

# **Serious Fraud Office Amendment Bill**

Government Bill

As reported from the Justice Committee

## **Commentary**

### **Recommendation**

The Justice Committee has examined the Serious Fraud Office Amendment Bill and recommends that it be passed. We recommend all amendments unanimously.

### **About the bill as introduced**

The Serious Fraud Office Act 1990 empowers the Serious Fraud Office (SFO) to investigate and prosecute serious or complex fraud and corruption cases. The bill aims to enable the SFO to carry out its role more effectively in the modern technological environment. It would do so by amending the Act to give the SFO the necessary tools to investigate and prosecute cases. The proposed amendments include:

- enabling the SFO to more effectively obtain digital devices and evidence stored in the Cloud
- supporting more efficient search warrant applications by allowing the SFO to apply for search warrants orally in certain circumstances, and to apply to an issuing officer rather than only a Judge
- expanding the powers available when executing search warrants to align with those in the Search and Surveillance Act 2012
- aligning the test for determining the admissibility of unlawfully obtained evidence with the approach taken in the Evidence Act 2006, which enables courts to consider more factors.

### **Proposed amendments**

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

## **Power to obtain a search warrant**

Clause 6 of the bill as introduced would amend section 10 of the SFO Act, which relates to the power to obtain a search warrant. Proposed new sections 10(1A), 10(1B), and 10(1C) in the bill as introduced set out the requirements for search warrant applications. These are now proposed new sections 10(2) to 10(4).

### **Additional requirements for digital and remote access searches**

The amendments to section 10 of the SFO Act would enable the SFO Director to apply for warrants to search a thing as well as a place. Clause 4, amending section 2, would define “thing” as including an intangible thing (for example, an email address or access information to an internet data storage facility). It would define “remote access search” as 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.

We note that it is possible for remote access searches to be executed without the knowledge of the user. We recommend inserting section 12BA, via clause 7, to add a requirement for identification and notification when this search power is exercised and completed. We consider that such a requirement would act as an important safeguard. Under our proposed amendment, the person exercising the search would need to email the email address of the thing being searched to provide certain details. If email delivery was not possible, the person would need to take reasonable steps to identify the user of the thing being searched and send the information by other means.

Section 103(6) of the Search and Surveillance Act provides that a warrant for a remote access search of a thing can only be issued if the issuing officer is satisfied that the thing is not located at a physical address that a person can enter and search. To provide an additional safeguard for remote searches, we recommend inserting new section 10A(4) to replicate this provision.

### **Disclosing previous applications for search warrants**

Proposed new section 10(1C) of the bill as introduced (now new section 10(4)(a)) deals with a requirement to disclose previous applications for search warrants when applying for a new one. The provision applies to search warrants for investigation of suspected offending involving serious and complex fraud. It requires the SFO Director to disclose the details and outcomes of any applications made within the previous 3 months to search the same place or thing. Section 14 of the SFO Act contains a similar provision but only requires details of applications made within the previous 28 days. We consider that retaining section 14 of the SFO Act would create duplication, and the different time frames could cause confusion. Therefore, we recommend inserting clause 7B to repeal section 14.

### **Additional requirements for oral search warrant applications**

Proposed new section 10(1D) of the bill as introduced (now new section 10(5)) would enable the SFO to apply for a warrant orally or in person instead of in writing if a

delay could compromise the effectiveness of the search. This provision is modelled on section 100(3) of the Search and Surveillance Act.

We propose three amendments to align with other provisions in the Search and Surveillance Act. Section 100(5) of that Act requires an issuing officer who authorises an oral search warrant application to record the grounds for the application as soon as practicable. We consider that the bill should replicate this provision and recommend inserting new section 10(6) to this effect.

Section 101(1) of the Search and Surveillance Act requires the Registrar of the District to retain a copy of every written application for a warrant, or the issuing officer's record of an oral application. The record must be held until any proceedings relating to the warrant are completed or for two years. We recommend inserting new section 10B accordingly.

Section 100(3)(c) of the Search and Surveillance Act provides that an application for an oral search warrant cannot be made unless all the information required for a written application is supplied to the issuing officer. We recommend inserting section 10(5)(c) to include an equivalent requirement.

### **Effect of the warrants issued**

Clause 7 would replace section 12 of the SFO Act, which sets out what the person exercising the warrant is authorised to do.

### **Multiple entries under one warrant**

Proposed new section 12A(1)(a) would enable the SFO to enter and search a place on 1 occasion within 14 days of the warrant being issued.

We note that the Search and Surveillance Act enables a warrant to allow up to 30 days to execute a search, and multiple entries. The issuing officer must be satisfied that the extended time frame is necessary to execute the search or that multiple entries are needed for the purposes of the search.

We understand that law enforcement agencies are increasingly dealing with many devices that need processing. The search of digital material can also be time-consuming. Multiple entries are needed to effectively search the data due to the volume held on devices or in the Cloud. Consequently, it can take time to download or copy the data, search it, and wait for backups to complete. Certain applications, like cryptocurrency applications, also require other procedures to be performed away from the device to access the application.

We therefore recommend amending the bill to align the time frames for executing search warrants and multiple entries with those in the Search and Surveillance Act. To give effect to this change, the bill would:

- enable an issuing officer to authorise that a search can be executed on more than one occasion, if satisfied that this is required for the purposes of the search
- require a search warrant application to specify the period for which the warrant was sought

- require a search warrant to specify the period during which the warrant could be executed (up to 30 days, if the issuing officer was satisfied that the time frame was necessary to execute the search) and the number of times it can be executed.

These amendments are reflected in new sections 10(2)(d), 10A(2), 10A(3)(a)(ii), 10A(3)(b), 12A(1)(a), and Schedule 2 of the Serious Fraud Office (Prescribed Forms) Regulations 1990.

### **Application of force**

Proposed new section 12F specifies that the powers conferred by sections 12A(1)(c) and 12C(2)(b) do not authorise force to be applied to any person. Those powers relate to warrants issued under Part 2 of the SFO Act and allow the following:

- A person exercising a warrant would be authorised to use any force for gaining entry and for breaking open anything in or on the place or other thing searched that is reasonable in the circumstances (section 12A(1)(c)).
- A person called on to assist a person exercising a warrant would be authorised to use reasonable force in respect of any property for the purpose of carrying out the entry and search and any lawful seizure (section 12C(2)(b)).

We note that the language used in new section 12A(1)(c) (specifically, placement of the word “reasonable”) is inconsistent with the language used in new section 12C(2)(b). That section replicates the more modern language of the Search and Surveillance Act. We recommend amending section 12A(1)(c) to align with section 12C(2)(b).

### **Return of documents**

Section 13 of the SFO Act deals with the return of documents. It requires a person executing a warrant to return any removed documents, or a copy, as soon as practicable to the person who previously had the document.

We propose two amendments that reflect current SFO practice in relation to seized devices and that would prescribe a requirement in legislation for devices to be returned. We recommend inserting clause 7A to require the SFO to:

- return a thing to a person who previously had it in their possession, as soon as practicable
- dispose of forensic copies if it is determined that the data does not contain evidential material.<sup>1</sup>

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<sup>1</sup> A forensic copy is a copy of any data held in a computer system or other data storage device.

## Appendix

### Committee process

The Serious Fraud Office Amendment Bill was referred to this committee on 30 April 2026. The House instructed us to report the bill back no later than 31 August 2026.

We called for submissions on the bill with a closing date of 8 June 2026. We received and considered submissions from 19 interested groups and individuals. We heard oral evidence from one submitter at a hearing in Wellington.

Advice on the bill was provided by the Ministry of Justice and the Serious Fraud Office. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

As part of our consideration of the bill, we examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

### Committee membership

Tom Rutherford (Chairperson from 2 July 2026)

Hon Andrew Bayly (Chairperson and member until 1 July 2026)

Jamie Arbuckle

Carl Bates

Camilla Belich

Tākuta Ferris

Paulo Garcia (from 1 July 2026)

Rima Nakhle

Dan Rosewarne

Todd Stephenson

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

### Related resources

The documents we received as advice and evidence are available on the Parliament website.



**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~





*Hon Paul Goldsmith*

## **Serious Fraud Office Amendment Bill**

Government Bill

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

**1 Title**

This Act is the Serious Fraud Office Amendment Act **2026**.

**2 Commencement**

This Act comes into force on the day after Royal assent.

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**Part 1**

**Principal Act amended**

**3 Principal Act**

This Part amends the Serious Fraud Office Act 1990.

#### 4 Section 2 amended (Interpretation)

- (1) In section 2, insert in their appropriate alphabetical order:

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

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

**computer system**—

- (a) means—

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(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

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- (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

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**evidential material** has the same meaning as in section 3(1) of the Search and Surveillance Act 2012

**issuing officer** has the same meaning as in section 3(1) of the Search and Surveillance Act 2012

**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

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**thing** includes an intangible thing (for example, an email address or access information to an internet data storage facility)

- (2) In section 2, insert as subsection (2):

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- (2) For the purposes of the definition of computer system in **subsection (1)**, 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

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(c) whether or not access is currently occurring.

#### 5 New section 3A inserted (Transitional, savings, and related provisions)

After section 3, insert:

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

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

**6 Section 10 amended (Power to obtain search warrant)**

- (1) Replace section 10(1) with: 5
- (1) The Director may, by application in writing, apply for a warrant to search any place or other thing specified in the application.
- (1A) An application for a warrant must contain, in reasonable detail, the following particulars: 10
- (a) the grounds on which the application is made (including the reasons why the legal requirements for issuing the warrant are believed by the Director to be satisfied);
  - (b) the address or another description of the place or other thing proposed to be entered, or entered and searched, inspected, or examined;
  - (c) a description of the item or items or other evidential material believed to be in or on the place or other thing that are sought by the Director. 15
- (1B) The issuing officer—
- (a) may require the Director to supply further information concerning the grounds on which the search warrant is sought; but
  - (b) must not, in any circumstances, require the Director 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: 20
    - (i) the credibility of the informant;
    - (ii) whether there is a proper basis for issuing the warrant. 25
- (1C) The Director must disclose in the application—
- (a) details of any other application for a search warrant that the Director knows to have been made within the previous 3 months in respect of the place or other thing proposed to be searched; and
  - (b) the result of that application or those applications. 30
- (1D) However, 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 35

- (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.~~
- (2) In section 10(2), replace “Judge” with “issuing officer”.
- (3) In section 10(2)(b), after “place”, insert “or in or on the other thing”. 5
- (4) Replace section 10(3) with:
- (3) ~~Part 3 applies to any warrant issued under this section.~~
- (4) ~~If the warrant is intended to authorise a remote access search, the warrant must contain, in reasonable detail, any access information that identifies the thing to be searched remotely.~~ 10

**6 Section 10 replaced (Power to obtain search warrant)**

Replace section 10 with:

**10 Application for search warrant**

- (1) The Director may, by application in writing, apply for a warrant to search any place or other thing specified in the application. 15
- (2) An application for a warrant must contain, in reasonable detail, the following particulars:
  - (a) the grounds on which the application is made (including the reasons why the Director believes that the legal requirements for issuing the warrant have been satisfied); 20
  - (b) the address or another description of the place or other thing proposed to be entered, entered and searched, inspected, or examined;
  - (c) a description of the item or items or other evidential material believed to be in or on the place or other thing that are sought by the Director;
  - (d) the period for which the warrant is sought. 25
- (3) The issuing officer—
  - (a) may require the Director to supply further information concerning the grounds on which the search warrant is sought; but
  - (b) must not, in any circumstances, require the Director 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: 30
    - (i) the credibility of the informant;
    - (ii) whether there is a proper basis for issuing the warrant.
- (4) The Director must disclose in the application— 35
  - (a) details of any other application for a search warrant that the Director knows to have been made within the previous 3 months in respect of the place or other thing proposed to be searched; and

- (b) the result of that application or those applications.
- (5) However, 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— 5
- (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; and 10
- (c) the information required by **subsections (2) to (4)** is supplied (whether orally, or partly orally and partly in writing) to the issuing officer. 15
- (6) An issuing officer who allows an application for a search warrant to be made under **subsection (5)** must record the grounds for the application as soon as practicable.
- 10A Issuing of search warrant**
- (1) An issuing officer may issue a warrant in the prescribed form if satisfied that— 20
- (a) there are reasonable grounds for believing—
- (i) that any information supplied pursuant to section 9 is false or misleading in a material particular; or
- (ii) that a person has failed to comply with any obligation imposed pursuant to section 9; or 25
- (iii) that it is not practicable to serve a notice under section 9 by reason of the fact that the person cannot be located, is absent from New Zealand, or any other good cause; or
- (iv) that the service of a notice under section 9 might seriously prejudice the investigation; and 30
- (b) there are reasonable grounds for believing that there may be, at the place or in or on the other thing specified in the application, any documents or other thing that may be relevant to an investigation or may be evidence of any offence involving serious or complex fraud.
- (2) 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 satisfied that this is required for the purposes for which the warrant is being issued. 35
- (3) Every warrant must contain, in reasonable detail, the following particulars:
- (a) 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: 5
- (b) if the warrant may be executed on more than 1 occasion, the number of times that the warrant may be executed:
- (c) if the warrant is intended to authorise a remote access search, any access information that identifies the thing to be searched remotely.
- (4) However, the issuing officer may not issue a search warrant authorising the remote access search of a thing unless the issuing officer is satisfied that the thing is not located at a physical address that a person can enter and search. 10
- (5) **Sections 12A to 28** apply to any warrant issued under this section.
- 10B Retention of documents**
- A copy (whether in electronic form or otherwise) of every written application for a search warrant made under **section 10(1)**, or (in the case of an oral application) the record of the application made by the issuing officer under **section 10(6)**, 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,— 15
- (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. 20 25

**7 Section 12 and cross-heading replaced**

Replace section 12 and the cross-heading above section 12 with:

- Provision relating to warrants issued under Part 1*
- 12 Effect of warrant issued under Part 1** 30
  - (1) Every warrant issued under Part 1 authorises the person exercising the warrant—
    - (a) to enter and search the place specified in the warrant on 1 occasion within 14 days of the issue of the warrant at any time that is reasonable in the circumstances: 35
    - (b) to use any assistance that is reasonable in the circumstances:
    - (c) to use any force both for gaining entry and for breaking open anything in or on the place searched that is reasonable in the circumstances:

- (d) to search for and remove any documents or other thing that the person executing the warrant believes on reasonable grounds may be relevant to the investigation or may be evidence of any offence involving serious or complex fraud:
  - (e) where necessary, to take copies of any documents, or extracts from documents, that the person executing the warrant believes on reasonable grounds may be relevant to the investigation: 5
  - (f) where necessary, to require any person to reproduce, or to assist any person executing the warrant to reproduce, in usable form, any information recorded or stored in any such documents. 10
- (2) Every person called upon to assist the person or persons executing the warrant has the powers contained in **subsection (1)(c) and (d)**.
- (3) Any warrant issued under Part 1 is subject to any reasonable conditions that the issuer specifies in the warrant.

#### **12AA Disclosure of previous applications** 15

Any person applying for a warrant under Part 1 must, having made reasonable enquiries, disclose on the application—

- (a) details of any other applications for a warrant that that person knows to have been made within the previous 28 days by a member of the Serious Fraud Office in respect of the place specified; and 20
- (b) the result of that application or those applications.

#### *Provisions relating to warrants issued under Part 2*

#### **12A Effect of warrant issued under Part 2**

- (1) Every warrant issued under Part 2 authorises the person (other than a constable) exercising the warrant— 25
- (a) ~~to enter and search the place or other thing specified in the warrant on 1 occasion within 14 days of the issue of the warrant at any time that is reasonable in the circumstances~~ on the number of occasions and within the period set out in the warrant:
  - (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): 30
  - (c) ~~to use any force both for gaining entry and for breaking open anything in or on the place or other thing searched that is reasonable in the circumstances:~~ 35
  - (c) to use any force in respect of any property that is reasonable for the purposes of carrying out the entry and search and any lawful seizure:



|             |                                                                                                                                                                                                                                                                                                                                         |    |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| (d)         | to search for and remove any documents or other thing that the person executing the warrant believes on reasonable grounds may be relevant to the investigation or may be evidence of any offence involving serious or complex fraud:                                                                                                   |    |
| (e)         | to bring and use in or on the place or other thing searched any equipment, to use any equipment found in or on the place or other thing, and to extract any electricity from the place or other thing to operate the equipment that it is reasonable to use in the circumstances, for the purpose of carrying out the entry and search: | 5  |
| (f)         | to use any reasonable measures to access a computer system or other data storage device located (in whole or in part) at the place or other thing if any intangible material that is the subject of the search may be in that computer system or other device:                                                                          | 10 |
| (g)         | if any intangible material accessed under <b>paragraph (f)</b> 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):                                                           | 15 |
| (h)         | where necessary, to take copies of any documents, or extracts from documents, that the person executing the warrant believes on reasonable grounds may be relevant to the investigation:                                                                                                                                                | 20 |
| (i)         | where necessary, to require any person to reproduce, or to assist any person executing the warrant to reproduce, in usable form, any information recorded or stored in any such documents.                                                                                                                                              |    |
| (2)         | Any warrant issued under Part 2 is subject to any reasonable conditions that the issuer specifies in the warrant.                                                                                                                                                                                                                       | 25 |
| <b>12B</b>  | <b>Remote access search of thing authorised by warrant issued under Part 2</b>                                                                                                                                                                                                                                                          |    |
|             | Every person (other than a constable) executing a warrant issued under Part 2 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).                                                                                                                                    | 30 |
| <b>12BA</b> | <b>Identifications and notice requirements for remote access search</b>                                                                                                                                                                                                                                                                 |    |
| (1)         | <u>Every person (other than a constable) who executes a warrant issued under Part 2 authorising a remote access search must, on completion of the search, send an electronic message to the email address of the thing searched—</u>                                                                                                    | 35 |
| (a)         | <u>attaching a copy of the search warrant; and</u>                                                                                                                                                                                                                                                                                      |    |
| (b)         | <u>setting out the following particulars:</u>                                                                                                                                                                                                                                                                                           |    |

|            |                                                                                                                                                                                                                                                                                                                                            |    |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|            | (i) <u>the date and time of the commencement and completion of the search:</u>                                                                                                                                                                                                                                                             |    |
|            | (ii) <u>the name and unique identifier of the person who had overall responsibility for that search:</u>                                                                                                                                                                                                                                   |    |
|            | (iii) <u>the address of the office to which inquiries should be made.</u>                                                                                                                                                                                                                                                                  | 5  |
| (2)        | <u>If the person conducting the search is unable to deliver the electronic message required by <b>subsection (1)</b> (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 <b>subsection (1)(a) and (b)</b> to that person.</u> |    |
| <b>12C</b> | <b>Powers of person called to assist</b>                                                                                                                                                                                                                                                                                                   | 10 |
| (1)        | Every person (other than a constable) called on to assist a person (other than a constable) exercising a warrant issued under Part 2 is subject to the control of the person with overall responsibility for exercising that warrant.                                                                                                      |    |
| (2)        | Every person (other than a constable) called on to assist a person exercising a warrant issued under Part 2 may—                                                                                                                                                                                                                           | 15 |
| (a)        | enter and search the place or other thing specified in the warrant:                                                                                                                                                                                                                                                                        |    |
| (b)        | while under the direction of the person exercising the warrant, use reasonable force in respect of any property for the purpose of carrying out the entry and search and any lawful seizure:                                                                                                                                               |    |
| (c)        | search for and remove any documents or other things that the person executing the warrant believes on reasonable grounds may be relevant to the investigation or may be evidence of any offence involving serious or complex fraud:                                                                                                        | 20 |
| (d)        | use any reasonable measures to access a computer system or other data storage device located (in whole or in part) at the place or other thing if any intangible material that is the subject of the search may be in that computer system or other device:                                                                                | 25 |
| (e)        | if any intangible material accessed under <b>paragraph (d)</b> 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 either before or after removal for examination).                                                                 | 30 |
| (3)        | Every person (other than a constable) called on to assist a person (other than a constable) executing a warrant issued under Part 2 authorising a remote access search may—                                                                                                                                                                |    |
| (a)        | use reasonable measures to gain access to the thing to be searched; and                                                                                                                                                                                                                                                                    | 35 |
| (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).                                                                                                                                       |    |

**12D Securing place or other thing to be searched**

- (1) Every person (other than a constable) executing a warrant issued under Part 2 may, in a manner and for a duration that is reasonable for the purpose of executing the warrant,—
- (a) secure the place or other thing searched, any area in or on that place or other thing, or any thing found in or on that place or other thing: 5
  - (b) exclude any person from the place or other thing searched, or from any area within the place or other thing, or give any other reasonable direction to such a person, if the person executing the warrant has reasonable grounds to believe that the person will obstruct or hinder the exercise of any power under this subsection. 10
- (2) A person (other than a constable) who exercises any power under **subsection (1)** must, on the request of any person affected by the exercise of the power,—
- (a) identify themselves either by name or by unique identifier; and
  - (b) identify this Act and state the reason for the search unless it is impracticable to do so in the circumstances; and 15
  - (c) ~~if not in Police uniform, produce evidence of his or her~~ their identity. 15

**12E Powers of constable executing, or assisting in execution of, warrant issued under Part 2**

The provisions of Part 4 of the Search and Surveillance Act 2012 apply to a constable who is executing a warrant issued under Part 2, or assisting in the execution of a warrant issued under Part 2, with any references to the exercise of a search power deemed to refer to the execution of a warrant issued under Part 2. 20

**12F Limitation on exercise of powers**

To avoid doubt, the powers conferred by **sections 12A(1)(c) and 12C(2)(b)** do not authorise the application of force to any person. 25

*General provisions relating to warrants*

**7A Section 13 replaced (Return of documents)**

Replace section 13 with: 30

**13 Return of documents and things**

A person who, in executing any warrant issued under this Act, removes any document or thing pursuant to the warrant must return the document, a copy of that document, or the thing as soon as practicable to the person who previously had the document or thing in their possession or under their control. 35

**13A 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 the person 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. 5
- (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 10
- (b) the 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.

**7B Section 14 repealed**

Repeal section 14. 15

**8 Section 22 amended (Effect of final decision that exercise of powers unlawful)**

Replace section 22(3) with:

- (3) No information, and no documents or extracts from documents, or other things, obtained as a consequence of the exercise of any powers conferred by this Act that have been declared to be unlawful, and no record of any such information or document,— 20
- (a) are admissible as evidence in any criminal proceedings if the evidence is excluded under section 30 of the Evidence Act 2006:
- (b) may otherwise be used in connection with the exercise of any power conferred by this Act unless the court that declared the exercise of the powers to be unlawful is satisfied that there was no unfairness in obtaining the evidence. 25

**9 New Schedule 1 inserted**

Insert the **Schedule 1** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act. 30

**Part 2****Amendments to other enactments****Subpart 1—Amendment to Search and Surveillance Act 2012****10 Principal Act amended** 35

This subpart amends the Search and Surveillance Act 2012.

**11 Schedule 2 amended**

In Schedule 2, after the item relating to section 270 of the Sale and Supply of Alcohol Act 2012, insert:

|                               |    |                                                                                                                                                              |     |
|-------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Serious Fraud Office Act 1990 | 10 | Constable may <del>obtain and</del> execute warrant to search for and seize any evidential material in respect of offence involving serious or complex fraud | All |
|-------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|

Subpart 2—Amendment to Serious Fraud Office (Prescribed Forms) Regulations 1990

5

**12 Principal regulations amended**

This subpart amends the Serious Fraud Office (Prescribed Forms) Regulations 1990.

**13 Schedule amended**

In the Schedule, replace form 4 with the **form 4** set out in **Schedule 2** of this Act. 10

**Schedule 1**  
**New Schedule 1 inserted into Serious Fraud Office Act 1990**

**s 9**

**Schedule 1**  
**Transitional, savings, and related provisions**

**5**

**s 3A**

**Part 1**  
**Provisions relating to Serious Fraud Office Amendment Act 2026**

**1 Interpretation**

**10**

In this Part,—

**Act** means the Serious Fraud Office Act 1990

**amendment Act** means the Serious Fraud Office Amendment Act **2026**

**commencement** means the commencement of the amendment Act.

**2 Effect of commencement on existing criminal proceedings**

**15**

- (1) This clause applies to any criminal proceedings that have commenced (within the meaning of section 14 of the Criminal Procedure Act 2011) before commencement.
- (2) Section 22(3) of this Act as it was immediately before commencement applies to those criminal proceedings.

**Schedule 2**  
**Form 4 in Schedule of Serious Fraud Office (Prescribed Forms)**  
**Regulations 1990 replaced**

**s 13**

|                                                                                                                                                                                                                                                                          |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <p style="text-align: center;">Form 4<br/>Search warrant</p>                                                                                                                                                                                                             | 5  |
| <p style="text-align: right;">r 6</p> <p style="text-align: center;"><i>(Issued under section 10 of the Serious Fraud Office Act 1990)</i></p>                                                                                                                           |    |
| <p>Investigation into the affairs of [<i>specify the person whose affairs are being investigated</i>]<br/>(or investigation relating to [<i>specify suspected offence</i>])</p>                                                                                          | 10 |
| <p><b>To</b> [<i>name of constable</i>] or every constable or [<i>name of designated member of Serious Fraud Office</i>] or every designated member of the Serious Fraud Office.</p>                                                                                     |    |
| <p>1 This warrant is issued following an application in writing by [<i>name of applicant</i>] in respect of [<i>place or other thing</i>].</p>                                                                                                                           | 15 |
| <p>2 I, [<i>name of issuing officer</i>], am satisfied—</p>                                                                                                                                                                                                              |    |
| <p>(a) that there are reasonable grounds for believing—</p>                                                                                                                                                                                                              |    |
| <p style="padding-left: 20px;">*(i) that information supplied pursuant to section 9 of the Act is false or misleading in a material particular; or</p>                                                                                                                   |    |
| <p style="padding-left: 20px;">*(ii) that [<i>name</i>] has failed to comply with an obligation imposed pursuant to section 9 of the Act; or</p>                                                                                                                         | 20 |
| <p style="padding-left: 20px;">*(iii) that it is not practicable to serve a notice under section 9 of the Act by reason of the fact that [<i>name</i>] cannot be located or is absent from New Zealand or other good cause; or</p>                                       |    |
| <p style="padding-left: 20px;">*(iv) that the service of a notice under section 9 of the Act might seriously prejudice the investigation; and</p>                                                                                                                        | 25 |
| <p>(b) that there are reasonable grounds for believing that there may be, at [<i>place or other thing</i>], any documents or other thing that may be relevant to an investigation or may be evidence of any offence involving serious or complex fraud.</p>              | 30 |
| <p>3 This warrant authorises you (unless you are a constable)—</p>                                                                                                                                                                                                       |    |
| <p>(a) to enter and search [<i>place or other thing</i>] specified in the warrant on—<del>one occasion</del> [<i>number of occasions</i>] within—<del>14</del> [<i>number</i>] days of the issue of the warrant at any time that is reasonable in the circumstances:</p> |    |
| <p>(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):</p>                                              | 35 |

|   |                                                                                                                                                                                                                                                                                                                                             |    |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|   | (e) <del>to use any force both for gaining entry and for breaking open anything in or on the place or thing searched that is reasonable in the circumstances:</del>                                                                                                                                                                         |    |
|   | (c) <u>to use any force in respect of any property that is reasonable for the purposes of carrying out the entry and search and any lawful seizure:</u>                                                                                                                                                                                     |    |
|   | (d) to search for and remove any documents or other thing that the person executing the warrant believes on reasonable grounds may be relevant to the investigation or may be evidence of any offence involving serious or complex fraud:                                                                                                   | 5  |
|   | (e) to bring and use in or on the place or other thing searched any equipment, to use any equipment found in or on the place or other thing, and to extract any electricity from the place or other thing to operate the equipment that it is reasonable to use in the circumstances, for the purpose of carrying out the entry and search: | 10 |
|   | (f) to use any reasonable measures to access a computer system or other data storage device located (in whole or in part) at the place or other thing if any intangible material that is the subject of the search may be in that computer system or other device:                                                                          | 15 |
|   | (g) if any intangible material accessed under <b>paragraph (f)</b> 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):                                                           | 20 |
|   | (h) where necessary, to take copies of any documents, or extracts from documents, that the person executing the warrant believes on reasonable grounds may be relevant to the investigation:                                                                                                                                                |    |
|   | (i) where necessary, to require any person to reproduce, or to assist any person executing the warrant to reproduce, in usable form, any information recorded or stored in any such documents.                                                                                                                                              | 25 |
| 4 | If you are a constable executing this warrant or assisting in the execution of this warrant, the provisions of Part 4 of the Search and Surveillance Act 2012 apply with any references to the exercise of a search power deemed to refer to the execution of this warrant.                                                                 | 30 |
| 5 | This warrant is subject to the following conditions [ <i>specify any conditions imposed</i> ].                                                                                                                                                                                                                                              |    |
|   | Dated at: [ <i>place, date</i> ]                                                                                                                                                                                                                                                                                                            |    |
|   | [ <i>Signature</i> ]                                                                                                                                                                                                                                                                                                                        | 35 |
|   | Issuing officer                                                                                                                                                                                                                                                                                                                             |    |
|   | *Omit this paragraph if not applicable.                                                                                                                                                                                                                                                                                                     |    |



## Serious Fraud Office Amendment Bill

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### Legislative history

24 April 2026

Introduction (Bill 281–1)

30 April 2026

First reading and referral to Justice Committee