a constable or an animal product officer, may make an order authorising—

(a) the sale of the animal or animals; or

(b) the placement of the animal or animals with another person; or

(c) the destruction, slaughter, and processing of the animal or animals for animal products for sale, or other disposal of the animal or animals.

(3) The District Court—

(a) must, before making an order under subsection (2), give the owner of the animal or animals, if known and able to be contacted, an opportunity to be heard; and

(b) may make an order under subsection (2) if it is satisfied that there are good reasons for making that order; and

(c) may, when making the order, impose conditions (whether relating to the payment of any security holder in the animal or animals or otherwise).

(4) In determining whether to make any order referred to in subsection (2), the court must have regard to the following matters:

(a) whether the owner of the animal or animals has been identified, and if not, the steps that have been taken to identify and contact that person:

(b) the number of animals involved:

(c) the cost of continuing to hold the animal or animals:

(d) the physical state of the animal or animals:

(e) whether it is reasonable or practicable for the animal or animals to be placed elsewhere:

(f) whether it is reasonable or practicable for the Ministry to retain possession of and care for the animal or animals until the determination of the proceedings relating to the animal or animals:

(g) whether any person will suffer material loss, and the extent of that loss, if the animal or animals are or are not sold:

(h) the fitness for purpose of any animal products derived from the seized animal or animals:

(i) any other matters the court considers relevant.

(5) If an animal is or animals are sold under an order made under subsection (2)(a) or animal products are sold under an order made under subsection (2)(c), the proceeds of sale (if any) must be held by the Ministry (after deducting (in order) the costs of transport and processing, the cost of sale, any sums required to be paid to a security holder or any other person under a condition of the order for sale, and any costs incurred by the Crown in caring for the animal or animals or providing veterinary treatment to that animal or those animals).

(6) The Ministry must, unless the proceeds of sale are otherwise forfeited to the Crown or the owner of the animal or animals is unknown or cannot be contacted, pay the proceeds of sale to the owner as soon as practicable—

(a) after the determination of the proceedings for an offence involving that animal or those animals; or

(b) after a decision is taken not to commence any such proceedings.

### 193 Other amendments to Animal Products Act 1999

(1) Section 92 is repealed.

(2) Section 94(1) is amended by—

(a) omitting "Any District Court Judge, Community Magistrate, Justice of the Peace, or Registrar may issue a search warrant in the form set out in the Schedule" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant"; and

(b) omitting "on application in writing made on oath" and substituting "on an application made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012 by an animal product officer or a constable".

(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 2012 apply.

(3) Despite subsection (2), sections 118 and 119 apply only in respect of a warrant issued to a named constable or to every constable.

(4) Section 95 is amended by repealing subsection (1) and substituting the following subsections:

(1) Without limiting the powers conferred by any search warrant issued under section 94(1), every warrant issued under that section authorises the constable or animal product officer who is executing it, and any person called on by that constable or officer to assist, to exercise—

(a) all of the powers of an animal product officer under sections 88 to 91; or

(b) only such of those powers as are specified in the warrant.

(1A) To avoid doubt, Part 4 of the Search and Surveillance Act 2012 does not apply in respect of any exercise of a power under sections 89 to 91 as a consequence of subsection (1) of this section.

(5) Section 96 is amended by repealing subsections (1) to (3).

(6) Section 97 is amended by—

(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, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of any property seized under a search warrant"; and

(b) repealing paragraphs (a) to (c).

(7) The Schedule is repealed.

*Amendments to Animal Welfare Act 1999*

### 194 Amendments to Animal Welfare Act 1999

Sections 195 to 198 amend the Animal Welfare Act 1999.

### 195 Amendments to sections 130 to 136

(1) Section 130(1)(a) is amended by inserting "(including, if necessary, destroying or arranging for the destruction of the animal)" after "animal".

(2) Section 130(1)(b) is amended by adding "(including, if necessary, destroying or arranging for the destruction of the animal)".

(3) Section 131(1) is amended by omitting "District Court Judge or Justice or Community Magistrate or any Registrar (not being a member of the police) who, on an application in writing made on oath" and substituting "issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(4) Section 131 is amended by repealing subsection (3) and substituting the following subsections:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 apply, subject to subsection (4) and sections 133(2) and (4), 136, and 136A.

(4) Despite subsection (3), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

(5) Sections 132, 133(1), (3), and (5), 134, and 135 are repealed.

(6) Section 133(4) is amended by inserting "(including, if necessary, destroying or arranging for the destruction of the animal)" after "suffering of the animal".

(7) 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, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 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)).

(8) Section 136 is amended by repealing subsection (2) and substituting the following subsection:

(2) Despite anything in subpart 6 of Part 4 of the Search and Surveillance Act 2012, a constable or an inspector who has custody of an animal may place that animal in the care of any other person.

(9) Section 136(3) is amended by omitting "section 199(3) of the Summary Proceedings Act 1957" and substituting "section 154(2)(c) of the Search and Surveillance Act 2012".

### 196 New section 136A inserted

The following section is inserted after section 136:

#### 136A Disposal of animals seized or taken into custody prior to commencement or determination of proceedings

(1) This section applies if—

(a) 1 or more animals are seized by a constable or an inspector, under the authority of a search warrant issued under section 131, or are taken into possession by an inspector under section 127(5) or a constable under section 137(1); and

(b) either—

(i) proceedings for an offence involving that animal or those animals—

(A) have been commenced but not yet determined; or

(B) have not yet been commenced but are intended to be commenced within a reasonable period; or

(ii) the owner of that animal or those animals cannot be located.

(2) If this section applies, a District Court, on its own motion, or on an application by a constable or an inspector, may make an order authorising—

(a) the sale of the animal or animals; or

(b) the placement of the animal or animals with another person; or

(c) the destruction or other disposal of the animal or animals; or

(d) the dehorning or performance of other surgical procedures on the animal or animals.

(3) The District Court—

(a) must, before making an order under subsection (2), give the owner of the animal or animals, if known and able to be contacted, an opportunity to be heard; and

(b) may make an order under subsection (2) if it is satisfied that there are good reasons for making that order; and

(c) may, when making the order, impose conditions (whether relating to the payment of any security holder in the animal or animals or otherwise).

(4) In determining whether to make any order referred to in subsection (2), the court must have regard to the following matters:

(a) whether the owner of the animal or animals has been identified, and if not, the steps that have been taken to identify and contact that person:

(b) the number of animals involved:

(c) whether the animal or animals are being kept for economic purposes or for companionship:

(d) the cost of continuing to hold the animal or animals:

(e) the physical state of the animal or animals:

(f) whether it is reasonable or practicable for the animal or animals to be placed elsewhere:

(g) whether it is reasonable or practicable for the Ministry or an approved organisation to retain possession of and care for the animal or animals until the determination of the proceedings relating to the animal or animals:

(h) whether any person will suffer material or other loss, and the extent of that loss, if the animal or animals are sold:

(i) any other matters the court considers relevant.

(5) If an animal is sold under the authority of an order under subsection (2)(a), the proceeds of sale (if any) must be held by the Ministry or an approved organisation (after deducting (in order) the costs of sale, any sums required to be paid to a security holder or any other person under a condition of the order for sale, and any costs incurred by the Crown or approved organisation in caring for the animal or animals or providing veterinary treatment to that animal or those animals).

(6) The Ministry or approved organisation referred to in subsection (5) must, unless the proceeds of sale are forfeited to the Crown under section 172(1) or the owner of the animal is unknown or cannot be contacted, pay the proceeds of sale to the owner as soon as practicable—

(a) after the determination of the proceedings for an offence involving that animal or those animals; or

(b) after a decision is taken not to commence any such proceedings.

### 197 Vehicle, aircraft, ship, or animal may be detained

(1) Section 137 is amended by repealing subsections (1) and (2) and substituting the following subsection:

(1) If a constable arrests a person for an offence against section 22(2), 23(1) or (2), or 40(1) and the person is for the time being in charge of a vehicle, an aircraft, or a ship, or an animal, the constable may—

(a) take possession of the vehicle, aircraft, or ship, or the animal, or both, and may take that vehicle, aircraft, or ship, or take that animal, or both, as the case may be, to another place; and

(b) detain that vehicle, aircraft, or ship, or that animal, or both, at a place chosen by the constable for a period that is reasonably necessary to—

(i) conduct a search of the vehicle, aircraft, or ship, or animal, or both, under another provision in this Act or under any other enactment that authorises such a search; or

(ii) provide humane treatment for any animal that is moved.

(2) Section 137(3) is amended by omitting "subsections (1) and (2)" and substituting "subsection (1)".

### 198 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.

*Amendment to Antarctic Marine Living Resources Act 1981*

### 199 Amendment to Antarctic Marine Living Resources Act 1981

(1) This section amends the Antarctic Marine Living Resources Act 1981.

(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 2012 (except for subparts 3 and 8) apply.

*Amendments to Antarctica (Environmental Protection) Act 1994*

### 200 Amendments to Antarctica (Environmental Protection) Act 1994

(1) This section amends the Antarctica (Environmental Protection) Act 1994.

(2) Section 42(1) is amended by—

(a) omitting "a District Court Judge, a duly authorised Justice, a Community Magistrate, or a Registrar (not being a member of the Police), who, on application made" and substituting "an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act"; and

(b) omitting ", unconditionally or subject to conditions, a warrant authorising the entry and search of the area, at any time on one occasion within 14 days of the issue of the warrant (or within such further time as may be specified in the warrant)" and substituting "a warrant authorising the entry and search of the area".

(3) Section 42 is amended by repealing subsections (2) to (4) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(4) Section 43 is amended by inserting the following subsection after subsection (1):

(1A) Subject to subsection (2), the provisions of Part 4 of the Search and Surveillance Act 2012 (except for subparts 2 and 3) apply.

(5) Section 44 is amended by omitting "any of sections 41 to 43" and substituting "section 41".

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

### 201 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 3 of Part 4 of the Search and Surveillance Act 2012.

(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 2012)".

(5) Section 117 is amended by repealing subsections (4), (5), and (6) and substituting the following subsection:

(4) The provisions of subparts 1, 3, and 9 of Part 4 of the Search and Surveillance Act 2012 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 2012 (except subpart 3 and sections 118, 119, and 130) apply.

(9) Sections 119 to 122, 125 to 128, and 129 are repealed.

*Amendments to Aviation Crimes Act 1972*

### 202 Amendments to Aviation Crimes Act 1972

(1) This section amends the Aviation Crimes Act 1972.

(2) Section 13(1)(b) is amended by adding "and that a search of the first-mentioned person will disclose evidential material about that offence,".

(3) Section 13 is amended by repealing subsections (3) and (4) and substituting the following subsection:

(4) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for subpart 3) apply.

*Amendments to Biosecurity Act 1993*

### 203 Amendments to Biosecurity Act 1993

(1) This section amends the Biosecurity Act 1993.

(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 2012) may, on an application made in the manner provided by subpart 3 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.

(3) Section 110(2) is amended by omitting "Judge, Justice, Magistrate, or Registrar" and substituting "issuing officer".

(4) Section 110 is amended by adding the following subsection:

(4) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

(5) Section 111(1) is amended by omitting "a District Court Judge, a Justice of the Peace, a Community Magistrate, or a Registrar (not being a member of the Police), who, on the written application (made on oath) of" and substituting "an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application (made in the manner provided by subpart 3 of Part 4 of that Act) by".

(6) Section 111 is amended by adding the following subsection:

(6) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for sections 118 and 119) apply.

(7) Section 112(1)(a)(ii) is amended by inserting "or copy of the warrant" after "warrant" in each place where it appears.

(8) Section 118(2) is amended by omitting "Section 199 of the Summary Proceedings Act 1957" and substituting "Subpart 6 of Part 4 of the Search and Surveillance Act 2012".

(9) Section 118 is amended by adding the following subsection:

(3) The provisions of subparts 1, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

*Amendment to Boxing and Wrestling Act 1981*

### 204 Amendment to Boxing and Wrestling Act 1981

Section 205 amends the Boxing and Wrestling Act 1981.

### 205 New section 9 substituted

Section 9 is repealed and the following section substituted:

**9 Search warrants**

(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant if, on an application made by a constable in the manner provided in subpart 3 of Part 4 of that Act, he or she is satisfied that there are reasonable grounds for believing that on any premises a contest is being conducted in breach of this Act or any regulations made under it.

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for subparts 2, 5, 6, and 8) apply.

*Amendments to Children, Young Persons, and Their Families Act 1989*

### 206 Amendments to Children, Young Persons, and Their Families Act 1989

Sections 207 to 209 amend the Children, Young Persons, and Their Families Act 1989.

### 207 Amendments to Parts 1 to 9 of Children, Young Persons, and Their Families Act 1989

(1) Section 39(1) is amended by omitting "any Justice or any Community Magistrate or any Registrar (not being a member of the police), who, on application in writing made on oath" and substituting "any issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on application in writing verified in accordance with section 99 of that Act".

(2) Section 40(1) is amended by omitting "any Justice or any Community Magistrate or any Registrar (not being a member of the police), may, on application in writing made on oath" and substituting "any issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may, on application in writing verified in accordance with section 99 of that Act".

(3) Section 386(1) is amended by omitting "Any Judge or Justice or Community Magistrate or any Registrar (not being a member of the police) who, on application in writing made on oath" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on application in writing verified in accordance with section 99 of that Act".

### 208 Amendments to Part 10 of Children, Young Persons, and Their Families Act 1989

(1) Section 445A is amended by—

(a) omitting "section 39 or section 40 or"; and

(b) omitting "or section 386 of this Act".

(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".

### 209 New section 445D inserted

The following section is inserted after section 445C:

#### 445D Certain provisions of Search and Surveillance Act 2012 apply to some warrants

Sections 101 and 105 of the Search and Surveillance Act 2012 apply, with any necessary modifications, in respect of any warrant applied for or issued under section 39, 40, or 386.

*Amendments to Civil Aviation Act 1990*

### 210 Amendments to Civil Aviation Act 1990

(1) This section amends the Civil Aviation Act 1990.

(2) Section 24(4) is amended by omitting "a judicial officer on written application on oath, which shall not be granted unless the judicial officer" and substituting "an issuing officer on application in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012, which must not be granted unless the issuing officer".

(3) Section 24 is amended by repealing subsection (5) and substituting the following subsections:

(5) Subject to subsections (5A), (6), and (7), subparts 1, 3, 4, 5, 7, 9, and 10 of the Search and Surveillance Act 2012 apply in relation to the issue of a warrant under subsection (4) and its execution.

(5A) Despite subsection (5), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

*Amendments to Commodity Levies Act 1990*

### 211 Amendments to Commodity Levies Act 1990

(1) This section amends the Commodity Levies Act 1990.

(2) Section 19(1) is amended by—

(a) omitting "A District Court Judge, a Justice, a Community Magistrate, 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 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act"; and

(b) omitting "in the form set out in the Schedule to this Act".

(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 2012 apply.

(2A) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

(4) Sections 20 to 22 and the Schedule are repealed.

*Amendments to Conservation Act 1987*

### 212 Amendments to Conservation Act 1987

(1) This section amends the Conservation Act 1987.

(2) Section 40(4A) and (4B) are repealed.

(3) Section 40 is amended by adding the following subsection:

(7) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for subpart 3) apply.

(4) Section 46 is amended by repealing subsections (1), (2), (3), and (4).

*Amendments to Criminal Proceeds (Recovery) Act 2009*

### 213 Amendments to Criminal Proceeds (Recovery) Act 2009

Sections 214 to 219 amend the Criminal Proceeds (Recovery) Act 2009.

### 214 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 2012 (except subpart 6), 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 2012 (except subpart 6), so far as applicable and with all necessary modifications, applies".

### 215 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 3 of Part 4 of the Search and Surveillance Act 2012".

(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 3 of Part 4 of the Search and Surveillance Act 2012".

(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 99 and 100 of the Search and Surveillance Act 2012".

(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 99 and 100 of the Search and Surveillance Act 2012".

(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 3 of Part 4 of the Search and Surveillance Act 2012".

(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 3 of Part 4 of the Search and Surveillance Act 2012".

### 216 New section 114 substituted

Section 114 is repealed and the following section substituted:

### 114 Application of Part 4 of Search and Surveillance Act 2012

(1) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 6) apply in respect of every search warrant applied for, or issued, under this Act.

(2) The provisions of subpart 6 of Part 4 of that Act apply to evidence seized under sections 101(2)(a), and 102(2)(b) and (c).

### 217 Sections 115 to 122 repealed

Sections 115 to 122 are repealed.

### 218 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 2012 (except subpart 6) applies, with any necessary modifications, to an application for a warrant made under any of sections 124 to 126.

### 219 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 2012 (except subpart 6), so far as applicable and with all necessary modifications, applies".

*Amendments to Customs and Excise Act 1996*

### 220 Amendments to Customs and Excise Act 1996

Sections 221 to 229 amend the Customs and Excise Act 1996.

### 221 Amendments to sections 139 to 141 of Customs and Excise Act 1996

(1) Section 139 is amended by adding the following subsections:

(5) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of the power conferred by subsection (1)(d).

(6) Despite subsection (5), sections 125(4), 131(5)(f), and 133, and subparts 6 and 8 of Part 4 of the Search and Surveillance Act 2012 do not apply to any goods forfeited to the Crown under section 225 of this Act.

(2) Section 140(2) is amended by omitting "subsection (1)" and substituting "subsection (1)(a) to (c)".

(3) Section 140 is amended by adding the following subsections:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of the power conferred by subsection (1)(d).

(4) Despite subsection (3), sections 125(4), 131(5)(f), and 133, and subparts 6 and 8 of Part 4 of the Search and Surveillance Act 2012 do not apply to any goods forfeited to the Crown under section 225 of this Act.

(4) Section 141 is amended by omitting "section 139 or section 140" and substituting "section 139(1)(a) to (c) or 140(1)(a) to (c)".

### 222 Searching vehicles

Section 144 is amended by adding the following subsections:

(6) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3) apply in respect of a search undertaken under this section.

(7) Despite subsection (5), sections 125(4), 131(5)(f), and 133, and subparts 6 and 8 of Part 4 of the Search and Surveillance Act 2012 do not apply to any goods forfeited to the Crown under section 225 of this Act.

### 223 Amendments to sections 149A to 149D of Customs and Excise Act 1996

(1) Section 149A(3) is amended by omitting "149D" and substituting "149C".

(2) Section 149B(4) to (6) are repealed.

(3) Section 149B is amended by adding the following subsections:

(8) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of the powers conferred by this section.

(9) Despite subsection (8), sections 125(4), 131(5)(f), and 133, and subparts 6 and 8 of Part 4 of the Search and Surveillance Act 2012 do not apply to any goods forfeited to the Crown under section 225 of this Act.

(4) Section 149BA(1) is amended by omitting "believe" and substituting "suspect".

(5) Section 149BA(3) is repealed.

(6) Section 149BA is amended by repealing subsection (5) and substituting the following subsections:

(5) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of the powers conferred by this section.

(6) Despite subsection (5), sections 125(4), 131(5)(f), and 133, and subparts 6 and 8 of Part 4 of the Search and Surveillance Act 2012 do not apply to any goods forfeited to the Crown under section 225 of this Act.

(7) Section 149C is amended by repealing subsection (2) and substituting the following subsections:

(2) The provisions of subparts 1, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of the powers conferred by this section.

(3) Despite subsection (2), sections 125(4), 131(5)(f), and 133, and subpart 6 of Part 4 of the Search and Surveillance Act 2012 do not apply to any goods forfeited to the Crown under section 225 of this Act.

(8) Section 149D is repealed.

### 224 Examination of goods no longer subject to control of Customs

Section 152 is amended by inserting the following subsections after subsection (3):

(3A) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of the powers conferred by this section.

(3B) Despite subsection (3A), sections 125(4), 131(5)(f), and 133, and subparts 6 and 8 of Part 4 of the Search and Surveillance Act 2012 do not apply to any goods forfeited to the Crown under section 225 of this Act.

### 225 Amendments to sections 165 to 167 of Customs and Excise Act 1996

(1) The heading to section 165 is amended by omitting "**search**" and substituting "**inspection**".

(2) Section 165(1) is amended by omitting "search," in each place where it appears.

(3) The heading to section 166 is amended by omitting "**search**" and substituting "**inspection**".

(4) Section 166(1) is amended by omitting "search," in each place where it appears.

(5) Section 167(1) is amended by omitting "A District Court Judge, Justice of the Peace, Community Magistrate, or Registrar (not being a constable) may issue a search warrant in the prescribed form if he or she is satisfied, on an application by a Customs officer in writing made on oath" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant if he or she is satisfied, on an application by a Customs officer made in the manner provided in subpart 3 of Part 4 of that Act".

(6) Section 167 is amended by repealing subsections (2) to (4) and substituting the following subsections:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(3) Despite subsection (2), sections 125(4), 131(5)(f), and 133, and subparts 6 and 8 of Part 4 of the Search and Surveillance Act 2012 do not apply to any goods forfeited to the Crown under section 225 of this Act.

### 226 Amendments to section 172 and repeal of sections 168 to 171, and 173 of Customs and Excise Act 1996

(1) Sections 168 to 171 and 173 are repealed.

(2) Section 172(1) is amended by inserting "(other than a power of search to which Part 4 of the Search and Surveillance Act 2012 applies)" after "conferred by this Act".

(3) Section 172(2) is amended by omitting "or 171".

### 227 Seizure and detention of goods suspected to be certain risk goods or evidence of commission of certain offences

(1) The heading to section 175C is amended by inserting "**or documents**" after "**of goods**".

(2) Section 175C(1) is amended by inserting "or documents" after "goods" in the second place where it appears.

(3) Section 175C(2) to (4) are amended by inserting "or documents" after "goods" in each place where it appears.

(4) Section 175C is amended by repealing subsection (5) and substituting the following subsection:

(5) Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3) applies with any necessary modifications.

### 228 New section 175D inserted

The following section is inserted after section 175C:

### 175D Seizure and detention of certain drugs and objectionable publications

(1) A Customs officer may seize and detain goods or documents that are presented or located in the course of exercising any power of inspection, search, or examination under this Act, if he or she has cause to suspect on reasonable grounds that the goods or documents are evidence of the commission of 1 or more offences under 1 or more of the following enactments:

(a) section 6, 7, 12A, 13, or 22 of the Misuse of Drugs Act 1975:

(b) section 123, 124, 131, or 131A of the Films, Videos, and Publications Classification Act 1993.

(2) A Customs officer who detains goods or documents under subsection (1) may, if the appropriate person specified in subsection (3) agrees, do any of the following:

(a) deliver the goods or documents into the custody of that person:

(b) retain the goods or documents pending further investigation:

(c) treat the goods or documents as forfeited within the meaning of this Act.

(3) The appropriate person referred to in subsection (2) is,—

(a) if the Customs officer believes that subsection (1)(a) applies, a constable; or

(b) if the Customs officer believes that subsection (1)(b) applies, an Inspector of Publications within the meaning of the Films, Videos, and Publications Classification Act 1993.

(4) Once goods or documents have been delivered to a person under subsection (2)(a), responsibility for those goods or documents passes to that person.

(5) The provisions of subparts 1, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of the powers conferred by this section.

(6) Despite subsection (5), sections 125(4), 131(5)(f), and 133, and subpart 6 of Part 4 of the Search and Surveillance Act 2012 do not apply to any forfeited goods (within the meaning of this Act).

### 229 Amendments to Part 17 of Customs and Excise Act 1996

(1) Section 286(1)(aa) is repealed.

(2) Section 305A(1) is amended by omitting "167, and 171" and substituting "and 167".

## *Amendments to Dairy Industry Restructuring Act 2001*

### 230 Amendments to Dairy Industry Restructuring Act 2001

(1) This section amends the Dairy Industry Restructuring Act 2001.

(2) Section 29C is amended by omitting "29L" and substituting "29H".

(3) Section 29I(1) is amended by—

(a) omitting "A District Court Judge, Community Magistrate, Justice of the Peace, or Registrar may issue a search warrant in the form set out in Schedule 5D" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant"; and

(b) omitting "in writing made on oath" and substituting "made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012".

(4) Section 29I is amended by repealing subsections (2) and (3) and substituting the following subsections:

(2) Subject to section 29L and subsection (3), the provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

(5) Sections 29J and 29K are repealed.

(6) Section 29L is amended by—

(a) omitting "Section 199 of the Summary Proceedings Act 1957" and substituting "Subpart 6 of Part 4 of the Search and Surveillance Act 2012"; and

(b) repealing paragraphs (a) to (c).

(7) Section 145(j) is amended by omitting "sections 98B to 98G" and substituting "section 98G".

(8) Schedule 5D is repealed.

*Amendments to Dog Control Act 1996*

### 231 Amendments to Dog Control Act 1996

Sections 232 and 233 amend the Dog Control Act 1996.

### 232 Power of entry

(1) Section 14(3)(a) is amended by omitting "a District Court Judge on written application on oath" and substituting "an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on application by a dog control officer in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012".

(2) Section 14 is amended by adding the following subsections:

(5) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 3, 5, and 6) apply.

(6) Despite subsection (5), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

### 233 Other amendments to Dog Control Act 1996

(1) Section 56(3) is amended by omitting paragraph (a) and substituting the following paragraph:

(a) he or she is authorised to enter by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) made on application by the dog ranger or dog control officer in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012; and

(2) Section 56 is amended by inserting the following subsection after subsection (3):

(3A) 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.

(3) Section 56 is amended by adding the following subsection:

(5) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an authority applied for or issued under subsection (3).

(4) Section 57(6)(b) is amended by omitting "he or she is authorised in writing to do so by a Justice, who must not grant an authority unless the Justice" and substituting "he or she is authorised to enter by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012), made on application by the dog ranger or dog control officer in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012, who must not issue a warrant unless the issuing officer".

(5) 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, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an authority applied for or issued under subsection (6).

*Amendments to Driftnet Prohibition Act 1991*

**234 Amendments to Driftnet Prohibition Act 1991**

Sections 235 to 238 amend the Driftnet Prohibition Act 1991.

**235 Powers of search**

Section 13 is amended by inserting the following subsection after subsection (3):

(3A) The provisions of subparts 1, 4, 5, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

**236 Powers of seizure**

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

(2) Subject to section 18, subparts 1, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of any property seized under this section.

**237 Sections 16, 17, and 19 to 22 repealed**

Sections 16, 17, and 19 to 22 are repealed.

**238 Section 24 repealed**

Section 24 is repealed.

*Amendments to Electricity Industry Act 2010*

**239 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 2012), on an application made in the manner provided in subpart 3 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 2012 (except for sections 118 and 119) apply, with any necessary modifications.

**239A Amendments to Electronic Identity Verification Act 2012**

(1) This section amends the Electronic Identity Verification Act 2012.

(2) In section 25, replace "A District Court Judge or Justice or Community Magistrate or Registrar who is not a constable may issue a search warrant under the Summary Proceedings Act 1957" with "An issuing officer may issue a search warrant under the Search and Surveillance Act 2012".

Section 239A: inserted, on 2 April 2013, by section 76 of the Electronic Identity Verification Act 2012 (2012 No 123).

### *Amendments to Extradition Act 1999*

#### 240 Amendments to Extradition Act 1999

(1) This section amends the Extradition Act 1999.

(2) Section 82 is amended by repealing subsection (3) and substituting the following subsection:

(3) Nothing in this section limits or affects any power under section 11 of the Search and Surveillance Act 2012.

(3) Section 83(2) is amended by omitting "A District Court Judge 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 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(4) Section 83 is amended by adding the following subsection:

(4) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 6) apply.

(5) Sections 84 to 88 are repealed.

### *Amendments to Films, Videos, and Publications Classification Act 1993*

#### 241 Amendments to Films, Videos, and Publications Classification Act 1993

Sections 242 to 244 amend Part 7 of the Films, Videos, and Publications Classification Act 1993.

#### 242 Amendments to sections 109 to 109B of Films, Videos, and Publications Classification Act 1993

(1) Section 109 is amended by omitting "A District Court Judge, Justice, or Community Magistrate, or a Registrar (not being a member of the police) 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 2012) may, on an application in the manner provided in subpart 3 of Part 4 of that Act".

(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 2012) may, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(3) Section 109B is amended by omitting "A Justice, Community Magistrate, or Registrar (not being a member of the police) 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 2012) may, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

### 243 New section 110 substituted

Sections 110 to 114 are repealed and the following section is substituted:

### 110 Application of Part 4 of Search and Surveillance Act 2012

(1) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply in respect of any search warrant issued under section 109, 109A, or 109B.

(2) This section is subject to sections 115 to 117.

### 244 Section 118 repealed

Section 118 is repealed.

*Amendments to Financial Markets Authority Act 2011*

### 245 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 165 to 168 of the Search and Surveillance Act 2012 (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 2012) may issue a search warrant in relation to a place, vehicle, or thing, on an application made in the manner provided by subpart 3 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 2012 (except sections 118 and 119) apply, with any necessary modifications.

(8) Schedule 2 is repealed.

*Amendments to Financial Transactions Reporting Act 1996*

### 246 Amendments to Financial Transactions Reporting Act 1996

(1) This section amends the Financial Transactions Reporting Act 1996.

(2) Section 44 is amended by omitting "Any District Court Judge, Justice, or Community Magistrate, or any Registrar (not being a member of the Police), 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 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(3) Section 44 is amended by adding the following subsection as subsection (2):

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(4) Sections 45 to 51 are repealed.

*Amendments to Fisheries Act 1996*

### 247 Amendments to Fisheries Act 1996

Sections 248 to 252 amend the Fisheries Act 1996.

### 248 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.

### 249 New section 199B inserted

The following section is inserted after section 199A:

### 199B Application of Part 4 of Search and Surveillance Act 2012

(1) The provisions of Part 4 of the Search and Surveillance Act 2012 (other than subparts 2 and 3, section 119, and subpart 8) apply in respect of the powers conferred by section 199(1).

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (other than subparts 3 and 8) apply in respect of the powers conferred by section 199A.

### 250 Amendments to sections 200 to 207 of Fisheries Act 1996

(1) Section 200(1) is amended by omitting "a Justice, Community Magistrate, District Court Judge, or Registrar of a District Court" and substituting "an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012)".

(2) Section 200 is amended by repealing subsection (2) and substituting the following subsection:

(2) An application for authorisation must be made by a fishery officer in the manner provided for an application for a search warrant under subpart 3 of Part 4 of the Search and Surveillance Act 2012.

(3) Section 200(3) is amended by omitting "A Justice, Community Magistrate, District Court Judge, or Registrar of a District Court" and substituting "An issuing officer".

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

(4) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

(5) Section 205 is amended by omitting "as may be reasonably necessary" and substituting "as is necessary".

(6) Section 206(2) is amended by—

(a) omitting "section 198A of the Summary Proceedings Act 1957" and substituting "section 137 of the Search and Surveillance Act 2012"; and

(b) omitting "section 198A of that Act" and substituting "section 137 of that Act".

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

(2) Subparts 1, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

### 251 Amendments to sections 208 to 220 of Fisheries Act 1996

(1) Sections 208 to 211 are repealed.

(2) Section 212 is amended by inserting "and the thing is liable to be forfeited under this Act if the owner is convicted," after "otherwise perish,".

(3) Section 213(1) is amended by inserting "or 199A" after "199".

(4) Section 220 is amended by adding the following subsection:

(5) This section is subject to sections 164 to 168 of the Search and Surveillance Act 2012 (where applied by this Act).

### 252 Schedule 7 repealed

Schedule 7 is repealed.

## *Amendments to Food Act 1981*

### 253 Amendments to Food Act 1981

(1) This section amends the Food Act 1981.

(2) Section 12 is amended by inserting the following subsection after subsection (2):

(2A) Subject to sections 14 and 16, the provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3, sections 118, 119, 125(4), 131(5)(f), and 133, and subparts 6 and 8) apply in respect of any seizure and detention under subsection (2)(i) or (j).

(3) Section 13 is amended by inserting the following subsection after subsection (1):

(1A) Subject to sections 14 and 16, the provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3, sections 118, 119, 125(4), 131(5)(f), and 133, and subparts 6 and 8) apply in respect of any seizure and detention under subsection (1)(d).

(4) Section 14(4)(a) is amended by omitting "employed by the Ministry".

(5) Section 15A is amended by omitting "section 198 of the Summary Proceedings Act 1957" and substituting "section 6 of the Search and Surveillance Act 2012".

(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 2012 as if that officer were a constable.

*Amendments to Gambling Act 2003*

**254 Amendments to Gambling Act 2003**

(1) This section amends the Gambling Act 2003.

(2) Section 335 is amended by repealing subsection (3) and substituting the following subsection:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

(3) Section 335(5) is repealed.

(4) Section 336 is amended by repealing subsection (3) and substituting the following subsection:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

(5) Section 336(5) is repealed.

(6) Section 337 is repealed.

(7) Section 340 is amended by repealing subsection (2) and substituting the following subsection:

(2) An application must be made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012 to an issuing officer (within the meaning of section 3 of that Act).

(8) Section 340(3) is amended by omitting "The Judge, Justice, Magistrate, or Registrar" and substituting "The issuing officer".

(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 2012 apply.

(3B) Despite subsection (3A), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or every constable.

(10) Section 340(4) is amended by omitting "sections 341 and" and substituting "section".

(11) Sections 341 to 343, and 345 are repealed.

(12) Section 369(d) is amended by omitting "331, and a search warrant under section 341" and substituting "331".

*Amendments to Hazardous Substances and New Organisms Act 1996*

### 255 Amendments to Hazardous Substances and New Organisms Act 1996

(1) This section amends the Hazardous Substances and New Organisms Act 1996.

(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 2012) who is satisfied, on an application made in the manner provided in subpart 3 of Part 4 of that Act"; and

(b) omitting "in the prescribed form".

(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 2012 apply.

(4) Despite subsection (3), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

(4) Section 120 is repealed.

*Amendments to Health Practitioners Competence Assurance Act 2003*

### 256 Amendments to Health Practitioners Competence Assurance Act 2003

(1) This section amends the Health Practitioners Competence Assurance Act 2003.

(2) Section 10(1) is amended by omitting "section 198 of the Summary Proceedings Act 1957" and substituting "section 6 of the Search and Surveillance Act 2012".

(3) 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 2012 as if that person were a constable.

(4) Section 10 is amended by repealing subsection (2) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(5) Section 10(3) is amended by—

(a) omitting "section 199 of the Summary Proceedings Act 1957" and substituting "subpart 6 of Part 4 of the Search and Surveillance Act 2012"; and

(b) omitting from paragraph (a) "section 199 of that Act" and substituting "subpart 6 of Part 4 of that Act".

*Amendments to Human Assisted Reproductive Technology Act 2004*

### 257 Amendments to Human Assisted Reproductive Technology Act 2004

(1) This section amends the Human Assisted Reproductive Technology Act 2004.

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

(3) Section 68 is amended by repealing subsections (2) to (4) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3 and sections 118 and 119) apply.

(4) Section 69(2) is amended by omitting "A District Court Judge, a Justice, or a Court Registrar who is not a member of the police, may, on a written application made on oath by an authorised person, issue a search warrant in the form set out in Schedule 2" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may, on an application made in the manner provided in subpart 3 of Part 4 of that Act, issue a search warrant".

(5) 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 2012 (except sections 118 and 119) apply.

(6) Sections 70 and 71, and Schedule 2 are repealed.

(7) Section 72 is amended by—

(a) omitting "Section 199 of the Summary Proceedings Act 1957" and substituting "Subpart 6 of Part 4 of the Search and Surveillance Act 2012"; and

(b) repealing paragraphs (a) to (c).

*Amendments to Human Tissue Act 2008*

### 258 Amendments to Human Tissue Act 2008

(1) This section amends the Human Tissue Act 2008.

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

(3) Section 68 is amended by repealing subsections (2) and (3) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3 and sections 118 and 119) apply with any necessary modifications.

(4) Section 69(2) is amended by omitting "A District Court Judge, a Community Magistrate, a Justice, or a Registrar who is not a member of the police may, on a written application made on oath by an authorised person, issue a search warrant in the prescribed form" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may, on an application made by an authorised person in the manner provided for an application for a search warrant in subpart 3 of Part 4 of that Act, issue a search warrant".

(5) Section 69 is amended by repealing subsection (3).

(6) 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 2012 (except sections 118 and 119) apply.

(7) Sections 70 and 71 are repealed.

(8) Section 72 is amended by—

(a) omitting "Section 199 of the Summary Proceedings Act 1957" and substituting "Subpart 6 of Part 4 of the Search and Surveillance Act 2012"; and

(b) repealing paragraphs (a) to (c).

(9) Section 79 is repealed.

*Amendment to Immigration Act 2009*

### 259 Amendment to Immigration Act 2009

(1) This section amends the Immigration Act 2009.

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

### 293A 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.

*Amendments to Immigration Advisers Licensing Act 2007*

### 260 Amendments to Immigration Advisers Licensing Act 2007

Sections 261 to 264 amend the Immigration Advisers Licensing Act 2007.

### 261 New sections 56 and 57 substituted

Sections 56 and 57 are repealed and the following sections substituted:

### 56 Purposes of inspection

The powers in section 57 may be used for 1 or more of the following purposes:

(a) administering the licensing regime:

(b) obtaining information in relation to complaints in respect of persons who are or have formerly been licensed to provide immigration advice:

(c) obtaining information in respect of persons who have applied to be licensed:

(d) investigating offences under this Act.

### 57 Inspection powers

(1) Any person authorised by the Registrar may, for a purpose set out in section 56,—

(a) at any reasonable time, enter any premises where the person has good cause to suspect that—

(i) any licensed immigration adviser or former licensed immigration adviser works or has worked in the past 2 years; or

(ii) any person who has applied to be licensed as an immigration adviser works; or

(iii) a person provides immigration advice or contracts or employs a person to provide immigration advice:

(b) question any licensed immigration adviser, former licensed immigration adviser, or other person at any premises of a kind described in paragraph (a):

(c) require a person of a kind described in paragraph (a) to produce for inspection relevant documents in that person's possession or under that person's control:

(d) inspect and take copies of documents referred to in paragraph (c):

(e) retain documents referred to in paragraph (c), if there are grounds for believing that they are evidence of the commission of an offence.

(2) If a requirement is made of a person under subsection (1)(c), the person must immediately comply with that requirement.

(3) The provisions of subparts 1, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

### 262 Amendments to sections 58 to 61 of Immigration Advisers Licensing Act 2007

(1) Section 58 is repealed.

(2) Section 59 is amended by omitting "or 58".

(3) Section 60 is amended by omitting "or 58".

(4) Section 61(1) is amended by omitting "A Judge who, on written application made on oath," and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of that Act,".

(5) Section 61 is amended by repealing subsection (2) and substituting the following subsection:

(2) The provisions of subparts 1, 3, and 9 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an entry warrant.

### 263 New section 61A inserted

The following section is inserted after section 61:

### 61A Search warrant

(1) For the purposes of section 97 of the Search and Surveillance Act 2012, 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 2012 in relation to an offence under this Act.

### 264 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*

### 265 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 2012) who, on an application made by an investigator in the manner provided in subpart 3 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 2012 (except for sections 118 and 119) 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 7 of Part 4 of the Search and Surveillance Act 2012.

(5) Schedule 2 is repealed.

*Amendments to International Crimes and International Criminal Court Act 2000*

### 266 Amendments to International Crimes and International Criminal Court Act 2000

(1) This section amends the International Crimes and International Criminal Court Act 2000.

(2) Section 77(3) is amended by omitting "section 37 of the Policing Act 2008" and substituting "section 11 of the Search and Surveillance Act 2012".

(3) Section 102(1) is amended by omitting "a District Court Judge, on an application in writing made on oath or affirmation" and substituting "an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012), on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(4) Section 102 is amended by repealing subsections (2) to (4) and substituting the following subsection:

(2) The provisions of subparts 1 to 5 and 7, 9, and 10 of Part 4, and sections 161 and 162 of the Search and Surveillance Act 2012 apply.

(5) Sections 103 to 106 are repealed.

(6) The heading to section 107 is amended by omitting "**Notice of execution**" and substituting "**Report to Attorney-General on execution**".

(7) Section 107 is amended by repealing subsection (1).

(8) Section 107(2) is amended by—

(a) omitting "the warrant is executed" and substituting "a warrant issued under section 102 is executed"; and

(b) omitting "subsection (1)" and substituting "section 133 of the Search and Surveillance Act 2012".

(9) Section 107(3) is amended by omitting "the warrant" and substituting "a warrant issued under section 102".

(10) Section 108(4) is amended by omitting "The" and substituting "Subject to section 155 of the Search and Surveillance Act 2012 (which applies with any necessary modifications), the".

(11) Section 108(5) is amended by inserting ", but subject to section 154 of the Search and Surveillance Act 2012 (which applies with any necessary modifications)" after "subsection (4)".

*Amendments to International War Crimes Tribunals Act 1995*

### 267 Amendments to International War Crimes Tribunals Act 1995

(1) This section amends the International War Crimes Tribunals Act 1995.

(2) Section 11 is amended by omitting "a Judge" and substituting "an issuing officer".

(3) Section 29 is amended by omitting "a Judge" and substituting "an issuing officer".

(4) Section 48(1) is amended by omitting "Any Judge who, on an application in writing made on oath" and substituting "Any issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(5) Section 48(2) is amended by omitting "Any Judge who, on application in writing made on oath under section 29 of this Act by a member of the Police authorised under that section" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act by a constable authorised under section 29".

(6) Section 48 is amended by repealing subsection (3) and substituting the following subsection:

(3) The provisions of subparts 1 to 5 and 7 to 10 of Part 4, and sections 161 and 162 of the Search and Surveillance Act 2012 apply.

(7) Sections 49 to 50A and 51 and 52 are repealed.

(8) Section 53 is amended by omitting "the matters set out in paragraphs (a) to (c) of section 52 of this Act" and substituting "the date and time of execution of the warrant, the identity of the person who executed the warrant, and the thing or things seized under the warrant".

(9) Section 55(5) is amended by omitting "The" and substituting "Subject to sections 154 and 155 of the Search and Surveillance Act 2012 (which apply with any necessary modifications), the".

(10) Section 55(6) is amended by omitting "If" and substituting "Subject to sections 154 and 155 of the Search and Surveillance Act 2012 (which apply with any necessary modifications), if".

### *Amendments to Land Transport Act 1998*

#### 268 Amendments to Land Transport Act 1998

(1) This section amends the Land Transport Act 1998.

(2) Section 119 is amended by inserting the following subsection after subsection (2):

(2A) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of the power in subsection (2).

(3) Section 119 is amended by repealing subsection (3) and substituting the following subsection:

(3) An enforcement officer may, without warrant, enter, by force if necessary, a building or place where a vehicle to which section 96, 96A, or 123 applies is being stored or kept, and seize and impound the vehicle,—

(a) if—

(i) an enforcement officer has been freshly pursuing the vehicle; or

(ii) it is likely that a person was about to remove, conceal, destroy, or dispose of the vehicle; or

(iii) an enforcement officer believes on reasonable grounds that the vehicle was about to be used in the commission of a crime; and

(b) if, because of the time of the day or the locality, it was impracticable to obtain a warrant without creating an opportunity for the person to do anything referred to in paragraph (a)(ii) or (iii).

(4) Section 119(5) is amended by omitting "apply on oath to a District Court Judge" and substituting "apply, in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012, to an issuing officer (within the meaning of section 3 of that Act),".

(5) Section 119 is amended by repealing subsection (6) and substituting the following subsection:

(6) The provisions of Part 4 of the Search and Surveillance Act 2012 apply in respect of the powers in subsections (3) and (5) (except for subpart 3 of that Part in relation to subsection (3)).

*Amendments to Local Government Act 2002*

### 269 Amendments to Local Government Act 2002

Sections 270 and 271 amend the Local Government Act 2002.

### 270 Seizure of property from private land

(1) Section 165(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 2012)".

(2) Section 165(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 3 of Part 4 of the Search and Surveillance Act 2012".

(3) Section 165(2)(b) is amended by omitting "judicial officer" and substituting "issuing officer".

(4) Section 165 is amended by repealing subsections (3) and (4) and substituting the following subsections:

(3) 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:

(b) any employee of the local authority.

(4) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply as if a warrant issued under subsection (1) were a search warrant.

### 271 Other amendments to Local Government Act 2002

(1) Section 166 is amended by repealing subsections (1) and (2) and substituting the following subsections:

(1) An enforcement officer executing a warrant issued under section 165(1) must be accompanied by a constable.

(2) Subsection (1) overrides section 165(4).

(2) Section 167(1) is amended by omitting "or section 165".

(3) Section 168(1) is amended by inserting "seized and impounded under section 164" after "dispose of property".

(4) Section 171(2) and (3) are repealed.

(5) Section 172(3)(a) is amended by omitting "a District Court Judge on written application on oath" and substituting "an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of that Act".

(6) Section 172 is amended by repealing subsection (4) and substituting the following subsections:

(4) Subject to subsections (3)(b) and (5), the provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(5) Despite subsection (4), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

(7) Section 173 is amended by repealing subsection (2) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3, and sections 118 and 119) apply.

*Amendments to Major Events Management Act 2007*

### 272 Amendments to Major Events Management Act 2007

(1) This section amends the Major Events Management Act 2007.

(2) Section 67(1) is amended by omitting "High Court Judge, District Court Judge, Community Magistrate, Justice of the Peace, or Registrar of a District Court may issue a search warrant for any place, vehicle, or thing if satisfied, on application in writing made on oath" and substituting "issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant for any place, vehicle, or thing if satisfied, on application made

in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012".

(3) Section 67 is amended by inserting the following subsection after subsection (1):

(1A) Despite subsection (1), in addition to satisfying any applicable requirement in subpart 3 of Part 4 of the Search and Surveillance Act 2012,—

(a) an application under subsection (1) must include details of any thing that is to be searched for and covered; and

(b) a search warrant issued under subsection (1) must state whether it authorises any thing to be covered and, if so, contain, in reasonable detail, a description of the thing to be covered; and

(c) a person who executes a warrant and covers any thing must leave in a prominent position or at the place searched or give to the owner or occupier a written notice stating a list of the particulars of the covered thing, and that it may be uncovered in accordance with sections 77 and 78.

(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 2012 apply.

(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

(5) Section 68 is amended by repealing subsection (1) and substituting the following subsections:

(1) Without limiting the powers conferred by any warrant issued under section 67(1), and subject to any conditions specified by the issuing officer, every warrant issued under that section authorises a person authorised to execute it to search for and cover any thing that the warrant authorises to be covered.

(1A) In applying the provisions of Part 4 of the Search and Surveillance Act 2012, any requirement in that Part to provide details or other information in relation to a thing that is seized is to be taken to include the same requirement in relation to a thing that is covered.

(6) Section 68(2) is amended by omitting "in subsection (1)" and substituting "conferred by a warrant".

(7) Section 68(3) and (4) are repealed.

(8) Sections 69 to 76 are repealed.

*Amendments to Marine Mammals Protection Act 1978*

**273 Amendments to Marine Mammals Protection Act 1978**

Sections 274 and 275 amend the Marine Mammals Protection Act 1978.

### 274 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 2012 (except for subpart 3) 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, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of the powers in subsection (5).

### 275 New section 14 substituted

Section 14 is repealed and the following section substituted:

#### 14 Officer may obtain warrant

(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may, on application by an officer made in the manner provided in subpart 3 of Part 4 of that Act, issue a search warrant, to an officer named in the warrant, authorising the entry and search of any dwellinghouse, place, vehicle, aircraft, or hovercraft if the issuing officer is satisfied that there are reasonable grounds to suspect that—

(a) any breach of this Act or any regulation made under it has been, is being, or will be committed; or

(b) preparation has been made to commit a breach of this kind.

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

## *Amendments to Marine Reserves Act 1971*

### 276 Amendments to Marine Reserves Act 1971

(1) This section amends the Marine Reserves Act 1971.

(2) Section 18 is amended by adding the following subsection:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of any entry and search conducted under subsection (1)(d).

(3) Section 18A is amended by repealing subsection (3) and substituting the following subsection:

(3) Subject to subsection (2), the provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

(4) Sections 18B to 18F are repealed.

*Amendments to Maritime Security Act 2004*

### 277 Amendments to Maritime Security Act 2004

(1) This section amends the Maritime Security Act 2004.

(2) Section 51(4) is amended by omitting "A judicial officer who, on written application made on oath" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(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 2012 apply in respect of a warrant issued under subsection (4).

(6B) Despite subsection (6A), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

(4) Section 51 is amended by repealing subsection (12).

(5) Section 55(1) is amended by omitting paragraph (b) and substituting the following paragraph:

(b) the constable has reasonable grounds to suspect that—

(i) an offence against this Act has been, is being, or will be committed, whether by that person or any other person; and

(ii) a search of the person refusing to consent will disclose evidential material relating to that offence.

*Amendments to Maritime Transport Act 1994*

### 278 Amendments to Maritime Transport Act 1994

Sections 279 and 280 amend the Maritime Transport Act 1994.

### 279 Amendments to Part 30 of Maritime Transport Act 1994

(1) Section 453(5) is amended by omitting "or subsection (2)".

(2) Section 456 is repealed.

(3) Section 457(1) is amended by omitting "or section 455".

(4) Section 457(2) is repealed.

### 280 New sections 454 and 455 substituted

Sections 454 and 455 are repealed and the following sections substituted:

### 454 Warrant to inspect dwellinghouse, marae, etc

(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made by an authorised person in the

manner provided for an application for a search warrant in subpart 3 of Part 4 of that Act, is satisfied that entry is essential to enable the inspection of a place referred to in section 453(3) to be carried out, may issue a warrant to the authorised person that authorises that person to enter the place.

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 2) apply.

(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

(4) In this section and section 455, **authorised person** means a person authorised by the Director.

### 455 Entry in respect of offences

(1) Subject to subsection (2), an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant to enter and search a place if, on an application made by an authorised person in the manner provided in subpart 3 of Part 4 of that Act, the issuing officer is satisfied that there are reasonable grounds for believing that there is on or in the place (being a place specified in the application) any thing—

(a) in respect of which an offence against this Act has been or may have been committed; or

(b) that is or may be evidence of the commission of an offence against this Act; or

(c) that is intended to be used for the commission of an offence against this Act.

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

## *Amendments to Meat Board Act 2004*

### 281 Amendments to Meat Board Act 2004

Sections 282 and 283 amend the Meat Board Act 2004.

### 282 Amendments to Part 3 of Meat Board Act 2004

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

(4A) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3, sections 118 and 119, and subpart 8) apply to entry and inspection under subsection (2).

(2) Section 42(5) is amended by—

(a) omitting "A District Court Judge or a Court Registrar (not being a member of the police), 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 2012) who, on an application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of that Act,"; and

(b) omitting "in form 1 in Schedule 3".

(3) Section 42 is amended by repealing subsections (7) and (8) and substituting the following subsections:

(7) The provisions of Part 4 of the Search and Surveillance Act 2012 apply in respect of the exercise of any power under subsection (5).

(8) Despite subsection (7), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

### 283 Amendments to Part 4 of Meat Board Act 2004

(1) Section 62(1) is amended by—

(a) omitting "A District Court Judge or a Court Registrar (not being a member of the Police) 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 2012) who, on application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012"; and

(b) omitting "in form 2 in Schedule 3".

(2) Section 62(2) is amended by—

(a) omitting "A District Court Judge or a Court Registrar (not being a member of the Police) who, on an application in writing made an oath" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012"; and

(b) omitting "in form 3 in Schedule 3".

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

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(4) Despite subsection (3), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a warrant issued to a named constable or to every constable.

(4) Sections 63 and 64 are repealed.

(5) Schedule 3 is repealed.

*Amendments to Motor Vehicle Sales Act 2003*

### 284 Amendments to Motor Vehicle Sales Act 2003

(1) This section amends the Motor Vehicle Sales Act 2003.

(2) Section 130(1) is amended by omitting "District Court Judge, Community Magistrate, Justice of the Peace, or Registrar of a District Court may issue a search warrant for any place if satisfied, on application in writing made on oath," and substituting "issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant for any place if satisfied, on application made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012,".

(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 2012 apply.

(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

(4) Sections 131 to 140 are repealed.

*Amendments to National Parks Act 1980*

### 285 Amendments to National Parks Act 1980

(1) This section amends the National Parks Act 1980.

(2) Section 61(2) is repealed.

(3) Section 61(3) is amended by—

(a) omitting "If" and substituting "If, in any case to which paragraph (a) or (b) applies,"; and

(b) omitting "if in proceedings" and substituting "in proceedings"; and

(c) omitting "then," and substituting "then, despite subpart 6 of Part 4 of the Search and Surveillance Act 2012,"; and

(d) repealing paragraph (c).

(4) Section 61(6) is amended by omitting ", and shall be retained by the Director-General and dealt with under subsection (7) or subsection (8) of this section".

(5) Section 61 is amended by repealing subsections (7) and (8) and substituting the following subsection:

(7) Subject to subsection (3), the provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

(6) Section 65 is amended by repealing subsection (2) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3 and sections 118 and 119) apply.

(7) Section 66 is amended by repealing subsections (2) and (3) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

*Amendments to Overseas Investment Act 2005*

### 286 Amendments to Overseas Investment Act 2005

(1) This section amends the Overseas Investment Act 2005.

(2) Section 56(2) is amended by omitting "writing and on oath to the Court" and substituting "the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012 to an issuing officer (within the meaning of section 3 of that Act)".

(3) Section 56(3) is amended by omitting "Court" and substituting "issuing officer".

(4) Section 56(4) is amended by omitting "Court" and substituting "issuing officer".

(5) Section 56 is amended by adding the following subsection:

(5) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(6) Sections 57 to 60 are repealed.

*Amendments to Ozone Layer Protection Act 1996*

### 287 Amendments to Ozone Layer Protection Act 1996

Sections 288 to 290 amend the Ozone Layer Protection Act 1996.

### 288 Search warrants

(1) Section 23(1) is amended by omitting "District Court Judge or Justice or Community Magistrate or any Registrar (not being a constable) 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 2012) who is satisfied, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(2) Section 23 is amended by repealing subsections (3) to (8) and substituting the following subsection:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

### 289 New section 25 substituted

Section 25 is repealed and the following section substituted:

**25 Retention of property seized**

If any constable or officer seizes any substance or goods under this Act, subparts 1, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of the seizure of that substance or those goods.

**290 Return or forfeiture of property seized**

(1) The heading to section 26 is amended by omitting "**Return or forfeiture**" and substituting "**Forfeiture**".

(2) Section 26(1) and (2) are repealed.

*Amendment to Petroleum Demand Restraint Act 1981*

**291 Amendment to Petroleum Demand Restraint Act 1981**

(1) This section amends the Petroleum Demand Restraint Act 1981.

(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 2012 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.

*Amendments to Pork Industry Board Act 1997*

**292 Amendments to Pork Industry Board Act 1997**

(1) This section amends the Pork Industry Board Act 1997.

(2) Section 44 is amended by inserting the following subsection after subsection (2):

(2A) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 2, sections 118 and 119, and subpart 8) apply.

(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 2012), who on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(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 2012), who on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(5) Section 45 is amended by repealing subsection (3) and substituting the following subsection:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(6) Sections 46 and 47 and Schedule 3 are repealed.

*Amendments to Prostitution Reform Act 2003*

### 293 Amendments to Prostitution Reform Act 2003

(1) This section amends the Prostitution Reform Act 2003.

(2) Section 30(1) is amended by omitting "A District Court Judge, Justice, Community Magistrate, or Registrar of a District Court (who is not a member of the police)" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012)".

(3) Section 30 is amended by repealing subsections (2) and (3) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply as if a warrant referred to in subsection (1) were a search warrant.

(4) Sections 31 to 33 are repealed.

*Amendments to Radiation Protection Act 1965*

### 294 Amendments to Radiation Protection Act 1965

(1) This section amends the Radiation Protection Act 1965.

(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 2012) is satisfied on an application made in the manner provided in subpart 3 of Part 4 of that Act"; and

(b) omitting "Justice or Community Magistrate" and substituting "issuing officer"; and

(c) omitting ", if necessary by force".

(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 2012 apply.

(4) Despite subsection (3), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

*Amendments to Radiocommunications Act 1989*

**295 Amendments to Radiocommunications Act 1989**

(1) This section amends the Radiocommunications Act 1989.

(2) Section 120(3) is amended by—

(a) omitting "District Court Judge, Justice, or Community Magistrate, or any Court Registrar (not being a constable), 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 2012) is satisfied, on application made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012"; and

(b) omitting "that District Court Judge, Justice, Community Magistrate, or Court Registrar" and substituting "that issuing officer".

(3) Section 120 is amended by adding the following subsection:

(4) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(4) Sections 121 to 127 are repealed.

*Amendments to Reserve Bank of New Zealand Act 1989*

**296 Amendments to Reserve Bank of New Zealand Act 1989**

Sections 297 and 298 amend the Reserve Bank of New Zealand Act 1989.

**297 Amendments to Parts 4 and 5 of Reserve Bank of New Zealand Act 1989**

(1) Section 66I is amended by omitting "A Judge of the High Court may issue a warrant to a person appointed under section 66E(2) if the Judge 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 2012) may issue a warrant to a person appointed under section 66E(2) if the issuing officer is satisfied, on application made in the manner provided in subpart 3 of Part 4 of that Act".

(2) Section 66I is amended by adding the following subsection as subsection (2):

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(3) Section 66J is repealed.

(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 2012) who is satisfied, on application made in the manner provided in subpart 3 of Part 4 of that Act".

(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 2012) who is satisfied, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(6) Section 106 is amended by repealing subsection (3) and substituting the following subsection:

(3) Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) applies.

### 298 Further amendments to Reserve Bank of New Zealand Act 1989

(1) Section 157ZM(1) is amended by omitting "A Judge of the High Court or a District Court Judge may issue a search warrant in terms of clause 5 of Schedule 4 to a person appointed under section 157ZJ(2)(b) if the Judge" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant to a person appointed under section 157ZJ(2)(b) if the issuing officer".

(2) Section 157ZM is amended by repealing subsection (2) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(3) Section 157ZN(1)(b) is amended by omitting "; and".

(4) Section 157ZN(1)(c) is repealed.

(5) Section 157ZN(3)(b) is repealed.

(6) Section 157ZN(3)(c) is amended by omitting "or a search warrant issued under section 157ZM".

(7) Schedule 4 is repealed.

*Amendments to Reserves Act 1977*

### 299 Amendments to Reserves Act 1977

(1) This section amends the Reserves Act 1977.

(2) Section 93 is amended by repealing subsection (5) and substituting the following subsection:

(5) In this section, **officer** means—

(a) any ranger or constable; and

(b) any officer or employee of an administering body who is authorised by that body to exercise the powers of an officer under this Part.

(3) Section 95(1) is amended by omitting ", and shall be retained by the administering body, or by the Commissioner if there is no administering body, pending the trial of that person for the offence in respect of which it was seized".

(4) Section 95(2) is amended by—

(a) omitting "then" and substituting "then, despite subpart 6 of Part 4 of the Search and Surveillance Act 2012,"; and

(b) repealing paragraph (c).

(5) Section 95 is amended by repealing subsection (6) and substituting the following subsections:

(6) Any firearm, trap, net, or other like object found illegally in the possession of any person in any reserve, and any tool or instrument or other equipment found in the possession of any person in any reserve and used in committing an offence in the reserve may be seized by any officer (within the meaning of section 93(5)).

(6A) Subject to subsection (2), the provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of the seizure of any thing under this section.

(6) Section 100 is amended by repealing subsection (2) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply in respect of any entry, search, or seizure conducted under this section.

*Amendments to Resource Management Act 1991*

### 300 Amendments to Resource Management Act 1991

(1) This section amends the Resource Management Act 1991.

(2) Section 334(1) is amended by—

(a) omitting "Any District Court Judge or any duly authorised Justice or any Community Magistrate or Registrar 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 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of that Act,"; and

(b) omitting "on one occasion within 14 days of the date of issue of the warrant and at any time which is reasonable in the circumstances".

(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 2012 apply.

(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

(4) The heading to section 335 is amended by omitting "**Content and effect**" and substituting "**Direction and execution**".

(5) Section 335 is amended by repealing subsections (2) to (5).

(6) Sections 336 and 337 and the heading above section 336 are repealed.

*Amendments to Sale of Liquor Act 1989*

### 301 Amendments to Sale of Liquor Act 1989

(1) This section amends the Sale of Liquor Act 1989.

(2) Section 177(1) is amended by—

(a) omitting "any District Court Judge, Justice, or Community Magistrate, or any Registrar (not being a constable), 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 2012) is satisfied, on an application made by a constable in the manner provided in subpart 3 of Part 4 of that Act"; and

(b) omitting "Judge, Justice, Community Magistrate, or Registrar" and substituting "issuing officer".

(3) Section 177 is amended by repealing subsections (2) to (9) and substituting the following subsection:

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

*Amendments to Tax Administration Act 1994*

### 302 Amendments to Tax Administration Act 1994

(1) This section amends the Tax Administration Act 1994.

(2) 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

(3) Section 16(2) is amended by omitting "The occupier of land" and substituting "Despite section 103(3)(b)(ii) of the Search and Surveillance Act 2012, the occupier of land".

(4) Section 16(4) is amended by omitting "A judicial officer who, on written application made on oath" and substituting "An issuing officer who, on application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012".

(5) 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

(6) Section 16 is amended by inserting the following subsection after subsection (6):

(6A) The provisions of subparts 1, 3, 4, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 (except sections 118, 119, and 130(4)) apply.

(7) Section 16(7) is amended by omitting the definition of **judicial officer** and substituting the following definition:

**issuing officer** has the same meaning as in section 3 of the Search and Surveillance Act 2012

(8) Section 16C(2) is amended by—

(a) omitting "A judicial officer" and substituting "An issuing officer"; and

(b) omitting "on written application made on oath, the judicial officer" and substituting "on application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012, the issuing officer".

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

(8) The provisions of subparts 1, 3, 4, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 (except sections 118, 119, and 130(4)) apply.

(9) In this section, **issuing officer** has the same meaning as in section 3 of the Search and Surveillance Act 2012.

(10) Section 20(1) is amended by omitting "Subject to subsections (2) and (3)" and substituting "Despite anything in the Search and Surveillance Act 2012, but subject to subsections (2) and (3)".

(11) Section 20B(1) is amended by omitting "A person" and substituting "Despite anything in the Search and Surveillance Act 2012, a person".

### *Amendments to Trade in Endangered Species Act 1989*

#### 303 Amendments to Trade in Endangered Species Act 1989

(1) This section amends the Trade in Endangered Species Act 1989.

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

(3) Section 37 is amended by adding the following subsection:

(8) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply.

(4) Section 38(2) is amended by—

(a) omitting "District Court Judge or Justice of the Peace or Community Magistrate or Registrar of any Court (not being a member of the Police), who, on application by an officer in writing made on oath" and substituting "issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on application made in the manner provided in subpart 3 of Part 4 of that Act"; and

(b) omitting "; and the provisions of subsections (3) to (8) of section 198 of the Summary Proceedings Act 1957 shall apply accordingly".

(5) Section 38 is amended by adding the following subsection:

(4) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(6) Section 38A is amended by omitting "149C(1) and (2), 149D", and substituting "149C(1) to (3)".

*Amendments to Unsolicited Electronic Messages Act 2007*

### 304 Amendments to Unsolicited Electronic Messages Act 2007

(1) This section amends the Unsolicited Electronic Messages Act 2007.

(2) Section 51(1) is amended by inserting "in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012" after "may apply".

(3) Section 51(2) is repealed.

(4) Section 51(3) is amended by omitting "in writing and on oath to the District Court" and substituting "to an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012)".

(5) Section 51(4) is amended by omitting "District Court" and substituting "issuing officer".

(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 2012 apply.

(6) Despite subsection (5), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

(7) Sections 52 to 56 and 58(j) are repealed.

*Amendments to Waste Minimisation Act 2008*

### 305 Amendments to Waste Minimisation Act 2008

Sections 306 and 307 amend the Waste Minimisation Act 2008.

### 306 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 2012 (except subpart 3 and sections 118 and 119) 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 2012) may, on the application of an enforcement officer made in the manner provided for an application for a search warrant in subpart 3 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 2012 (except sections 118 and 119) apply as if a warrant issued under subsection (2) were a search warrant.

### 307 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 2012)".

(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 3 of Part 4 of the Search and Surveillance Act 2012".

(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 2012 (except sections 118 and 119) 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".

*Amendments to Wild Animal Control Act 1977*

**308 Amendments to Wild Animal Control Act 1977**

(1) This section amends the Wild Animal Control Act 1977.

(2) Section 12(10) is amended by—

(a) omitting ", on production of his warrant of appointment if so required,"; and

(b) omitting from the proviso "under the hand of a District Court Judge" and substituting "in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012 by an issuing officer (within the meaning of section 3 of that Act)".

(3) Section 12(11) is amended by—

(a) omitting "District Court Judge or Justice of the Peace or Community Magistrate who is satisfied on oath that there is probable cause to suspect" and substituting "issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who is satisfied that there are reasonable grounds to believe"; and

(b) omitting "at such time or times of the day as are mentioned in the warrant, but no such warrant shall continue in force for more than 14 days from the date thereof".

(4) Section 12 is amended by adding the following subsection:

(13) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(5) Section 13(1) is amended by omitting ", on production of his warrant of appointment if so required,".

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

(5A) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3, and sections 118 and 119) apply in respect of the powers in subsection (1).

(7) Section 13(6) is amended by—

(a) omitting ", on production of his warrant of appointment if so required,"; and

(b) omitting "under the hand of a District Court Judge or Justice of the Peace or Community Magistrate" and substituting "issued by an issuing

officer (within the meaning of section 3 of the Search and Surveillance Act 2012)".

(8) Section 13(7) is amended by—

(a) omitting "District Court Judge or Justice of the Peace or Community Magistrate who is satisfied on oath that there is probable cause to suspect" and substituting "issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who is satisfied that there are reasonable grounds to believe"; and

(b) omitting "at such time or times of the day as are mentioned in the warrant, but no such warrant shall continue in force for more than 14 days from the date thereof".

(9) Section 13 is amended by adding the following subsection:

(10) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(10) The proviso to section 14(2) is amended by omitting "under the hand of a District Court Judge or Justice of the Peace or Community Magistrate" and substituting "issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012)".

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

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

*Amendments to Wildlife Act 1953*

### 309 Amendments to Wildlife Act 1953

(1) This section amends the Wildlife Act 1953.

(2) The proviso to section 39(1)(f) is amended by—

(a) omitting "Justice or Community Magistrate who is satisfied on oath that there is probable cause to suspect" and substituting "issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who is satisfied on reasonable grounds"; and

(b) omitting "at such time or times in the day or night as are mentioned in the warrant, but no such warrant shall continue in force for more than 14 days from the date thereof".

(3) Section 39 is amended by adding the following subsection:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(4) Section 56A is amended by omitting "149C(1) and (2), 149D", and substituting "149C(1) to (3)".

*Amendments to Wine Act 2003*

### 310 Amendments to Wine Act 2003

(1) This section amends the Wine Act 2003.

(2) Section 62(1) is amended by omitting "at any reasonable time".

(3) Section 62(2) is amended by omitting ", at any time that is reasonable in the circumstances".

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

(3) The provisions of subparts 1, 4, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply in respect of the exercise of any powers under this section.

(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 2012 (except subparts 2, 3, and 8, and sections 118 and 119) apply.

(6) Section 63(3) is amended by omitting "this section" and substituting "any of paragraphs (c) to (f) of subsection (1)".

(7) Section 65(1) is amended by—

(a) omitting "Any District Court Judge, Community Magistrate, Justice of the Peace, or Registrar may issue a search warrant, in the form set out in Schedule 1" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant"; and

(b) omitting "on application in writing made on oath" and substituting "on an application by a constable or a wine officer made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012".

(8) Section 65 is amended by repealing subsection (2) and substituting the following subsection:

(2) Subject to section 66, the provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

(9) Section 66 is amended by repealing subsection (1) and substituting the following subsection:

(1) Without limiting the powers conferred by any search warrant issued under section 65(1), every warrant issued under that section authorises the constable or wine officer who is executing it, and any person called on by that constable or officer to assist, to exercise—

(a) all the powers of a wine officer under sections 63 and 64; or

(b) only such of those powers as are specified in the warrant.

(10) Section 66 is amended by repealing subsections (2) and (4).

(11) Section 67 is amended by repealing subsections (1) to (3).

(12) Section 68 is amended by—

(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, 5, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of any property seized by a constable under a search warrant and, with any necessary modifications, in respect of"; and

(b) repealing paragraphs (a) to (c).

(13) Schedule 1 is repealed.

## Subpart 2—Amendments to search and seizure powers in other enactments (and to related provisions) used for regulatory purposes

*Amendments to Anti-Personnel Mines Prohibition Act 1998*

### 311 Amendments to Anti-Personnel Mines Prohibition Act 1998

(1) This section amends the Anti-Personnel Mines Prohibition Act 1998.

(2) Section 22(1) is amended by omitting "A District Court Judge, Justice, Community Magistrate, or Registrar (not being a member of the police), who, on an application," and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who, on an application made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012,".

(3) Section 22(2) is amended by repealing paragraph (b).

(4) Section 22 is amended by repealing subsection (4) and substituting the following subsection:

(4) The provisions of subparts 1, 3, 4, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

*Amendments to Chemical Weapons (Prohibition) Act 1996*

### 312 Amendments to Chemical Weapons (Prohibition) Act 1996

(1) This section amends the Chemical Weapons (Prohibition) Act 1996.

(2) Section 23(2) is amended by—

(a) omitting "a District Court Judge, duly authorised Justice, a Community Magistrate, or a Registrar (not being a member of the Police)" and substituting "an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012)"; and

(b) omitting ", unconditionally or subject to conditions, a warrant authorising the entry of the place, at any time within 14 days of the issue of the warrant (or within such further time as may be specified in the warrant)" and substituting "a warrant authorising the entry of the place".

(3) Section 23 is amended by adding the following subsection:

(4) Subject to subsection (3), the provisions of subparts 3 and 4 of Part 4 of the Search and Surveillance Act 2012 apply.

(4) Sections 24 and 25 are repealed.

*Amendments to Commerce Act 1986*

**313 Amendments to Commerce Act 1986**

(1) This section amends the Commerce Act 1986.

(2) Section 98A(2) is amended by omitting "A District Court Judge, Justice, or Community Magistrate, or a Court Registrar (not being a constable) who is satisfied on application made on oath" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who is satisfied, on an application made in the manner provided in subpart 3 of Part 4 of that Act".

(3) Section 98A is amended by repealing subsection (3) and substituting the following subsection:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply, with any necessary modifications.

(4) Section 98A(4) is amended by adding "of this Act".

(5) Sections 98B to 98F are repealed.

(6) Section 98G is amended by omitting "to 98F" and substituting "and 98A".

*Amendment to Credit Contracts and Consumer Finance Act 2003*

**314 Amendment to Credit Contracts and Consumer Finance Act 2003**

(1) This section amends the Credit Contracts and Consumer Finance Act 2003.

(2) Section 113(d) is amended by omitting "98A to 98G" and substituting "98A and 98G".

*Amendments to Electricity Act 1992*

**315 Amendments to Electricity Act 1992**

(1) This section amends the Electricity Act 1992.

(2) Section 159(1) is amended by repealing paragraph (e) and substituting the following paragraph:

(e) entry into a dwellinghouse must be authorised by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and

Surveillance Act 2012) on an application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012.

(3) Section 159 is amended by adding the following subsection:

(5) Subparts 1, 3, 5, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an application for, and issue of, a warrant under subsection (1)(e).

### *Amendments to Fair Trading Act 1986*

### 316 Amendments to Fair Trading Act 1986

(1) This section amends the Fair Trading Act 1986.

(2) Section 47(2) is amended by—

(a) omitting "A District Court Judge, Justice, Community Magistrate, or Court Registrar (not being a constable)" and substituting "An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012)"; and

(b) omitting "on oath" and substituting "in the manner provided for an application for a search warrant in subpart 3 of Part 4 of that Act".

(3) Section 47 is amended by repealing subsection (3) and substituting the following subsection:

(3) Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) applies.

(4) Sections 47A to 47E are repealed.

### *Amendments to Forests Act 1949*

### 317 Amendments to Forests Act 1949

(1) This section amends the Forests Act 1949.

(2) Section 67D(1)(e) is amended by substituting "in accordance with section 67S and the provisions of subparts 1, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012" for "under section 67S".

(3) Section 67R is amended by adding the following subsection as subsection (2):

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for subparts 2 and 3, sections 118 and 119, and subparts 5 and 8) apply.

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

(5) Section 71B(1) is amended by omitting "subject to the following conditions" and substituting "subject to Part 4 of the Search and Surveillance Act 2012 and to the following conditions".

(6) Section 71B(1)(b) to (d) and (f) are repealed.

(7) Section 71B(1)(e) is amended by omitting "on oath by an authorised person to a District Court Judge, Justice of the Peace, Community Magistrate, or Registrar or Deputy Registrar of any Court" and substituting "in the manner provided for an application for a search warrant in Part 4 of the Search and Surveillance Act 2012 by an authorised person to an issuing officer".

(8) Section 71B(2) is amended by inserting "and the conditions set out in Part 4 of the Search and Surveillance Act 2012 relating to time of entry, notification of intention to enter, and evidence of identification or authorisation to enter," after "that subsection,".

(9) Section 71B is amended by adding the following subsections:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(4) Despite subsection (3), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

*Amendments to Gas Act 1992*

### 318 Amendments to Gas Act 1992

(1) This section amends the Gas Act 1992.

(2) Section 43W(6) is amended by omitting "by written application on oath" and substituting "by application made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012".

(3) Section 43W(7) 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 2012)".

(4) Section 43W is amended by adding the following subsection:

(8) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

(5) Section 50(1) is amended by repealing paragraph (e) and substituting the following paragraph:

(e) entry into a dwellinghouse must be authorised by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on an application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012.

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

(1A) Subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an application for, and issue of, a warrant under subsection (1)(e).

*Amendments to International Energy Agreement Act 1976*

### 319 Amendments to International Energy Agreement Act 1976

Sections 320 and 321 amend the International Energy Agreement Act 1976.

### 320 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,".

### 321 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 2012.

(2) Subparts 1, 3, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 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.

*Amendments to Weights and Measures Act 1987*

### 322 Amendments to Weights and Measures Act 1987

(1) This section amends the Weights and Measures Act 1987.

(2) Section 28(3) is amended—

(a) by omitting "Any District Court Judge, Justice, or Community Magistrate, or any 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 2012) who, on an application made in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012,"; and

(b) by omitting "in the prescribed form".

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

(7) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply.

## Subpart 3—Other repeals and amendments

### *Amendments to Arms Act 1983*

#### 323 Arms Act 1983 amended

(1) This section amends the Arms Act 1983.

(2) The heading above section 60 and sections 60 to 61 are repealed.

### *Amendments to Corrections Act 2004*

#### 324 Corrections Act 2004 amended

(1) This section amends the Corrections Act 2004.

(2) Section 23(1) is amended by omitting "314A to 314D of the Crimes Act 1961" and substituting "121, 128, 129, and 177 of the Search and Surveillance Act 2012".

(3) Section 23(3) is amended by repealing paragraph (a) and substituting the following paragraph:

(a) section 18 of the Misuse of Drugs Act 1975 (which confers powers of search and seizure):

(4) Section 23(3) is amended by repealing paragraph (d) and substituting the following paragraphs:

(d) section 23 of the Search and Surveillance Act 2012 (which confers powers in relation to internal searches):

(e) sections 48 and 49 of the Search and Surveillance Act 2012 (which confer powers in relation to surveillance devices).

(5) Section 103(2) is amended by—

(a) omitting "or section 18A"; and

(b) adding "or section 23 of the Search and Surveillance Act 2012".

### *Amendments to Crimes Act 1961*

#### 325 Crimes Act 1961 amended

(1) This section amends the Crimes Act 1961.

(2) Section 1(3) is amended by omitting "Part 11A—Obtaining evidence by listening devices (sections 312A to 312Q)".

(3) Section 2(1) is amended by inserting the following definition in its appropriate alphabetical order:

**serious violent offence** means any offence—

(a) that is punishable by a period of imprisonment for a term of 7 years or more; and

(b) where the conduct constituting the offence involves—

(i) loss of a person's life or serious risk of loss of a person's life; or

(ii) serious injury to a person or serious risk of serious injury to a person; or

(iii) serious damage to property in circumstances endangering the physical safety of any person; or

(iv) perverting the course of justice, where the purpose of the conduct is to prevent, seriously hinder, or seriously obstruct the detection, investigation, or prosecution of any offence—

(A) that is punishable by a period of imprisonment for a term of 7 years or more; and

(B) that involved, involves, or would involve conduct of the kind referred to in any of subparagraphs (i) to (iii)

(4) Section 78D is repealed.

(5) Section 98A(2) is amended by omitting "(within the meaning of section 312A(1))" in each place where it appears.

(6) Sections 202B, 224, 225, the heading above section 314A, sections 314A to 314D, and sections 317 to 317B are repealed.

(7) 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.

(8) Section 216F(2) is amended by omitting "subsection (1)(b)(i)" and substituting "subsection (1)".

(9) Part 11A is repealed.

(10) Section 216B(2)(b) is amended by repealing subparagraph (i) and substituting the following subparagraph:

(i) the Search and Surveillance Act 2012; or

(11) Section 216B(2)(b) is amended by repealing subparagraph (iv).

(12) Section 216B(3) is repealed.

(13) Section 216B(7) is amended by omitting "an interception warrant" and substituting "a surveillance device warrant issued under the Search and Surveillance Act 2012".

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

### 326 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*

### 327 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.

*Amendment to District Courts Act 1947*

### 328 District Courts Act 1947 amended

Section 329 amends the District Courts Act 1947.

### 329 New section 17A substituted

Section 17A is repealed and the following section substituted:

### 17A Sections 121, 128, and 129 of Search and Surveillance Act 2012 inapplicable to bailiffs

Sections 121, 128, and 129 of the Search and Surveillance Act 2012 (which relate to a general power to stop vehicles) do not apply to any bailiff.

*Amendment to Health Act 1956*

### 330 Health Act 1956 amended

(1) This section amends the Health Act 1956.

(2) Section 71A is amended by repealing subsection (5) and substituting the following subsection:

(5) Sections 128, 129, and 177 of the Search and Surveillance Act 2012, with any necessary modifications, apply to the powers conferred by subsection (2)(c).

*Amendments to Misuse of Drugs Act 1975*

### 331 Misuse of Drugs Act 1975 amended

Sections 332 and 333 amend the Misuse of Drugs Act 1975.

### 332 New section 18 substituted

Sections 18 and 18A are repealed and the following section is substituted:

### 18 Seizing and destroying prohibited plants and seeds

(1) The following persons may take any or all of the actions described in subsection (2):

- (a) a constable:
- (b) a Customs officer:
- (c) an officer of the Ministry of Health:
- (d) a Medical Officer of Health:
- (e) an assistant thought to be necessary by any of the persons in paragraphs (a) to (d).

(2) The actions are to seize and destroy any of the following:

- (a) a prohibited plant that is not being cultivated in accordance with—
  - (i) the conditions of a licence granted under this Act; or
  - (ii) regulations made under this Act:
- (b) the seed of a prohibited plant that is not in the possession of a person—
  - (i) authorised under this Act to cultivate the plant; or

(ii) permitted by regulations made under this Act to have the seed in his or her possession.

### 333 Application of Customs and Excise Act 1996

Section 36(1) is amended by omitting "149C(1) and (2), 149D, 151, 152, 161, 165 to 172" and substituting "149C(1) to (3), 151, 152, 161, 166A to 167".

*Amendments to Misuse of Drugs Amendment Act 1978*

### 334 Misuse of Drugs Amendment Act 1978 amended

(1) This section amends the Misuse of Drugs Amendment Act 1978.

(2) Section 12(1)(b) is amended by omitting "package or goods" and substituting "package, goods, or mail".

(3) 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

(4) Section 12(1)(c) is amended by omitting "goods or mail" and substituting "package, goods, or mail".

(5) 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".

(6) Sections 12A to 12C are repealed.

(7) Sections 14 to 29 are repealed.

*Amendment to Mutual Assistance in Criminal Matters Act 1992*

### 335 Mutual Assistance in Criminal Matters Act 1992 amended

(1) This section amends the Mutual Assistance in Criminal Matters Act 1992.

(2) 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 2012) for a search warrant in accordance with section 44 of this Act".

(3) 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 3 of Part 4 of the Search and Surveillance Act 2012".

(4) Section 44 is amended by adding the following subsection:

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 6) apply.

(5) Sections 45 to 48 are repealed.

(6) Section 46A is amended by omitting "314B to 314D of the Crimes Act 1961 apply with any necessary modifications as if references in those sections to a statutory search power are" and substituting "121, 128, 129, and 177 of the Search and Surveillance Act 2012 apply with any necessary modifications as if references in those sections to a power to stop or search a vehicle conferred under that Act were".

### *Amendments to Policing Act 2008*

### 336 Policing Act 2008 amended

(1) This section amends the Policing Act 2008.

(2) Sections 37 to 39 are repealed.

(3) Clause 1(a) of Schedule 1 is amended by omitting "36, and 37" and substituting "and 36".

(4) Clause 1 of Schedule 1 is amended by inserting the following paragraph after paragraph (a):

(ab) the powers of a constable under section 11 of the Search and Surveillance Act 2012:

(5) Clause 4(e) of Schedule 1 is amended by omitting "32, 33, and 37" and substituting "32 and 33".

(6) Clause 4 of Schedule 1 is amended by inserting the following paragraph after paragraph (e):

(ea) the powers of a constable under section 11 of the Search and Surveillance Act 2012:

(7) Clause 5 of Schedule 1 is amended by omitting "314B of the Crimes Act 1961" and substituting "121 of the Search and Surveillance Act 2012".

### *Amendments to Summary Proceedings Act 1957*

### 337 Summary Proceedings Act 1957 amended

(1) This section amends the Summary Proceedings Act 1957.

(2) Section 3(1)(h) is repealed.

(3) The heading above section 198 and sections 198 to 200 are repealed.

(4) The heading above section 200A and sections 200A to 200P are repealed.

(5) Part 2 of Schedule 1 is amended by inserting the following item after the item relating to the Sales Tax Act 1974:

| | | |
|---|---|---|
| Search and Surveillance Act 2012 | 173 | Failing to comply with examination order |
| | 174 | Failing to comply with production order |

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

**338 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.

*Amendment to Telecommunications Act 2001*

**339 Telecommunications Act 2001 amended**

(1) This section amends the Telecommunications Act 2001.

(2) Section 15(g) is amended by omitting "to 98G" and substituting "and 98G".

*Amendment to Telecommunications (Interception Capability) Act 2004*

**340 Telecommunications (Interception Capability) Act 2004 amended**

(1) This section amends the Telecommunications (Interception Capability) Act 2004.

(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 53 of the Search and Surveillance Act 2012:
>
> (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

*Repeal of Telecommunications (Residual Provisions) Act 1987*

**341 Telecommunications (Residual Provisions) Act 1987 repealed**

The Telecommunications (Residual Provisions) Act 1987 (1987 No 116) is repealed.

## Subpart 4—Regulation-making powers, transitional provisions, and review provision

**342 Regulations**

(1) The Governor-General may, by Order in Council, make regulations for any or all of the following purposes:

(a) prescribing the form of an examination order, a surveillance device warrant, declaratory order, production order, preservation direction, search

warrant, warrant authorising entry to a dwellinghouse or marae, or similar kinds of warrants:

(b) prescribing procedures to be followed for the purposes of making and resolving claims of privilege under subpart 5 of Part 4:

(c) authorising the chief executive of a law enforcement agency to omit from any annual report information about search or surveillance generally, or of a particular kind, or in a particular area, or in an area of a particular kind:

(d) providing for any other matters contemplated by the Act, necessary for its administration, or necessary for giving it full effect.

(2) Regulations made under subsection (1)(a) may do any or all of the following:

(a) prescribe different forms of warrant, direction, or order for use under different enactments:

(b) prescribe any form of warrant, direction, or order by listing the minimum information requirements to be included:

(c) authorise the chief executive of a law enforcement agency or any other specified person or class of person to authorise variations in the language, provisions, or format of any form of warrant, direction, or order in the warrant or order:

(d) authorise the chief executive of a law enforcement agency or any other specified class of person to include additional information in a prescribed form of warrant, direction, or order.

(2A) The Governor-General may, by Order in Council, make regulations prescribing, for the purposes of the definition of cash seizure threshold amount in section 123A(1), an amount of New Zealand dollars that is more or less than $10,000.

(2B) In this section, **preservation direction** means a preservation direction made under subpart 2A of Part 3 or Part 3A.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 342(1)(a): amended, on 1 October 2025, by section 23(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(1)(c): amended, on 1 October 2025, by section 23(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(2)(a): amended, on 1 October 2025, by section 23(3) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(2)(b): amended, on 1 October 2025, by section 23(3) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(2)(c): amended, on 1 October 2025, by section 23(3) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(2)(c): amended, on 1 October 2025, by section 23(4) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(2)(d): amended, on 1 October 2025, by section 23(3) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(2)(d): amended, on 1 October 2025, by section 23(4) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(2A): inserted, on 5 April 2023, by section 36 of the Criminal Activity Intervention Legislation Act 2023 (2023 No 7).

Section 342(2B): inserted, on 1 October 2025, by section 23(5) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Section 342(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## *Transitional provisions relating to this Act as enacted*

Heading: replaced, on 31 July 2025, by section 24 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 343 Transitional provision in relation to reporting requirements

(1) For the purposes of section 170, 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.

(2) For the purposes of section 171, 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.

### 344 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 49(3)(a) and ending 3 months later, section 49(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".

### 345 Disclosure of prior warrants in applications for search warrants

In the period commencing on the date of commencement of section 98(3)(a) and ending 3 months later, section 98(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".

### 346 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.

### 347 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.

### 348 Transitional provision in relation to sections 198 to 200 of Summary Proceedings Act 1957

*[Expired]*

Section 348: expired, on 1 July 2014, by section 348(3).

### 349 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.

### 350 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.

### 351 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 respects 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.

### 352 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 79, sections 81(2)(a) to (d), 98(2), 99 to 101, 105, and 107, and columns 1 and 2 of the Schedule.

### 353 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 148, 162, 165, 166, 167, 168, 169, 170, 171, 172, 175, 179, and 180.

### 354 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 24(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 48(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 107(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 173(2) and 174(2) must be read as if the offences prescribed in those sections were triable on indictment; and

(h) sections 175, 176, 177, 178, and 179(3) must be read as if the offences prescribed in those sections were punishable on summary conviction.

### 355 References to enforcement officer during transitional period

(1) If the New Zealand Customs Service is approved, under an Order in Council made under section 50(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 220 to 229 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 50(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 241 to 244 are in force, taken to include an inspector within the meaning of section 2 of the Films, Videos, and Publications Classification Act 1993.

### 356 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.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

| **Legislation Act 2019 requirements for secondary legislation made under this section** | | |
|---|---|---|
| **Publication** | PCO must publish it on the legislation website and notify it in the *Gazette* | LA19 s 69(1)(c) |
| **Presentation** | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| **Disallowance** | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

*This note is not part of the Act.*

Section 356(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

*Review provision*

### 357 Review of operation of Act

(1) The Minister of Justice must, not later than 30 June 2016, refer to the Law Commission and the Ministry of Justice for consideration the following matters:

(a) the operation of the provisions of this Act since the date of the commencement of this section:

(b) whether those provisions should be retained or repealed:

(c) if they should be retained, whether any amendments to this Act are necessary or desirable.

(2) The Law Commission and the Ministry must report jointly on those matters to the Minister of Justice within 1 year of the date on which the reference occurs.

(3) The Minister of Justice must present a copy of the report provided under this section to the House of Representatives as soon as practicable after receiving it.

# Schedule 1
# Transitional, savings, and related provisions

s 3A

Schedule 1: inserted, on 31 July 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

## Part 1
## Provisions relating to Budapest Convention and Related Matters Legislation Amendment Act 2025

Schedule 1 Part 1: inserted, on 31 July 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 1 Interpretation

(1) In this Part, **amendment Act** means the Budapest Convention and Related Matters Legislation Amendment Act 2025.

(2) In this Part, a reference to a new provision is a reference to the provision as inserted or replaced by the amendment Act.

Schedule 1 clause 1: inserted, on 31 July 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 2 Particulars in surveillance device warrants relating to traffic data

New section 55(3)(g) extends to any surveillance device warrant that is issued after that provision commences on an application that is made under section 49 before that commencement.

Schedule 1 clause 2: inserted, on 1 October 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 3 Record of information obtained, made, or generated by person when assisting in executing surveillance device warrant

(1) New section 64A extends to a person who, before that section commences, obtains, makes, or generates any record of information as a consequence of assisting an enforcement officer to whom a surveillance device warrant is directed.

(2) However, that section extends to the person only if the warrant expires on or after the date on which that section commences.

Schedule 1 clause 3: inserted, on 31 July 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 4 Content of production order and related matters

(1) Section 75, as amended by the amendment Act, extends to a production order that is made after the amendments to that section commence but on an application that—

(a) is made under section 71 before that commencement; and

(b) is not finally determined before that commencement.

(2) For that purpose,—

(a) in section 75, as amended by the amendment Act, a reference to a document is a reference to a document within the meaning of new section 70; and

(b) new section 75A applies in relation to a production order referred to in subclause (1).

Schedule 1 clause 4: inserted, on 1 October 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 5 Retention and copying of documents produced under production order

Sections 78 and 79, as amended by the amendment Act, extend to a document that is produced in compliance with a production order that is made before the amendments to those sections commence.

Schedule 1 clause 5: inserted, on 1 October 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 6 Condition for making preservation direction under subpart 2A of Part 3

A reference in new section 79E to an offence that it is suspected has been committed includes a reference to an offence that it is suspected has been committed before that section commences.

Schedule 1 clause 6: inserted, on 1 October 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 7 Preservation direction requested by foreign enforcement agency

(1) A reference in new section 88B to a serious offence that it is suspected has been committed includes a reference to a serious offence that it is suspected has been committed before that section commences.

(2) A reference in new section 88B to an alleged serious offence includes a reference to a serious offence that it is alleged has been committed before that section commences.

(3) In this clause, **serious offence** has the same meaning as it has in new section 88A.

Schedule 1 clause 7: inserted, on 1 October 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

### 8 Offence of disclosing that surveillance device warrant has been issued

(1) New sections 179A and 179B apply in relation to a person who has been called on to assist an enforcement officer to carry out any activities authorised by a surveillance device warrant that is issued before those sections commence.

(2) However, new sections 179A and 179B apply in relation to the person only if the person is first called on to provide that assistance after those sections commence.

Schedule 1 clause 8: inserted, on 1 October 2025, by section 25 of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

# Schedule 2
# Powers in other enactments to which all or part of Part 4 of Search and Surveillance Act 2012 applies

s 89

Schedule 2 schedule number: replaced, on 31 July 2025, by section 26(1) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

| 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 2, 3, and 8 and sections 118 and 119) |
| | 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 118 and 119 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, 5, 6, 7, and 10 |
| 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, 4, 7, 9, and 10 (except sections 118 and 119) |
| | 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 2, 3, and 8 and sections 118 and 119) |
| | 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 118 and 119 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, 5, 6, 7, 9, and 10 |
| 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 | All (except that sections 118 and 119 apply to constables only) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | prevent or investigate suffering of animal | |
| | 136(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 | Subparts 1, 5, 6, 7, 9, and 10 |
| Antarctic Marine Living Resources Act 1981 | 9(1) | High seas fishery inspector may stop, enter, inspect, and examine vehicle, vessel, aircraft, or hovercraft for evidence of offence against Antarctic Marine Living Resources Act 1981 | All (except subparts 3 and 8) |
| 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 2 and 3) |
| 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, 3, and 9 |
| | 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 3 and sections 118 and 119) |
| 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, 3, 4, 7, 9, and 10 |
| 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 | All (except subpart 3) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | been, is being, or is likely to be committed | |
| Banking (Prudential Supervision) 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 Banking (Prudential Supervision) Act 1989 | All (except sections 118 and 119) |
| | 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 Banking (Prudential Supervision) Act 1989 | All (except sections 118 and 119) |
| | 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 Banking (Prudential Supervision) Act 1989 | All (except sections 118 and 119) |
| 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, 3, 7, 9, and 10 |
| | 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 118 and 119) |
| | 118(1) | Person exercising power of search conferred by section | Subparts 1, 5, 6, 7, 9, and 10 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | 111 of Biosecurity Act 1993 may seize things | |
| 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, 3, 4, 7, 9, and 10 |
| Building Act 2004 | 133BQ | Responsible person may obtain and execute a warrant to enter a building to inspect the building and prepare a post-event assessment of risks posed by the building | Subpart 3 |
| | 207BC | Chief executive may obtain and execute a warrant to enter a household unit or marae and exercise powers of inspection | Subpart 3 |
| | 207I | Chief executive may obtain and execute a warrant to enter a household unit and exercise powers of investigation when investigating a building failure | Subpart 3 |
| | 207J | Chief executive may take samples or other evidence from the investigation site when investigating a building failure | Sections 152, 154, 155, and 159 |
| Chemical Weapons (Prohibition) Act 1996 | 23 | Constable or appointed person may apply for search warrant | Subparts 3 and 4 |
| Civil Aviation Act 2023 | 285 | Inspector may obtain and execute search warrant to enter home or marae to exercise powers in section 284 | Subpart 3 |
| | 287 | Inspector who has entered aviation place or former aviation place under section 284 or 285 may take or remove sample of any material, substance, or thing for analysis, or seize and retain any material, substance, or thing for specified purposes | Sections 154, 155, and 159 |
| | 288 | Specified person may obtain and execute search warrant in relation to place, vehicle, or thing to search for evidence of contravention of civil aviation legislation | All (except that sections 118 and 119 apply to constables only) |
| | 313 | Director or specified person may obtain and execute search warrant in relation to place, vehicle, or thing if grounds to believe operation or use | Subpart 3 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | of aerodrome, aircraft, or aeronautical product or class of aircraft or aeronautical products may endanger people or property | |
| | 315 | Obligations of Director if action taken under section 313 or 314 | All (except subparts 2 and 3) |
| | 317 | Constable or response officer may obtain and execute search warrant to enter home or marae to exercise powers in section 316 | Subpart 3 |
| | 320 | Provisions relating to seizure or detention of aircraft under section 316 | All (except subparts 2 and 3) |
| 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 118 and 119) |
| 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 118 and 119 apply to constables only) |
| 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 subpart 3) |
| Construction Contracts Act 2002 | 18P | Power to enter premises to investigate offences | All (except sections 118 and 119) |
| Coroners Act 2006 | 122 | Members of the Police may search specified place, craft, or vehicle if warrant issued | Section 110 |
| 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 subpart 6) |
| | 71 | Court may declare nature, extent, and value of person's interest in property specified in instrument forfeiture order, and give directions | All (except subpart 6) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | 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 3 |
| | 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 3 |
| | 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 the Criminal Proceeds (Recovery) Act 2009 or to any proceedings under that Act. | Sections 99 and 100 |
| | 106(1) | The Commissioner of Police may apply to a Judge for an examination order. | Sections 99 and 100 |
| | 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 3 |
| | 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 3 |
| | 114 | Application and issue of search warrants | All (except subpart 6) |
| | 127 | Applications for warrants under sections 124 to 126 | All (except subpart 6) |
| | 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 6) |
| Crown Minerals Act 1991 | 99B | Enforcement officer authorised by Minister may inspect place or structure (other than dwell- | All (except sections 118 and 119) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | inghouse or marae) to determine whether permit, Crown Minerals Act 1991, or regulations made under that Act being complied with. | |
| | 99C | Constable or enforcement officer authorised by Minister may obtain and execute search warrant to enter and search place, structure, vehicle, or ship for evidence of offence against Crown Minerals Act 1991 or regulations made under that Act. | All (except sections 118 and 119 in the case of an enforcement officer) |
| Customs and Excise Act 2018 | 191(1)(f) | Customs officer may board and search craft if officer has reasonable cause to suspect craft is involved in offence against Customs and Excise Act 2018 or is transporting dutiable, uncustomed, prohibited, or forfeited goods | Subparts 1, 2, and 4 to 10 (except that sections 125(4), 131(5)(f), and 133 and subparts 6 and 8 do not apply to forfeited goods) |
| | 210(3)(a) | Customs officer or constable may search person if officer or constable has reasonable cause to suspect that certain items are hidden on or about that person | Subparts 1, 2, and 4 to 10 (except that sections 125(4), 131(5)(f), and 133 and subparts 6 and 8 do not apply to forfeited goods) |
| | 210(3)(b) | Customs officer or constable may search person if officer or constable has reasonable cause to suspect that dangerous items posing threat to safety are on or about that person | Subparts 1, 2, and 4 to 10 (except that sections 125(4), 131(5)(f), and 133 and subparts 6 and 8 do not apply to forfeited goods) |
| | 211 | Customs officer or constable may search person if officer or constable has reasonable cause to believe that certain items are hidden on or about that person | Subparts 1, 2, and 4 to 10 (except that sections 125(4), 131(5)(f), and 133 and subparts 6 and 8 do not apply to forfeited goods) |
| | 214 | Customs officer or constable may seize certain things found during search under section 210 or 211 of Customs and Excise Act 2018 | Subparts 1, 5, 6, 7, 9, and 10 (except that sections 125(4), 131(5)(f), and 133 and subpart 6 do not apply to forfeited goods) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | 225 | Customs officer may obtain and execute search warrant to enter any place or thing to search for evidence of commission of offence against Customs and Excise Act 2018 or of the unlawful exportation or importation of goods, etc | All (except that sections 125(4), 131(5)(f), and 133 and subparts 6 and 8 do not apply to forfeited goods) |
| | 228(2)(b), (d), and (e) | Customs officer may make a full search of data in an electronic device if officer has reasonable cause to believe that evidential material relating to relevant offending is in the device, etc | Subpart 5 (in the case of a section 228(2)(b) search) and subpart 6 |
| | 228(2)(c) and (d) | Customs officer may require a user of an electronic device or a stored value instrument to provide access information and other information or assistance that is reasonable and necessary to allow access to the device or instrument | Section 130(2) and (3) |
| | 231 | Customs officer may stop and detain vehicle to search it for various kinds of goods, etc | Subparts 1 and 4 to 10 (except that sections 125(4), 131(5)(f), and 133 and subparts 6 and 8 do not apply to forfeited goods) |
| | 237 | Customs officer may inspect goods no longer subject to the control of Customs if chief executive has reasonable grounds to suspect that the goods are goods in respect of which an offence has been committed, or that are forfeited goods, under Customs and Excise Act 2018 | Subparts 1, 2, and 4 to 10 (except that sections 125(4), 131(5)(f), and 133 and subparts 6 and 8 do not apply to forfeited goods) |
| | 242 | Customs officer may seize and detain goods or documents that he or she has cause to suspect on reasonable grounds are certain risk goods or evidence of commission of certain offences, if those goods or documents are presented or located in the course of exercising powers of inspection, search, or examination under Customs and Excise Act 2018 | All (except subparts 2 and 3) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | 243 | Customs officer may seize and detain goods or documents that he or she has cause to suspect on reasonable grounds are evidence of certain offences under Misuse of Drugs Act 1975 or Films, Videos, and Publications Classification Act 1993, if those goods or documents are presented or located in the course of exercising powers of inspection, search, or examination under Customs and Excise Act 2018 | Subparts 1, 5, 6, 7, 9, and 10 (except that sections 125(4), 131(5)(f), and 133 and subpart 6 do not apply to forfeited goods) |
| | clause 9(2) to (5) of Schedule 5A | Customs officer may exercise search powers in dealing with drugs smuggling outside New Zealand, etc | Subparts 1, 2, and 4 to 10 (except that sections 125(4), 131(5)(f), and 133 and subparts 6 and 8 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 118 and 119 apply to constables only) |
| Data and Statistics Act 2022 | section 57 | Statistician or authorised employee may enter and inspect any place of business (other than private dwelling or marae) or require records to be produced for the purpose of obtaining any data that the Statistician considers necessary or desirable to enable the Statistician to produce official statistics | Subparts 1, 2, 4, 5, 7, and 10 (except for sections 118 and 119) |
| | section 58 | Statistician or authorised employee may obtain a search warrant in relation to a place of business or enterprise if satisfied that there are reasonable grounds for believing that it is necessary or desirable for the purpose of enabling the Statistician to produce official statistics | Subpart 3 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| 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 dwellinghouse) | Subparts 1, 2, 4, and 7 to 10 (except that sections 118 and 119 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, 3, 7, 9, and 10 |
| | 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, 3, 7, 9, and 10 |
| 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, 4, 5, 7, 9, and 10 |
| | 15 | Enforcement officer may seize property | Subparts 1, 5, 6, 7, 9, and 10 |
| 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, 3, 5, 7, 9, and 10 |
| 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 118 and 119) |
| Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 | 141(1) and (2) | Enforcement officer may enter and inspect a place, vehicle, vessel, or structure to determine whether Act, regulations, marine consent, abatement notice, or enforcement order are being complied with | All (except subparts 2 and 8 and sections 118 and 119) |
| Extradition Act 1999 | 83(2) | Issuing officer may issue search warrant to constable to | All (except subpart 6) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | search for evidence of extradition offence | |
| Fair Trading Act 1986 | 33C | Product safety officers may obtain and execute search warrant for purposes associated with unsafe goods | All (except sections 118 and 119) |
| | 47(2) | Authorised employee may obtain and execute search warrant to investigate breaches of Fair Trading Act 1986 | All (except sections 118 and 119) |
| | 47L | Authorised employee may obtain and execute search warrant to monitor and enforce compliance with certain standards and notices | All (except sections 118 and 119) |
| 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 118 and 119) |
| | 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 118 and 119) |
| Financial Market Infrastructures Act 2021 | 63(3) and 64 | Investigator of designated FMI may exercise search powers | All |
| 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 118 and 119) |
| 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 |
| Fire and Emergency New Zealand Act 2017 | 170(1) | FENZ inspector may enter and inspect land and buildings for the purposes specified in section 170(2) of the Fire and Emergency New Zealand Act 2017 | All (except subpart 3 and sections 118 and 119) |
| | 171(1) | FENZ inspector may enter homes and marae with the | All (except sections 118 and 119) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | consent of an occupier or pursuant to a warrant | |
| | 172(2) | FENZ inspector who has entered land or a building may seize, destroy, suppress, or take a sample of a material, substance, structure, or thing that the inspector reasonably believes is likely to imminently cause an emergency | All (except subpart 3 and sections 118 and 119) |
| | 173(1) | FENZ inspector who has entered land or a building may, if the inspector believes on reasonable grounds that it is necessary, take or remove a sample of any material, substance, or thing for analysis, or seize and retain any material, substance, or thing for the purpose of assessing compliance with the requirements under fire safety legislation | All (except subpart 3 and sections 118 and 119) |
| | 174(1) | FENZ may authorise a specified person to enter and search any land, building, vehicle, or other thing, with consent or pursuant to a warrant, if FENZ is satisfied that there are reasonable grounds to believe an offence has been committed under fire safety legislation and that the search will find evidential material | All (except sections 118 and 119) |
| Fisheries Act 1996 | 113UB | High seas fishery inspector may inspect vessel that is detained at a port under section 113UA(2) of Fisheries Act 1996 | All (except subparts 2 and 3 and sections 118 to 120, 173, and 174) |
| | 113UC | High seas fishery inspector may enter living quarters or conduct remote access search under power conferred by section 113UB of Fisheries Act 1996 if authorised to do so by issuing officer | Subparts 1, 3, 7, 9, and 10 |
| | 113UD | High seas fishery inspector may question and require documents from master and crew members of vessel detained at a port under section | Subpart 5 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | 113UA(2) of 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 2, 3, and 8 and section 119) |
| | 199A | Fishery officer may enter, examine, and search any thing that relates to suspected offence against Fisheries Act 1996 | All (except subparts 3 and 8) |
| | 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, 3, 7, 9, and 10 |
| | 207(1) | Property seized by fishery officer in relation to suspected offence against Fisheries Act 1996 may be held | Subparts 1, 5, 6, 7, 9, and 10 |
| Food Act 2014 | 282 | Chief executive may give directions to complete and supply declaration | Subpart 5 of Part 4 |
| | 283 | Chief executive may give directions to impose movement or related controls | Subpart 5 of Part 4 |
| | 292 | Chief executive may require production of information | Subpart 5 of Part 4 |
| | 293 | Chief executive may require production of information | Subpart 5 of Part 4 |
| | 294 | Verifiers' rights of access and certain other powers | Subpart 5 of Part 4 |
| | 295 | Recognised person may exercise right of access to places, information, documents, etc | Subpart 5 of Part 4 |
| | 299 | Use of equipment by food safety officers to facilitate entry and search | Section 110(e) |
| | 300 | Food safety officer may copy documents, etc | Subpart 5 of Part 4 |
| | 306 | Food safety officer may seize, condemn, and require disposal | Part 4 (other than subparts 2, 3, 6, and 8 and sections 118, 119, 125(4), 131(5)(f), and 133) |
| | 308 | Food safety officer may ask about documents, etc | Subpart 5 of Part 4 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | 309 | Food safety officer must identify himself or herself | Section 131 |
| | 311 | Food safety officer may enter places without search warrant | Part 4 (other than subparts 2, 3, 6, and 8 and sections 118 and 119) |
| | 322 | Constable or food safety officer may apply for warrant | Sections 98 to 100 |
| | 323 | Issuing officer's power to issue search warrant | Sections 102 to 104 and 107, and subpart 5 of Part 4 |
| | 325 | How search warrant can be transmitted | Section 105 |
| | 326 | Search powers under warrant | Section 110 |
| | 327 | How search powers to be carried out | Sections 106, 111 to 114, 115(1)(b) and (3), 116 to 130, 131(1) to (5), 132, 133, 134, and 135 |
| | 328 | How seized property may be disposed of | Part 4 (other than subparts 2, 3, 4, and 8) |
| | 329 | Documents relating to search warrant must be retained | Section 101 |
| 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 2012 | Subparts 1, 6, 7, 9, and 10 |
| | 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 2, 3, 5, and 8 and sections 118 and 119) |
| | 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 2012) | All (except that sections 118 and 119 apply to constables only) |
| 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 | All (except subpart 3) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | of offence against sections 351 to 353 of Gambling Act 2003 | |
| | 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 subpart 3) |
| | 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 118 and 119 apply 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, 3, 7, 9, and 10 |
| | 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, 3, 7, 9, and 10 |
| Geographical Indications Registration Act 2006 | 85 | GI officer may require information about relevant goods | Subpart 5 |
| | 87 | Other powers of GI officer | Subpart 5 |
| | 89 | What GI officer and person assisting may do when exercising power of entry and inspection | Sections 131 to 135 and subparts 5 and 6 |
| | 90 | Application for search warrant | Sections 98, 99, and 100 |
| | 91 | Issue of search warrant | Sections 102 to 105 and 107 and subpart 5 |
| | 92 | Powers under search warrant | Section 110 |
| | 93 | Carrying out search powers | Sections 106, 111 to 114, 115(1)(b) and (3), 116 to 117, 120 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | | to 130, 131(1) to (6), and 132 to 135 |
| | 94 | Disposal of property seized under search warrant | Subparts 1, 5, 6, 7, 9, and 10 |
| | 95 | Retention of documents | Section 101 |
| Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 | 46(2) | Ranger may, for the purposes of monitoring compliance with the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 and any requirements imposed by that Act, require a person to stop, or to stop any vehicle, vessel, or conveyance in that person's control, to answer any questions reasonably necessary to establish whether the person is complying with that Act, and to produce certain documents | All (except subpart 3) |
| | 47(2) and (3) | Ranger may stop, enter, and search any vehicle, vessel, aircraft, or structure, or open and search any parcel, package, container, or luggage, in the control of a person, and may exercise certain powers of seizure, if the ranger reasonably believes that the person has committed an offence against the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 | All (except subpart 3) |
| | 48(2) and (4) | Ranger may exercise certain seizure powers in relation to fish, aquatic life, seaweed, or natural material if the ranger sights or finds any fish, aquatic life, seaweed, or natural material that the ranger believes on reasonable grounds was removed from a protected area in contravention of the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 | All (except subpart 3) |
| 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 118 and 119 apply to constables only) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| Health and Safety at Work Act 2015 | 169(2) | Inspector may obtain and execute search warrant to enter a home (or part of a home) and exercise section 168 powers if satisfied that there are reasonable grounds for believing that the home is a workplace or has a workplace within it, or that the home is the only practicable means through which the inspector may enter the workplace | Subpart 3 |
| | 172(1) | Inspector who has entered a workplace or a former workplace under section 168 or 169 may take or remove sample of any material, substance, or thing for analysis, or seize and retain any material, substance, or thing for specified purposes | Sections 154, 155, and 159 |
| | 173(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 relevant health and safety legislation | All (except sections 118 and 119) |
| | 183(1) and (4) | Health and safety medical practitioner may obtain and execute search warrant to enter a home (or part of a home) and exercise powers of examination, inspection, and related powers if satisfied that there are reasonable grounds for believing that the home is a workplace or has a workplace within it, or that the home is the only practicable means through which the health and safety medical practitioner may enter the workplace | Subpart 3 |
| 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 118 and 119) |
| 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 assis- | All (except subpart 3 and sections 118 and 119) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | ted 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) | |
| | 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 118 and 119) |
| | 72 | Property seized may be forfeited to Crown on conviction | Subpart 6 |
| 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 | All (except subpart 3 and sections 118 and 119) |
| | 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 118 and 119) |
| | 72 | Property seized may be forfeited to Crown on conviction | Subpart 6 |
| Immigration Act 2009 | 285A | Immigration officer may perform search of person coming into New Zealand from another country | Sections 123 to 126 and subpart 7 |
| | 293A | Immigration officer may apply for and execute search warrant | All (except that sections 118 and 119 apply only if warrant is executed by constable) |
| | 293B | Immigration officer may apply for and execute warrant to enter a dwelling or marae and search for a person | Section 98 |
| Immigration Advisers Licensing Act 2007 | 57(1)(e) | Person authorised by Registrar who enters premises for pur- | Subparts 1, 5, 6, 7, 9, and 10 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | poses of administering licensing regime may retain certain documents if there are grounds for believing they are evidence of commission of offence | |
| | 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, 3, and 9 |
| | 61A | Registrar may apply for a search warrant in relation to an offence under the Act | Section 6 |
| 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 118 and 119) |
| | 230, 231 | Protection from liability for acts done in good faith | Subpart 7 |
| 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 5, 7, 9, and 10 and also sections 161 and 162 |
| | 107(2) | Report on execution of search warrant together with copy of any notice given under section 133 of Search and Surveillance Act 2012 must be given to Attorney-General | Section 133 |
| | 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 155 of Search and Surveillance Act 2012) | Section 155 |
| | 108(5) | Attorney-General may refuse to return thing seized in certain circumstances (subject to section 154 of Search and Surveillance Act 2012) | Section 154 |

| Column 1<br><br>Act | Column 2<br><br>Section | Column 3<br><br>Brief description of power | Column 4<br>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 2012 or subpart 6 of Part 4 of that Act) | Section 6 and subparts 1, 3, 6, 7, 9, and 10 |
| 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 5 and 7 to 10 and also sections 161 and 162 |
| | 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 5 and 7 to 10 and also sections 161 and 162 |
| | 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 154 and 155 of Search and Surveillance Act 2012) | Sections 154 and 155 |
| Land Transport Act 1998 | 79V | Constable may obtain and execute a search warrant to search for evidence of offence against section 79T or 79U of Land Transport Act 1998 | All (except that sections 118 and 119 apply to constables only) |
| | 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 subpart 3) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | 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 subpart 3) |
| | 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 118 and 119) |
| | 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 dwellinghouse) | All (except that sections 118 and 119 apply to constables only) |
| | 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 2 and 3 and sections 118 and 119) |
| 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 118 and 119 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 | All (except subpart 3) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | enter, inspect, and examine any vehicle, vessel, aircraft, or hovercraft | |
| | 13(5) | Marine mammal officers may exercise certain powers of seizure | Subparts 1, 5, 6, 7, 9, and 10 |
| | 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 |
| 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 subpart 3) |
| | 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 subpart 3) |
| Maritime Crimes Act 1999 | 10B | Enforcement officer may search ship if officer has reasonable grounds to suspect an offence against the Maritime Crimes Act 1999 has been, is, or is about to be committed | All (except subpart 3) |
| | 10C | Enforcement officer may search fixed platform if officer has reasonable grounds to suspect an offence against the Maritime Crimes Act 1999 has been, is, or is about to be committed | All (except subpart 3) |
| Maritime Powers Act 2022 | 20 | Searching | Subparts 1 and 4 (except section 121) and subparts 5 and 6 (except section 160) |
| 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 satis- | All (except that sections 118 and 119 apply to constables only) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | fied that there are reasonable grounds to believe offence against Maritime Security Act 2004 has been, is being, or is likely to be committed | |
| Maritime Transport Act 1994 | 454 | Authorised person may obtain and execute warrant to inspect dwellinghouse 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 subpart 2 and that sections 118 and 119 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 118 and 119 apply to constables only) |
| 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, 4 to 7, 9, and 10 (except sections 118 and 119) |
| | 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 118 and 119 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 118 and 119 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 inspec- | All (except that sections 118 and 119 apply to constables only) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | tion 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 | |
| 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 118 and 119 apply to constables only) |
| Mutual Assistance in Criminal Matters Act 1992 | 44 | Constable may obtain and execute warrant to search for and seize any evidential material in respect of offence against foreign law that has been, may have been, or may be committed | All (except subpart 6) |
| National Animal Identification and Tracing Act 2012 | clause 9, Schedule 2 | NAIT officer may obtain and execute search warrant to search for evidence of offence against National Animal Identification and Tracing Act 2012 or regulations made under it | All (except sections 118 and 119) |
| | clause 10, Schedule 2 | NAIT officer or NAIT authorised person may enter and inspect any place (other than dwelling house or marae) to determine whether the National Animal Identification and Tracing Act 2012 and any regulations or standards under that Act are being complied with | Subparts 1, 4, 7, 9, and 10 (except sections 118 and 119) |
| | clause 11, Schedule 2 | Property seized under search warrant issued under clause 9 of Schedule 2 of the National Animal Identification and Tracing Act 2012 may be disposed of | Subparts 1, 5, 6, 7, 9, and 10 |
| 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 subpart 3) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | 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 subpart 3) |
| | 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 subpart 3 and sections 118 and 119) |
| | 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 subpart 3) |
| Natural Hazards Insurance Act 2023 | 147 | Authorised person may obtain and execute warrant to enter dwelling or marae for purposes of obtaining information | Subpart 3 |
| | 149 | Power to enter if investigating offence | All (except sections 118 and 119 and subpart 8) |
| Non-bank Deposit Takers Act 2013 | 52(1) | Appointed person may enter and search any place by consent or with warrant for purpose of investigating whether offence committed | All (except sections 118 and 119) |
| Oranga Tamariki Act 1989 | 39(1) and (3) | Constable or chief executive may obtain and execute place of safety warrant authorising search for, and removal of, child at risk of harm | Sections 99, 101, and 105 |
| | 40(1) and (4) | On application for order that child is in need of care and protection, constable or chief executive may obtain and execute search warrant authorising search for and removal of child | Sections 99, 101, and 105 |
| | 386(1) | If child or young person absconds, constable or chief | Sections 99, 101, and 105 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | executive may obtain and execute search warrant authorising search for, and removal and return of, child or young person | |
| Organic Products and Production Act 2023 | 81 | Power of warrantless entry | All (except subparts 2, 3, 6, and 8 and sections 118 and 119) |
| | 82 | Applying for search warrant | Sections 98 to 101 |
| | 83 | Issuing search warrant | Sections 102 to 104 and 107 and subpart 5 |
| | 84 | Entry under search warrant | All (except subparts 2, 3, 6, and 8 and sections 118 and 119) |
| | 90 | Relevant chief executive may request information | Subpart 5 |
| Outer Space and High-altitude Activities Act 2017 | 60 | Powers of enforcement officers | Subparts 1, 4, 5, 6, 7, 9, and 10 (except for sections 118 and 119) |
| | 61 | Provisions relating to entry to dwellinghouse or marae | Subparts 1, 3, 4, 5, 7, 9, and 10 (except that sections 118 and 119 apply only in respect of warrant issued to a named constable or to every constable) |
| 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 118 and 119) |
| 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 118 and 119) |
| | 25 | If any constable or officer seizes any substance or goods under Ozone Layer Protection Act 1996, subparts 1, 6, 7, 9, and 10 of Part 4 of Search and Surveillance Act 2012 apply | Subparts 1, 6, 7, 9, and 10 |
| 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 | All (except subpart 2, sections 118 and 119, and subpart 8) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | complied with or to obtain evidence that any of those requirements are not being met | |
| | 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 118 and 119) |
| | 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 118 and 119) |
| 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 |
| Psychoactive Substances Act 2013 | 77 | Constable may enter and search a place (except private premises), vehicle, or other thing without a warrant to search for evidence of offences against Psychoactive Substances Act 2013 | All (except subpart 3) |
| | 79 | Enforcement officer or constable may obtain and execute search warrant to search for evidence of offences against | All (except sections 118 and 119 apply to constables only) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | Psychoactive Substances Act 2013 | |
| 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 118 and 119) |
| Railways Act 2005 | 72E | Inspector may obtain and execute search warrant to enter home or marae to exercise powers in section 72D | Subpart 3 |
| | 72G | Inspector who has entered a vehicle, building, or place under section 72D or 72E may take or remove sample of any material, substance, or thing for analysis, or seize and retain any material, substance, or thing for specified purposes | Sections 154, 155, and 159 |
| | 72H | Specified person may obtain and execute search warrant in relation to vehicle, building, or place to search for evidence of contravention of the Railways Act 2005 that is suspected to have caused an accident or incident | All (except that sections 118 and 119 apply to constables only) |
| 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 subpart 3) |
| | 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, | All (except subpart 3) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | or employee of administering body | |
| | 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 subpart 3) |
| Resource Management Act 1991 | 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 an 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 intended to be used to commit such offence | All (except that sections 118 and 119 apply to constables only) |
| Road User Charges Act 2012 | 79 | Constable may obtain and execute a search warrant for evidence of offences against Road User Charges Act 2012 | All (except sections 118 and 119 apply to constables only) |
| Sale and Supply of Alcohol Act 2012 | 270 | Constable may obtain and execute search warrant if issuing officer is satisfied that there are reasonable grounds for believing that certain contraventions of Sale and Supply of Alcohol Act 2012 are occurring | All |
| Smokefree Environments and Regulated Products Act 1990 | s 95 | Enforcement officer may obtain and execute search warrant to search for evidential material in relation to suspected offence against Smokefree Environments and Regulated Products Act 1990 | All (except sections 118 and 119) |
| Tax Administration Act 1994 | 17 | Commissioner of Inland Revenue may have access to things described in section 17 of Tax Administration Act 1994 for purpose of inspection as described in that section | Subparts 1, 3, 4, 7, 9, and 10 (except sections 102, 103(3)(b)(ii), 103(4)(g), 103(7), 115(1)(b), 118, 119, and 130(4)) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | 17D(2) and (3) | Commissioner of Inland Revenue may obtain and execute warrant to (i) enter private dwelling and (ii) 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 application to exercise functions under sections 17 and 17D of Tax Administration Act 1994 | Subparts 1, 3, 4, 7, 9, and 10 (except sections 102, 103(3)(b)(ii), 103(4)(g), 103(7), 115(1)(b), 118, 119, and 130(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 3) |
| | 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 118 and 119 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 3 and sections 118 and 119) |
| | 80(3) | Enforcment officer may enter a dwellinghouse or marae with a warrant | All (sections 118 and 119) |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | 82(1) | Enforcement officer may enter private land with warrant and seize property materially involved in commission of offence | All (except sections 118 and 119) |
| Water Services Act 2021 | 108 | Compliance officer may inspect and copy documents and direct person to produce documents, and may take photographs and make recordings and electronic records | Subpart 5 |
| | 109 | Compliance officer may require person to provide person's name and residential address | Subpart 5 |
| | 110 | Compliance officer may direct drinking water supplier to answer questions | Subpart 5 |
| | 111 | Compliance officer may enter and inspect place and may exercise powers under section 107 of the Water Services Act 2021 for purposes of section 103(a) to (e) of that Act | All (other than subparts 2, 3, 6, and 8 and sections 118 and 119) |
| | 112 | Compliance officer may, without warrant, enter and search place and may exercise powers under sections 104 to 110 of that Act if officer believes, on reasonable grounds, that is required in relation to serious risk to public health | All (except subparts 2, 3, 6, and 8 and sections 118 and 119) |
| | 114 | Specified person may enter and search place, vehicle, or other thing to ascertain whether person has engaged in or is engaging in conduct that contravenes legislative requirement or drinking water safety plan | All (except sections 118 and 119) |
| | 116 | Conditions of entry, search, and seizure | Section 110(e) |
| 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, 3, 7, 9, and 10 |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| 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 118 and 119) |
| | 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 118 and 119) |
| | 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 2 and 3 and sections 118 and 119) |
| | 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 118 and 119) |
| | 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 118 and 119) |
| Wildlife Act 1953 | 39(1), 39B to 39F | Ranger may exercise variety of entry, seizure, stopping, and related powers in connection with enforcement of Wildlife Act 1953. Specifically warranted rangers and | All |

| Column 1<br>Act | Column 2<br>Section | Column 3<br>Brief description of power | Column 4<br>Which provisions in Part 4 apply |
|---|---|---|---|
| | | specified enforcement officers from other government agencies may exercise arrest power | |
| 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, 4, 7, 9, and 10 (except sections 118 and 119) |
| | 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 2, 3, and 8 and sections 118 and 119) |
| | 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 118 and 119) |
| | 68 | Property seized under search warrant issued under section 65 of Wine Act 2003 may be disposed of | Subparts 1, 5, 6, 7, 9, and 10 |

Schedule 2: amended, on 1 July 2026, by section 78(1) of the Credit Contracts and Consumer Finance Amendment Act 2026 (2026 No 29).

Schedule 2: amended, on 19 May 2026, by section 134 of the Regulatory Systems (Transport) Amendment Act 2026 (2026 No 21).

Schedule 2: amended, on 28 November 2025, by section 69 of the Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025 (2025 No 75).

Schedule 2: amended, on 25 October 2025, by section 78 of the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 (2025 No 54).

Schedule 2: amended, on 1 October 2025, by section 26(3) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Schedule 2: amended, on 29 September 2025, by section 63 of the Fisheries (International Fishing and Other Matters) Amendment Act 2025 (2025 No 18).

Schedule 2: amended, on 31 July 2025, by section 26(2) of the Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39).

Schedule 2: amended, on 1 July 2025, by section 14 of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

Schedule 2: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Schedule 2: amended, on 1 July 2024, by section 163 of the Natural Hazards Insurance Act 2023 (2023 No 1).

Schedule 2: amended, on 1 May 2024, by section 87 of the European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10).

Schedule 2: amended, on 1 March 2024, by section 163(1) of the Financial Market Infrastructures Act 2021 (2021 No 13).

Schedule 2: amended, on 17 February 2024, by section 12(1) of the Water Services Acts Repeal Act 2024 (2024 No 2).

Schedule 2: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Schedule 2: amended, on 5 October 2023, by section 17 of the Construction Contracts (Retention Money) Amendment Act 2023 (2023 No 12).

Schedule 2: amended, on 6 April 2023, by section 165(2) of the Organic Products and Production Act 2023 (2023 No 14).

Schedule 2: amended, on 7 September 2022, by section 101 of the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021 (2021 No 21).

Schedule 2: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Schedule 2: amended, on 1 July 2022, by section 300(1) of the Reserve Bank of New Zealand Act 2021 (2021 No 31).

Schedule 2: amended, on 21 May 2022, by section 59 of the Maritime Powers Act 2022 (2022 No 23).

Schedule 2: amended, on 2 December 2021, by section 29 of the Crown Minerals (Decommissioning and Other Matters) Amendment Act 2021 (2021 No 53).

Schedule 2: amended, on 15 November 2021, by section 206(1) of the Water Services Act 2021 (2021 No 36).

Schedule 2: amended, on 11 November 2020, by section 30 of the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (2020 No 62).

Schedule 2: amended (with effect on 18 March 2019), on 23 March 2020, by section 276 of the Taxation (KiwiSaver, Student Loans, and Remedial Matters) Act 2020 (2020 No 5).

Schedule 2: amended, on 17 December 2019, by section 34 of the Building Amendment Act 2019 (2019 No 27).

Schedule 2: amended, on 14 December 2019, by section 27 of the National Animal Identification and Tracing Amendment Act 2019 (2019 No 74).

Schedule 2: amended (with effect on 18 March 2019), on 26 June 2019, by section 129(a) of the Taxation (Annual Rates for 2019–20, GST Offshore Supplier Registration, and Remedial Matters) Act 2019 (2019 No 33).

Schedule 2: amended (with effect on 18 March 2019), on 26 June 2019, by section 129(b) of the Taxation (Annual Rates for 2019–20, GST Offshore Supplier Registration, and Remedial Matters) Act 2019 (2019 No 33).

Schedule 2: amended, on 1 October 2018, by section 18 of the Maritime Powers Extension Act 2018 (2018 No 38).

Schedule 2: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Schedule 2: amended, on 27 June 2018, by section 11(2) of the Land Transport Management (Regional Fuel Tax) Amendment Act 2018 (2018 No 15).

Schedule 2: amended, on 27 May 2018, by section 24 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Schedule 2: amended, on 14 March 2018, by section 22(2) of the Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act 2016 (2016 No 43).

Schedule 2: amended, on 2 March 2018, by section 256(2) of the Food Safety Law Reform Act 2018 (2018 No 3).

Schedule 2: amended, on 21 December 2017, by section 90(2) of the Outer Space and High-altitude Activities Act 2017 (2017 No 29).

Schedule 2: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 2: amended, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Schedule 2: amended, on 1 April 2017, by section 11 of the Children, Young Persons, and Their Families (Advocacy, Workforce, and Age Settings) Amendment Act 2016 (2016 No 98).

Schedule 2: amended, on 13 March 2017, by section 13(2) of the Wildlife (Powers) Amendment Act 2017 (2017 No 2).

Schedule 2: amended, on 7 March 2017, by section 99 of the Radiation Safety Act 2016 (2016 No 6).

Schedule 2: amended, on 21 July 2016, by section 75 of the Coroners Amendment Act 2016 (2016 No 29).

Schedule 2: amended, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Schedule 2: amended, on 1 March 2016, by section 447 of the Food Act 2014 (2014 No 32).

Schedule 2: amended, on 7 May 2015, by section 114(2) of the Immigration Amendment Act 2015 (2015 No 48).

Schedule 2: amended, on 26 March 2015, by section 8(2) of the Land Transport Amendment Act 2015 (2015 No 17).

Schedule 2: amended, on 17 June 2014, by section 41(2) of the Fair Trading Amendment Act 2013 (2013 No 143).

Schedule 2: amended, on 1 May 2014, by section 92(2) of the Non-bank Deposit Takers Act 2013 (2013 No 104).

Schedule 2: amended, on 23 April 2014, by section 16 of the Road User Charges Amendment Act 2014 (2014 No 23).

Schedule 2: amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Schedule 2: amended, on 1 September 2013, by section 164 of the Taxation (Livestock Valuation, Assets Expenditure, and Remedial Matters) Act 2013 (2013 No 52).

Schedule 2: amended, on 18 July 2013, by section 110(1) of the Psychoactive Substances Act 2013 (2013 No 53).

Schedule 2: amended, on 28 June 2013, by section 177 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72).

Schedule 2: amended, on 24 May 2013, by section 65 of the Crown Minerals Amendment Act 2013 (2013 No 14).

## Notes

### *1 General*

This is a consolidation of the Search and Surveillance Act 2012 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### *2 Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### *3 Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### *4 Amendments incorporated in this consolidation*

Credit Contracts and Consumer Finance Amendment Act 2026 (2026 No 29): section 78(1)

Regulatory Systems (Transport) Amendment Act 2026 (2026 No 21): section 134

Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025 (2025 No 75): section 69

Statutes Amendment Act 2025 (2025 No 74): Part 35

Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71): section 17

Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 (2025 No 54): section 78

Budapest Convention and Related Matters Legislation Amendment Act 2025 (2025 No 39): Part 1 subpart 1

Fisheries (International Fishing and Other Matters) Amendment Act 2025 (2025 No 18): section 63

Gangs Act 2024 (2024 No 36): section 39

Firearms Prohibition Orders Legislation Amendment Act 2024 (2024 No 34): Part 2 subpart 2

European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10): section 87

Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9): section 14

Water Services Acts Repeal Act 2024 (2024 No 2): section 12(1)

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Organic Products and Production Act 2023 (2023 No 14): section 165

Construction Contracts (Retention Money) Amendment Act 2023 (2023 No 12): section 17

Civil Aviation Act 2023 (2023 No 10): section 486

Criminal Activity Intervention Legislation Act 2023 (2023 No 7): Part 1 subpart 4, Part 3, Part 5

Natural Hazards Insurance Act 2023 (2023 No 1): section 163

Firearms Prohibition Orders Legislation Act 2022 (2022 No 41): sections 18, 19

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Maritime Powers Act 2022 (2022 No 23): section 59

Crown Minerals (Decommissioning and Other Matters) Amendment Act 2021 (2021 No 53): section 29

Counter-Terrorism Legislation Act 2021 (2021 No 37): Part 2 subpart 1

Water Services Act 2021 (2021 No 36): section 206(1)

Reserve Bank of New Zealand Act 2021 (2021 No 31): section 300(1)

Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021 (2021 No 21): Part 2 subpart 1

Financial Market Infrastructures Act 2021 (2021 No 13): section 163(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (2020 No 62): section 30

Privacy Act 2020 (2020 No 31): section 217

Arms Legislation Act 2020 (2020 No 23): section 109

Taxation (KiwiSaver, Student Loans, and Remedial Matters) Act 2020 (2020 No 5): section 276

National Animal Identification and Tracing Amendment Act 2019 (2019 No 74): section 27

Taxation (Annual Rates for 2019–20, GST Offshore Supplier Registration, and Remedial Matters) Act 2019 (2019 No 33): section 129

Building Amendment Act 2019 (2019 No 27): section 34

Family Violence Act 2018 (2018 No 46): section 259(1)

Maritime Powers Extension Act 2018 (2018 No 38): Part 2 subpart 3

Land Transport Management (Regional Fuel Tax) Amendment Act 2018 (2018 No 15): section 11

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Food Safety Law Reform Act 2018 (2018 No 3): section 256

Maritime Crimes Amendment Act 2017 (2017 No 49): section 24

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Outer Space and High-altitude Activities Act 2017 (2017 No 29): section 90

Fire and Emergency New Zealand Act 2017 (2017 No 17): section 197

Intelligence and Security Act 2017 (2017 No 10): sections 328, 329, 335

Wildlife (Powers) Amendment Act 2017 (2017 No 2): section 13(2)

Children, Young Persons, and Their Families (Advocacy, Workforce, and Age Settings) Amendment Act 2016 (2016 No 98): section 11

District Court Act 2016 (2016 No 49): section 261

Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act 2016 (2016 No 43): section 22

Coroners Amendment Act 2016 (2016 No 29): section 75

Radiation Safety Act 2016 (2016 No 6): section 99

Health and Safety at Work Act 2015 (2015 No 70): section 232

Immigration Amendment Act 2015 (2015 No 48): section 114(2)

Land Transport Amendment Act 2015 (2015 No 17): section 8

Food Act 2014 (2014 No 32): section 447

Road User Charges Amendment Act 2014 (2014 No 23): section 16

Fair Trading Amendment Act 2013 (2013 No 143): section 41(2)

Non-bank Deposit Takers Act 2013 (2013 No 104): section 92(2)

Psychoactive Substances Act 2013 (2013 No 53): sections 108, 110(1)

Taxation (Livestock Valuation, Assets Expenditure, and Remedial Matters) Act 2013 (2013 No 52): section 164

Public Finance Amendment Act 2013 (2013 No 50): section 104

Search and Surveillance Act Commencement Order 2013 (SR 2013/302)

Crown Minerals Amendment Act 2013 (2013 No 14): section 65

Electronic Identity Verification Act 2012 (2012 No 123): section 76

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72): section 177

Search and Surveillance Act Commencement Order 2012 (SR 2012/229)

Search and Surveillance Act 2012 (2012 No 24): section 348(3)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026